

防止校園性騷擾

Preventing Sexual Harassment on Campus

平等機會委員會
反性騷擾事務組

Equal Opportunities Commission
Anti-Sexual Harassment Unit



COMPASS

eoc anti-sexual harassment
resource platform
平機會反性騷擾資源平台

性騷擾

Sexual Harassment

- 受《性別歧視條例》（第480章）監管

It is regulated by the Sex Discrimination Ordinance Cap. 480

- 有關行徑包括舉止和言語，即使只屬玩笑性質，仍可能構成性騷擾

It covers both conduct and words, and even playful acts may amount to sexual harassment

- 與性別、次數無關

It has nothing to do with frequency and gender

性騷擾

Sexual Harassment

- 性騷擾可能會引致民事責任，甚至刑事後果
Sexual harassment may entail civil liability and even criminal consequences
- 民事訴訟的舉證標準為「相對可能性的衡量」，意思是，你必須證明你對案情的說法更為可信
The standard of proof in civil proceedings is “on a balance of probabilities”.
This means you must prove your version of events is the more probable version

性騷擾定義

Definition of Sexual Harassment

1. 個人性騷擾 (有特定對象)

Unwelcome sexual conduct directed at a person

任何人向另一人提出性要求或作出任何涉及性的行徑；此行為不受該人歡迎，而一個合理的人在顧及所有情況後，亦預期另一人會感到冒犯、侮辱或威嚇。

This involves someone engaging in unwelcome conduct of a sexual nature in relation to a person, including making unwelcome sexual advances or requests for sexual favours to the person. Also, a reasonable third person, having regard to all circumstances, would have anticipated that the person would be offended, humiliated or intimidated by the conduct.

可能構成針對特定對象性騷擾的例子

Examples of Actions that May Constitute Sexual Harassment Targeted at a Person

- 未經對方同意與對方分享帶有性暗示的材料，例如圖片或影片
Sharing sexually explicit materials, such as images or videos, without consent
- 即使明確拒絕，仍持續調情或提出進一步要求，例如施壓要求約會或發展性關係
Persistent flirting or advances despite clear rejections, for example pressuring someone for dates or sexual relationships
- 口頭或發訊息追問對方涉及性的私事
Inquiring verbally or through text messages with someone about their personal matters related to sex

性騷擾定義

Definition of Sexual Harassment

2. 環境性騷擾 (無特定對象)

Sexual conduct that creates a hostile or intimidating environment

任何人如自行或聯同其他人作出涉及性的行徑，而該行徑對另一人造成有敵意或具威嚇性的環境。

This form of sexual harassment does not require the sexual conduct to be directed at a person. It occurs where a person (alone or together with others) engages in conduct of a sexual nature which creates a hostile or intimidating environment for another person.

可能構成環境性騷擾的例子

Examples of Actions that May Constitute Sexually Hostile or Intimidating Environment

- 在自己的電腦展示色情圖片作桌布，被經過的同學 / 老師看見
Using a pornographic photo as wallpaper on a computer that is visible to passing students / teachers
- 小組在校園高聲討論自己或其他人的性生活，被其他同學 / 老師聽見
A noisy group discussion on campus about their own or others' sex lives is being heard by other students / teachers
- 以性方式評論他人的外貌
Commenting on someone's appearance in a sexual manner

條例涵蓋範疇

Applicable Fields

1. 僱傭 Employment
2. 共同工作場所 Common workplaces
3. 教育 Education
4. 提供貨品、服務或設施 Provision of goods, services or facilities
5. 會社 Clubs
6. 處置或管理處所 Disposal or management of premises

法律責任

Legal Responsibilities

- 騷擾者需要為自己作出的違法行為負上個人責任
An individual will be held personally liable for their illegal acts of sexual harassment
- 指示、施壓、或明知而協助他人作出條例下的違法行為，同樣需要負上法律責任
It is unlawful to instruct someone to harass another person, pressure someone to harass another person or knowingly aid someone to harass another person
- 某人不懂法例或無心之失不可作辯護理由
A person who does not know a law cannot avoid liability for violating it simply due to ignorance of its content

轉承責任

Vicarious Liabilities

- 僱主、主事人與任用實習人員及義工的人：任何人在其受僱用中所作出的違法行為，就歧視條例而言須視為亦是由其僱主、主事人與任用實習人員及義工的人（不論是否知悉或批准）所作出的

An employer, principals of an agent or a person engaging interns and volunteers will be held liable for any unlawful act of sexual harassment committed by their employees, agents, interns and volunteers respectively in the course of employment or the relevant internship and volunteer work, whether or not they knew about or approved the act

- 除非證明已採取合理地切實可行的步驟，防止僱員 / 代理人 / 實習人員 / 義工做出該行為
Unless with proof of reasonably practical steps that were taken to prevent the employees / agents / interns / volunteers from doing that

使人受害的歧視

Victimisation

- 由於（或懷疑）受害人士或其他人已經或擬似作出以下事情，而給予他／她較差對待，例如：

Treating someone less favourably than others would have been treated because they have done a “protected act”, for example:

1. 根據條例提出法律程序

Making a claim or complaint of sexual harassment

2. 指稱某人曾作出違法行為，例如舉報性騷擾者

Making an allegation that someone has breached the SDO

3. 根據條例作出其他事情，例如協助投訴人作投訴

Doing anything else in connection with the SDO

遇上性騷擾怎麼辦

What to do if sexually harassed

- ✓ 向騷擾者清楚說「不」

Speak up and say “no” to the harasser

- ✓ 儘早記下事件詳情，包括日期、時間、地點、事發經過（例如騷擾者的言行），以及你的反應和感受等

Keep a written record of the incidents, including the date, time, location, nature (e.g. what the harasser has said or done), as well as your reaction and feelings, etc.

申訴途徑和時限

Complaint Channels and Time Limit

- 按大學投訴機制反映
Report in accordance with the university complaint mechanism
- 事發後12個月內向平機會作書面投訴
Lodge a written complaint to the EOC within 12 months of the incident
- 事發後24個月內向區域法院提出民事訴訟
Institute civil proceedings in the District Court within 24 months of the incident
- 如果該些性騷擾行為構成刑事罪行，向警方報案
Make a report to the Police if the concerned acts of sexual harassment amount to criminal offences

積極的旁觀者

Active Bystander – 5D

1. 直接介入 Direct：在確保自身安全下，指出性騷擾行為是不對的並制止該騷擾者
Name the inappropriate behaviour and stop the person doing harm, ensuring your safety
2. 尋求支援 Delegate：尋求他人援助和介入
Seek help from others to intervene in cases of harassment
3. 分散注意 Distract：與被騷擾者互動，間接地打斷騷擾者的行為
Indirectly interrupt the act of harassment by engaging with the person being harassed

積極的旁觀者

Active Bystander – 5D

4. 推遲行動 Delay：事後向被騷擾者表達關心，並提供適當支援
Follow up with the individual who was harassed after the event, offering support as needed
5. 記錄證據 Document：記錄性騷擾情況，詢問被騷擾者希望如何使用該紀錄；未經被騷擾者同意，請勿發布或分享證據
Document the incident and ask the person being harassed how they wish to use the record; do not publish or share the information without their consent

平機會反性騷擾事務組

EOC Anti-Sexual Harassment Unit

熱線 Hotline	2106 2222
------------	-----------

網頁 Website	www.eoc.org.hk/COMPASS
------------	--

短訊 SMS	6115 3037 僅供有聽障或有語言障礙人士使用 For people with hearing impairment / speech difficulties
--------	--

地址 Address	香港黃竹坑香葉道41號16樓 16/F, 41 Heung Yip Road, Wong Chuk Hang, Hong Kong
------------	---



請掃描二維碼將
我們加入通訊錄
Scan the QR code to
add us to your
contacts

聲明 Disclaimer

此簡報的內容僅供參加者參考，並不代表法律意見。如有任何查詢或需進一步資料，歡迎與平等機會委員會聯絡。

The information provided in this presentation slides does not, and is not intended to, constitute legal advice; instead, all information, content, and materials on the slides are for general information purposes only. If you have any enquiries or require further information, please contact the Equal Opportunities Commission.

版權 Copyright

本簡報的版權©屬平等機會委員會所有。除根據版權條例（第528章）獲准使用外，在未取得平等機會委員會書面批准前，不得翻印任何部分。

Copyright © of this presentation is owned by the Equal Opportunity Commission. Except for use permitted under the Copyright Ordinance (Cap. 528), no part may be reproduced without the written approval of the Equal Opportunities Commission.

參考資料 Reference

有關「成為積極的旁觀者」的資料，取材自 Resolve Foundation 由平等機會委員會的「平等機會社會參與資助計劃」撥款製作的《結伴同行，始於日常 推動平等香港：行動指南》。

Information on "Being an Active Bystander" is extracted from the "Everyday Actions for Equality in Hong Kong: A Toolkit for Allies" released by the Resolve Foundation, funded by the Community Participation Funding Programme, the Equal Opportunities Commission.

(www.resolvehk.org/every-action-matters)