

HKTA Sexual Harassment Policy

1. Introduction

- A. Everyone has the right to be respected and equally treated. Sexual harassment is discriminatory and unlawful and the Hong Kong Tennis Association (“HKTA”) has zero tolerance for sexual harassment behaviours.
- B. Sexual harassment is a breach to all relevant persons of the organisation and shall be subject to disciplinary action. All sexual harassment complaints should be thoroughly and fairly handled and investigated without delay in accordance with the Sexual Harassment Complaint Lodging Mechanism.

2. Obligation

- A. All relevant persons of the organization have the obligation and responsibility to prevent and eliminate sexual harassment.
- B. Any person of the organization can lodge a complaint with the person in-charge of handling sexual harassment complaints if he/she witnesses any other person of the organization committing any sexual harassment act or being sexually harassed.

3. Objective

- A. The objective of the Sexual Harassment Policy is to ensure all relevant persons of the organization (see “Scope” below), are able to work and receive training, participate in sports activities or provide/have access to service under a safe environment free of harassment.

4. Scope

- A. The HKTA Sexual Harassment Policy applies to members of the management, employees, coaches, players, HKTA Council/Committee members and persons that provide services to HKTA.
- B. Complaints will be investigated, and retaliation towards the person filing the complaint will not be tolerated

5. Definition of Sexual Harassment

- A. Any unwelcome¹ sexual advances, or an unwelcome request for sexual favours or behaviour or conduct which is offensive, humiliating or intimidating, even if the act of the sexual harassment is not intentional.

¹ In general terms, “unwelcome” behaviour is behaviour that is uninvited and unwanted by the recipient(s) of the behaviour.

- B. Sexual harassment can be a single incident at place of work or study where there are actions, languages or pictures that are of a sexual nature which makes it hard for the person to do the work or pursue study. This is called a “sexually hostile or intimidating environment”.
- C. Sexual harassment may occur to any person, regardless of gender, both between men and women as well as persons of the same gender.
- D. Sexual harassment incidents are usually related to power relationship, i.e the powerful harasses the weak. It is also possible that a person weaker in power harasses a more powerful person.
- E. Sexual harassment occurs when a person to induce or attempt to induce another person to sexually harass a third person by providing or offering to provide that person with any benefit, or subjecting or threatening to subject that person to any detriment.
- F. Sexual harassment may occur to a person who may be the victim of a hostile environment where he or she is harassed in a pattern of incidents even if it may not be offensive to themselves.
- G. Examples of Possible Sexual Harassment behaviours
 - i. Repeated attempts to make a date, despite being told “NO” each time;
 - ii. Comments with sexual innuendoes and suggestive or insulting sounds;
 - iii. Relentless humour and jokes about sex or gender in general;
 - iv. Sexual propositions or other pressure for sex;
 - v. Implied or overt threats for sex;
 - vi. Obscene gestures or inappropriate touching (e.g. patting, touching, kissing or pinching);
 - vii. Persistent phone calls or letters asking for a personal sexual relationship; and
 - viii. Displaying sexually obscene or suggestive photographs or literature.

5. Sexual Harassment Complaint Lodging Mechanism

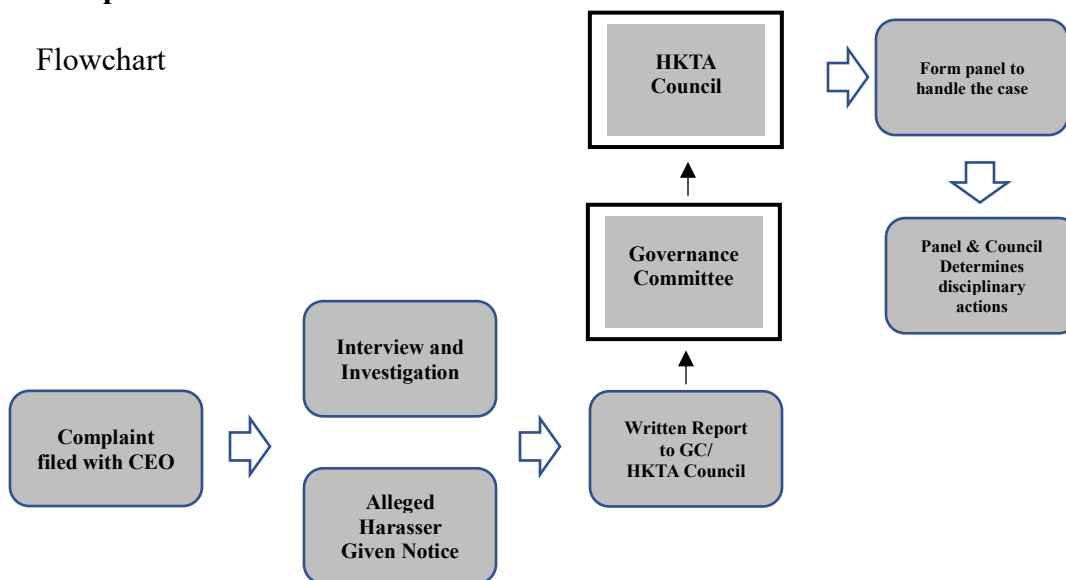
Once an act of sexual harassment occurred, any person affiliated with HKTA, has the right to lodge a complaint. A complaint relating to sexual harassment can be filed in the following manner:

- A. The Chief Executive Officer (“CEO”), (Mr. Christopher Lai, telephone: 2504 8272 and email: chris.lai@tennishk.org) or his delegate (depending on whether the person reporting the complaint prefers a person of the same gender to attend the complaint) would be responsible for handling complaints relating to sexual harassment.
- B. Complaints relating to sexual harassment can either be informal or formal, depending on whether an investigation is conducted into the case. The two approaches are both valid, and the exact approach to be adopted depends on the wish of the complainant:
 - i. **Informal Complaint**

- a. For relatively minor and one-off incident, and is made verbally.
- b. Focuses on resolving the conflict by informing the alleged harasser of his/her behaviour is inappropriate, and stopping the act of alleged sexual harassment as soon as possible;
- c. It does not involve a formal investigation; and
- d. If the person making the informal complaint is not satisfied with the outcome, he/she can lodge a formal complaint.

Formal Complaint

Flowchart



- a. For more serious and repetitive incidents;
- b. A formal complaint is made in written form. The CEO or his/her delegate can assist in the preparation of a written complaint (the complaint will include record of the incident, including dates, time, location witness (if any) and nature, and his/her response);
- c. It involves an investigation, and the process and findings of the investigation will be properly recorded with recommendations;
- d. The interviews and statements of both the complainant and the alleged harasser will be documented;
- e. The alleged harasser must be given notice of the offense, the details of the allegation; and has the right to respond to the allegation(s);

- f. A written report should be prepared to give an account of the investigation and disciplinary actions, and the considerations behind to both the complainant and the alleged harasser;
 - g. The written report will be reviewed by the CEO, and sent to the Governance Committee and the HKTA Council.
 - h. The HKTA Council will decide whether further investigation is required and will form a panel to handle the complaint. (The panel should composed of an almost equal number of members from both genders)
 - i. The panel upon consultation with HKTA Council, will determine the disciplinary actions, if any, accordingly;
 - j. If the complainant or alleged harasser involves minors, he/she is entitled to be accompanied by his/her parent or guardian to attend the interviews. The relevant rules and possible disciplinary actions will be made known to the person and his/her parents;
 - k. Arrangements should be made to avoid the complainant and the alleged harasser from getting into direct contact during the period of investigation; and
- C. If necessary support and counselling sessions can be offered to the complainant;
- D. Duties of the alleged harasser concerned may be suspended during the period of investigation;
- E. All complaints should be handled promptly without unnecessary delay. All information and records related to a sexual harassment complaint will be handled discreetly and kept confidential, and only be disclosed to relevant persons on a need to-know basis;
- F. The complainant and the witnesses should be protected against victimisation for making or being involved in the complaint;
- G. If a case proceeds to conciliation, the mutually agreed settlement terms should be documented in an agreement and signed by both parties; and
- H. If one party does not accept the investigation outcome or the sanctions imposed, an appeal can be made through the Governance Committee. (Chairman: Mr Gordon Ng , telephone 9018 0118 and Email: nggordon@gmail.com).

6. Disciplinary Actions

- A. Sexual harassment will lead to disciplinary actions and may also entail civil liability and even criminal consequences.
- B. Employees if found guilty may be issued a warning or any sanctions deemed appropriate by HKTA Council, depending on the seriousness and severity of the violation; and

C. For serious cases, the complaint will be filed with the Equal Opportunity Commission and/or report to the police, and the employee may be suspended or removed from HKTA.

7. Review & Amendment

The policy may be reviewed and modified by HKTA with reference to Hong Kong law and guidelines of the Equal Opportunities Commission.