

# A Territory-wide Representative Survey on Sexual Harassment in Hong Kong 2021

Equal Opportunities Commission

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**T**HE EQUAL OPPORTUNITIES COMMISSION (EOC) has the statutory responsibility to work towards the elimination of sex discrimination and sexual harassment, and promote equal opportunities between men and women. The Sex Discrimination Ordinance (SDO) was passed in 1995. Discrimination on the basis of sex, marital status, pregnancy and breastfeeding, as well as harassment on the grounds of breastfeeding and sexual harassment are unlawful under this ordinance.

In the past years, the #MeToo Movement has not only raised public awareness across the world, but also motivated people to take more concrete actions to fight against sexual harassment. Since the enactment of the SDO, anti-sexual harassment has always been one of the top work priorities of the EOC. During the past two decades, policy advocacy and empirical research related to sexual harassment in workplaces, school environment, and other sectors done by the EOC have facilitated the Government's consideration of expanding the scope of protection against sexual harassment. In 2014, provisions to protect providers of goods, services, or facilities against sexual harassment by customers were added, while further amendments were made to outlaw sexual harassment between workplace participants in common workplaces in 2020.

## Local Legislation against Sexual Harassment

Protection from sexual harassment is a specific form of prohibited conduct under the Sex Discrimination Ordinance (SDO) Cap. 480. There are

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two forms of sexual harassment: The first limb of the definition states that a person sexually harasses another person if the person makes an unwelcome sexual advance, an unwelcome request for sexual favors, to another person, or engages in other unwelcome conduct of a sexual nature in relation to that person, where a reasonable person, have regard to all the circumstances, would have anticipated that the person would be offended, humiliated or intimidated. This could include asking a person to engage in sexual activity or making sexual comments about a person's private parts. Under the second limb of the definition, more commonly referred to as "sexually hostile environment", sexual harassment occurs when a person engages (alone or together with others) in conduct of a sexual nature which creates a sexually hostile or intimidating environment for a person. This could include the display of pornographic material and the making of derogatory sexual remarks in the workplace.

In terms of the sectors in which sexual harassment is prohibited, the SDO currently covers many areas of public life. Relevant to the current study, there is protection from sexual harassment in relation to employment and related work relationships such as contract workers, partnerships and commission agents, trade unions, qualifying bodies, and employment agencies. In June 2020, protection from sexual harassment was extended to cover common workplaces where no employment relationship exists between the parties, but they do work in the same place. Importantly, this also includes coverage of volunteers and interns.

It should be reiterated that while every employee will be held personally liable for his/ her illegal acts of sexual harassment, employers may be held vicariously liable for their employees' act of sexual harassment in the course of employment, whether or not it was done with the employer's knowledge or approval. The court will consider exempting employers from their liability only if they could bring up a defense that reasonably practicable steps have been taken to prevent workplace sexual harassment. In other words, in Hong Kong, there is no positive duty which requires employers to take proactive measures against workplace sexual harassment. Examples of reasonably practicable measures to be taken by employers include developing anti-sexual harassment policy, establishing complaint mechanisms, training and communication, handling complaints properly, implementing appropriate disciplinary actions and improvement measures, and reviewing related policies, procedures, and measures regularly.

## **Current Laws Related to Online Sexual Harassment in Hong Kong**

In Hong Kong, there is a clear evidence of image-based sexual violence (IBSV) that occurred via electronic communications and online sexual harassment.<sup>1</sup>

However, legal gaps are identified in protecting individuals from sexual harassment and IBSV via electronic communications and in the Internet. On the one hand, some of the acts of sexual harassment that occur in the context of electronic communications are covered by the Sex Discrimination Ordinance (SDO), such as employment and related work, education and where there is a situation of the provision of goods, services, or facilities. For example, if an employee sexually harasses a fellow employee in the context of their work relationship, the fact that it is done via electronic communications such as social media or a mobile phone application would still constitute unlawful sexual harassment. On the other hand, where there is no relationship between the parties under the SDO, there will be no protection from sexual harassment. For example, where in a chat group or social media account a person makes sexual advances or creates a hostile and intimidating environment for another person and there is no relationship between them under the SDO (e.g., employment or education), a person would not be able to pursue a claim under the SDO.

Under the Crimes (Amendment) Bill 2021, which was passed on 30 September 2021, among other amendments, publication or threatened publication of intimate image without consent becomes unlawful. Accordingly, posting someone's indecent image(s) or video(s) online or via other forms of electronic communications (such as phone apps) without consent of the persons concerned is a criminal offence. However, this amended bill does not deal with some situations (including in relation to electronic communications) where a person is subjected to other forms of sexual harassment and there is no use of images or videos. For instance, if a person subjects another person on social media to repeated sexual advances, or repeatedly sends them naked images of unidentified persons, currently there is no criminal offence for such conduct.

## **EOC Complaint Statistics, 2017-2021**

Indeed, among complaints received under the SDO, a significant proportion has been sexual harassment allegations. Many of these complaints of

sexual harassment were related to employment. As shown in Table 1, during the past five years, over two-fifths of complaints made under the SDO were on sexual harassment. In 2021, out of one hundred eighty-three allegations of sexual harassment, 80.9 percent (one hundred forty-eight cases) were employment-related.

**Table 1. Complaints Under the SDO and Related to Sexual Harassment Received by the EOC (2017-2021)**

	2017	2018	2019	2020	2021
Total Number of Complaints Received under the SDO.	190	320	336	314	302
Number of Complaints Related to Sexual Harassment (percent out of all complaints made under the SDO) (45.5 %)	87 (45.8%)	136 (42.5%)	153 (45.5%)	143 (45.5%)	183 (60.6%)
Employment related (percent out of all complaints of sexual harassment)	75 (86.2%)	110 (80.9%)	123 (80.4%)	94 (65.7%)	148 (80.9%)
Non-employment related (percent out of all complaints of sexual harassment)	12 (13.8%)	26 (19.1%)	30 (19.6%)	49 (34.3%)	35 (19.1%)

## Research Objectives

Although the EOC has conducted a number of questionnaire surveys related to sexual harassment in various sectors of the society,<sup>2</sup> so far no population survey on sexual harassment has been carried out. Lacking a territory-wide and representative survey, no empirical data is available on the prevalence and forms of sexual harassment, its impact on individuals, and how victims respond and cope with it. We also lack information on the socio-demographic characteristics of individuals who are most vulnerable to sexual harassment and the characteristics of settings that are most prone to sexual harassment. A more complete picture and a better understanding of the issue are essential for the Government and the EOC to join hands to tackle observed problems.

After successfully completing a small-scale survey with three hundred thirty-two Hong Kong residents aged 18-64 in early August 2020,<sup>3</sup> EOC carried out a larger-scale telephone survey with a sample of more than 5,000 respondents in the second quarter of 2021. In the current survey, while a couple of more sub-themes were covered, live-in foreign domestic helpers were included to be interviewed.

Specific objectives of this first-ever territory-wide representative survey are as follows:

- a. To gauge the public's awareness of sexual harassment;
- b. To examine the prevalence and nature of online sexual harassment and sexual harassment in the course of employment among the general public;
- c. To study the characteristics of those who were sexually harassed online and in the course of employment;
- d. To identify the job and organizational factors associated with experiences of being sexually harassed in the workplace;
- e. To analyze the actions taken (i) after being sexually harassed and (ii) when witnessed or heard about incidents of sexual harassment during the course of employment and the reasons behind for taking such actions/inaction; and
- f. To provide recommendations for the Government, employers, and other stakeholders on enhancing public understanding of and knowledge about sexual harassment and to identify measures in redressing sexual harassment.



## Survey on Sexual Harassment in Hong Kong 2021



### **Sample Coverage, Survey Design and Data Collection**

The target population of this telephone survey was Hong Kong residents (including foreign domestic helpers) aged 18 to 64, who were Cantonese,

*Putonghua*, or English speakers. Given a declining rate of fixed-line telephones in Hong Kong households, a dual frame survey approach was adopted with half of the respondents drawn from fixed-line telephones and the other half from mobile phones. Interviewed respondents were randomly drawn from edited databases of landline and mobile phone numbers which were obtained from the Numbering Plans provided by the Office of the Communications Authority. For the database of landline numbers, after making successful contact with a household, the “Next Birthday Rule” method was employed to select the eligible respondent whose birthday came soonest if there was more than one member at home who was eligible for an interview. Owners of the mobile numbers, if aged 18-64, became the eligible respondents. A team of interviewers were recruited to conduct this territory-wide representative telephone survey via a Computer-Assisted Telephone Interviewing (CATI) system.<sup>4</sup>

Interviewers read out each question of a structured questionnaire displayed on the monitor and entered respondents’ answers directly into the computer. This facilitated a greater control over the quality of an entire data collection process and had an advantage of a higher level of standardization.

A pilot test of this large scale telephone survey was launched in mid-March 2021. A total of forty-two respondents were interviewed. A primary purpose of this pilot survey was to fully test the questionnaire and, thus, to ensure that respondents in the main survey could comprehend each question and give meaningful answers. Modifications to the questionnaire were made accordingly.

Main telephone interviews were carried out at 6.30 pm – 10.30 pm between 22 March and 10 June 2021, successfully interviewing a total of 5,027 target respondents (2,515 respondents from fixed-line telephones and 2,512 respondents from mobile telephones) with a response rate of 40 percent. At a 95 percent confidence level, the sampling error is within +/- 1.4 percentage points. Thus, the achieved survey sample size could be considered to generally produce survey findings with acceptable levels of precision.

Overall, the average length of the telephone interview was 11.60 minutes (standard deviation (SD) =4.17). Compared with those who did not report to be sexually harassed in the workplace (including those who had not been employed over the past twenty-four months before the survey) (mean=10.95 minutes [SD=3.57]), the average interview length of victims of workplace sexual harassment was significantly longer (mean=18.02 min-

utes [SD=4.22]). Also, a statistically significant difference in duration of interviews was found between respondents drawn from landline telephones (mean=11.37 minutes) and those from mobile phones (mean=11.83 minutes).

Given the sensitive nature of the topics of sexual harassment, it is worthwhile to report the details of the breakoff cases. In total, nine hundred fifty-eight eligible respondents did not complete the telephone interviews. Owing to data limitations, only few characteristics of these breakoff cases could be presented. First, among all of these cases, more women did not complete the interviews (53.7 percent). Second, 62.0 percent of the breakoff cases were drawn from mobile phones and 38.0 percent were from fixed line telephones. While three-fifths of these nine hundred fifty-eight breakoff cases (60.2 percent) completed the items concerning awareness of sexual harassment which was the first part of the interviews, only a quarter of the eligible respondents (27.8 percent) continued to participate in the second part of the telephone interviews on experience of online sexual harassment and 18.0 percent of these nine hundred fifty-eight breakoff cases moved onto the third part on workplace sexual harassment. It should be noted that breakoff cases were not included in any analyses for this report.

## **Key Findings**

### **Awareness of sexual harassment**

Each of the respondents was given a set of 16-scenario-statements, and asked to assess whether these scenarios constituted sexual harassment. (See Appendix A for the scenario statements and the responses.) Conducts that were considered as sexual harassment by most respondents included “in your company, a colleague keeps making sexual advances to you regardless of your rejection” (98.0 percent), “in your company, a colleague has inappropriate physical contact with you, such as forced kiss, touching or brushing up against your bottom” (97.6 percent), and “in your company, a colleague sexually assaults or attempts to sexually assault you” (97.3 percent).

Fewer than half of the respondents were able to identify two sexual harassment scenarios, i.e., “when you are shopping in a store, a shop assistant makes sexually suggestive comments or jokes to other customers in front of you, making you feel uncomfortable” (45.0 percent) and “in your company, a colleague keeps asking you out for a date regardless of your rejection, making you feel offended” (44.7 percent).

A “Sexual Harassment Awareness Index” (SHA Index) was created to examine the overall level of awareness among the general public in Hong Kong and to make sub-group comparisons. From zero to 100, a higher score indicated that the respondent has a greater ability to identify sexual harassment behaviors accurately.

The mean of this SHA Index for all respondents was 80.26, with a standard deviation of 16.89. This average score suggested a rather high level of awareness of sexual harassment among people in Hong Kong.

Men scored significantly lower than women (mean SHA Index scores are 77.11 and 82.74 respectively). Also, the younger the respondents, the higher the SHA Index score (respondents aged 18-34 scored in average 83.35 and those aged 50-64 scored 78.23).

Respondents who received sexuality education in primary and secondary schools showed a higher level of awareness of sexual harassment than those who did not. In particular, respondents who had been taught topics about (a) courtship and dating, sexual harassment, sexual assault, and sexual violence, as well as those who had been taught about (b) gender roles and societal and cultural influences on sex, attained a higher mean score of SHA Index. They scored 82.79 and 82.80 respectively, both higher than the overall average score of the respondents (80.26).

### **Prevalence and nature of online sexual harassment**

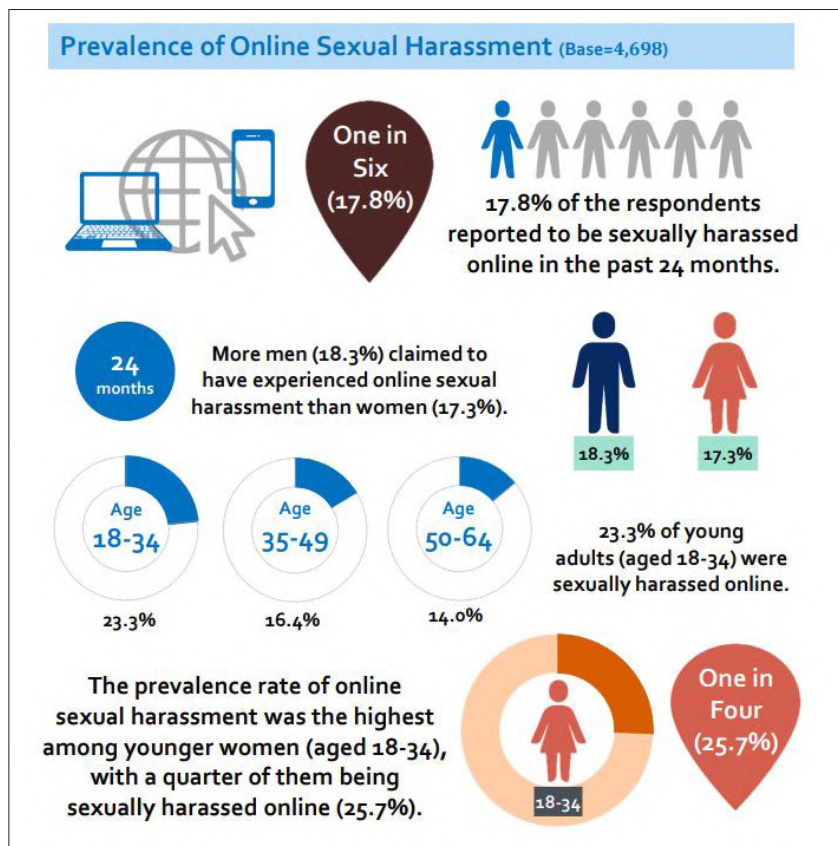
In the telephone interviews, respondents who surfed the Internet in the past twenty-four months were asked if they had experienced any of the eight listed forms of online sexual harassment. (See Appendix B for the forms of online sexual harassment.) Around one in six of the 4,689 respondents (17.8 percent;  $n=832$ ) reported to have been sexually harassed online in the past twenty-four months.

A greater proportion of men (18.3 percent) claimed to have experienced online sexual harassment than women (17.3 percent), though this sex difference was not statistically significant. Significant age differences existed with a decreasing age gradient in experiencing online sexual harassment. While nearly one in four (23.3 percent) young adults (age 18-34) had been sexually harassed online, the respective figures for those aged 35-49 and 50-64 were 16.4 percent and 14.0 percent respectively.

When data was disaggregated by both sex and age, young women aged 18-34 were the sub-group of respondents that had the highest prevalence

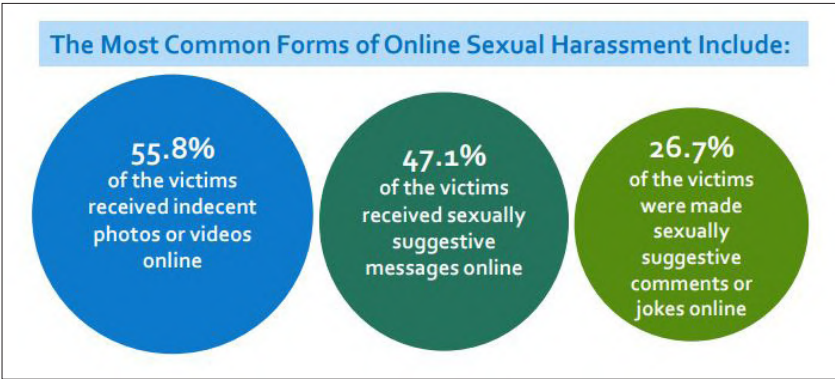


rate of experiencing online sexual harassment. A quarter of this sub-group (25.7 percent) had been sexually harassed online in the past two years prior to the survey.



The most common forms of online sexual harassment included “receiving indecent photos or videos online, making you feel offended” (55.8 percent) and “receiving sexually suggestive messages online, making you feel offended” (47.1 percent), followed by “someone made sexually suggestive comments or jokes to you online, making you feel offended” (26.7 percent).

More in-depth analyses revealed that out of eight hundred-thirty-two respondents who experienced online sexual harassment, over two-fifths (42.0



percent) encountered more than one form of online sexual harassment in the past twenty-four months.

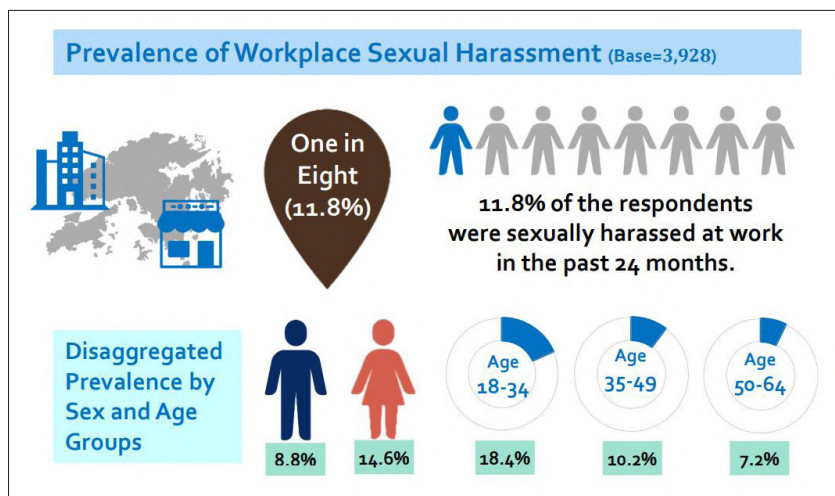
**Prevalence and characteristics of victims of workplace sexual harassment**

A behavioral definition of workplace sexual harassment was adopted to gauge the related experience of our respondents. Specifically, respondents who had worked in the past twenty-four months were asked if they experienced any of the twelve listed forms of workplace sexual harassment.

In total, four hundred sixty-three out of 3,928 respondents (11.8 percent) reported to have been sexually harassed at work (including while attending job interviews, meeting with clients, carrying out internal work, and taking work-related trips) and by co-workers in non-work activities in Hong Kong over the past twenty-four months prior to the interviews. In other words, nearly one in eight respondents had experienced workplace sexual harassment.

Women were significantly more likely to have been sexually harassed at work in the past two years before the survey. While one in seven women (14.6 percent of women) reported to have experienced sexual harassment at work, 8.8 percent of men said they had such experience.

Workplace sexual harassment was experienced by respondents across all ages. Having said that, the younger the age, the higher the chance of experiencing workplace sexual harassment. While nearly one in five (18.4 percent) young adults (age 18-34) reported to have experienced sexual harassment



at work in the past twenty-four months, the figures for those aged 35-49 and 50-64 were 10.2 percent and 7.2 percent respectively.

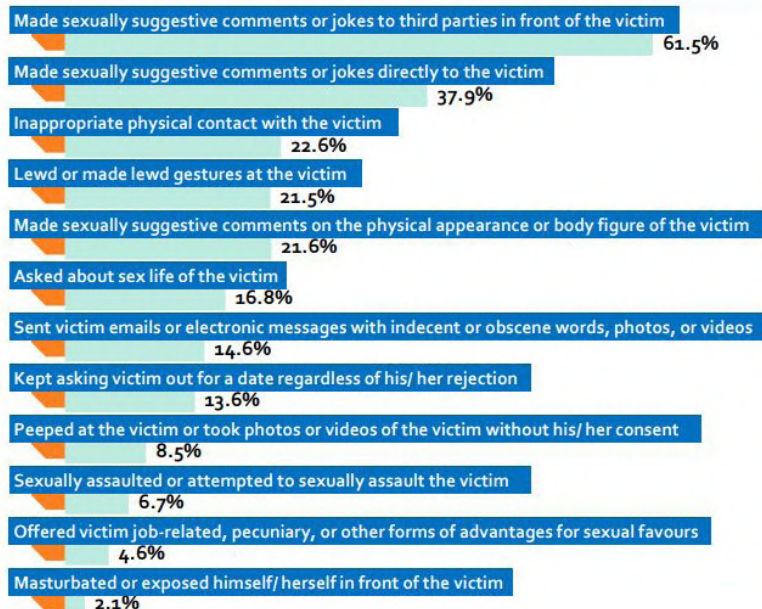
In particular, the chance of younger women (age 18-34) being sexually harassed at the workplace was significantly higher. Younger women were almost twice as likely to be sexually harassed at work (22.5 percent), compared to 11.8 percent of the overall average. The corresponding rate of their younger male counterparts was 13.6 percent. In addition, it was not uncommon for middle-aged women to have encountered sexual harassment at the workplace. 12.9 percent of women aged 35-49 and 9.1 percent of women aged 50-64 were victims.

Findings from additional sub-group analyses showed that respondents with higher educational attainment, who were non-Chinese, and who had never been married, were significantly more likely to experience sexual harassment at work.

### Forms of workplace sexual harassment

The most common form of workplace sexual harassment was sexually suggestive comments or jokes. Among four hundred sixty-three victims of workplace sexual harassment, over three-fifths (61.5 percent) said that “someone at work made sexually suggestive comments or jokes to others in their presence, making them feel uncomfortable,” while nearly two-fifths (37.9 percent) reported that those offensive comments and jokes were made directly to them.

## Nature of Workplace Sexual Harassment



More than half of the victims of workplace sexual harassment experienced more than one form of sexual harassment at work in the past twenty-four months (55.7 percent overall; 58.0 percent of female victims and 51.8 percent of male victims).

More in-depth analyses showed that older respondents were more likely to experience verbal form of workplace sexual harassment (i.e., sexually suggestive comments or jokes made to others in their presence/made directly at them in the workplace). Also, compared to their younger counterparts, a higher proportion of more mature respondents received indecent or obscene words, photos, or videos via email or other technology.

## Prevalence of workplace sexual harassment by occupations and nature of job contract

Analyzing the data by type of occupations, the prevalence of workplace sexual harassment was significantly higher among craft and related workers (16.2 percent), clerical support workers (13.8 percent), and service and sales workers (13.4 percent).

In terms of the nature of job contract, workers in contract/casual work/temporary positions (including summer job workers and interns) faced a higher risk of being sexually harassed at workplace than those holding permanent positions. Interns (25.5 percent) and summer job workers (25.0 percent) were more likely to be sexually harassed in the workplace, followed by contract workers (15.9 percent) and casual workers (15.9 percent). The corresponding rate for those in permanent positions was relatively low, at 11.4 percent. No statistically significant difference was found between full-timers and part-timers.

Findings from additional sub-group analyses showed that respondents with higher educational attainment, who were non-Chinese, and who had never been married, were significantly more likely to experience sexual harassment at work.

### **Prevalence of workplace sexual harassment by type of industry, size, and sex ratio of the companies/organizations**

The prevalence of workplace sexual harassment varied across industries. Compared to the overall rate of 11.8 percent, workplace sexual harassment was significantly more prevalent in accommodation and food services (16.5 percent), real estate, professional and business services (14.9 percent), and information and communication (13.2 percent) sectors.

In terms of the size of companies or organizations, no clear pattern of the pervasiveness of workplace sexual harassment was found. That said, respondents working in medium size companies or organizations with fifty to ninety-nine employees were significantly more likely to have experienced sexual harassment than those working in small and large companies or organizations.

Workplace sexual harassment was more likely to occur in companies or organizations with a roughly equal mix of male and female workers. Contrary to the results of overseas research studies, in the current survey, workplace sexual harassment was significantly less prevalent in companies or organizations which were comprised of mostly men (8.0 percent).

### **Who was more vulnerable to workplace sexual harassment: Results from binary logistics regression**

Results from binary logistic regression analysis revealed that women and younger respondents were more likely to be sexually harassed at work. Compared to their counterparts in permanent job positions, the

chance of experiencing workplace sexual harassment was higher among contract workers, casual workers, and interns.

Those working in the accommodation and food services, real estate, professional and business services, and manufacturing sectors were more likely to experience sexual harassment at work than their counterparts in public administration, education, human health and social work activities.

Similar to the results from studies of workplace sexual harassment conducted elsewhere, workplace policy was of paramount importance. The current study found that, after holding other factors constant, working in a company or organization with no anti-sexual harassment policy or measures significantly increased one's likelihood of being sexually harassed at work.

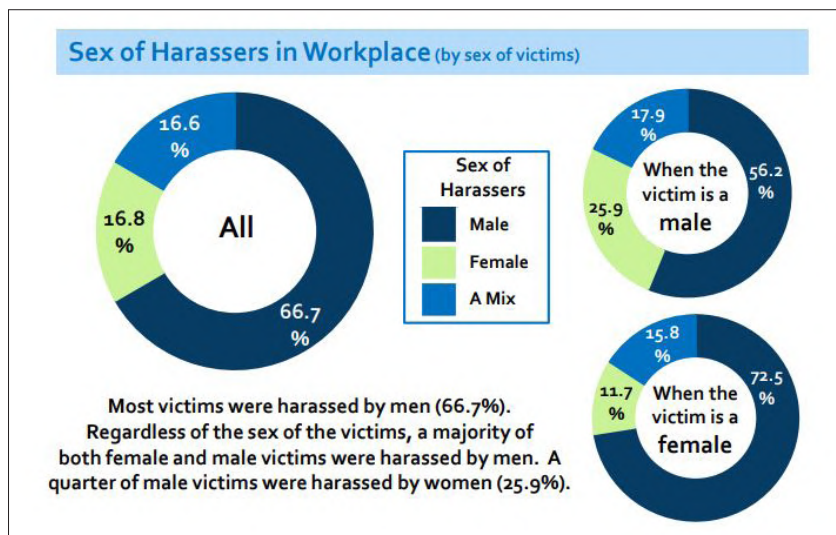
### **When and where workplace sexual harassment occurred**

When asked about the physical location where, and the circumstances under which, the most recent incidents of workplace sexual harassment that they encountered occurred, three-quarters of the victims indicated that they experienced workplace sexual harassment within the area of their company or organization (76.4 percent). A quarter of the incidents occurred outside the company or organization in different situations, such as during private or recreational activities with colleagues (12.7 percent), during work-related activities (5.5 percent), during social activities organized by their company or organization (2.8 percent), and during other occasions (2.7 percent). Apart from those incidents that occurred during private activities and other occasions, nearly 85 percent of these reported incidents of sexual harassment happened during the course of employment, i.e., they were covered by the sexual harassment provisions under the Sex Discrimination Ordinance.

One-fifth (20.6 percent) of the victims reported that they experienced the most recent incident of workplace sexual harassment via online communication or electronic messages.

Men were significantly more likely to have experienced workplace sexual harassment outside their company/organization (33.5 percent for men and 17.9 percent for women) and technology-related forms of sexual harassment (27.4 percent for men and 16.8 percent for women) than their female counterparts.



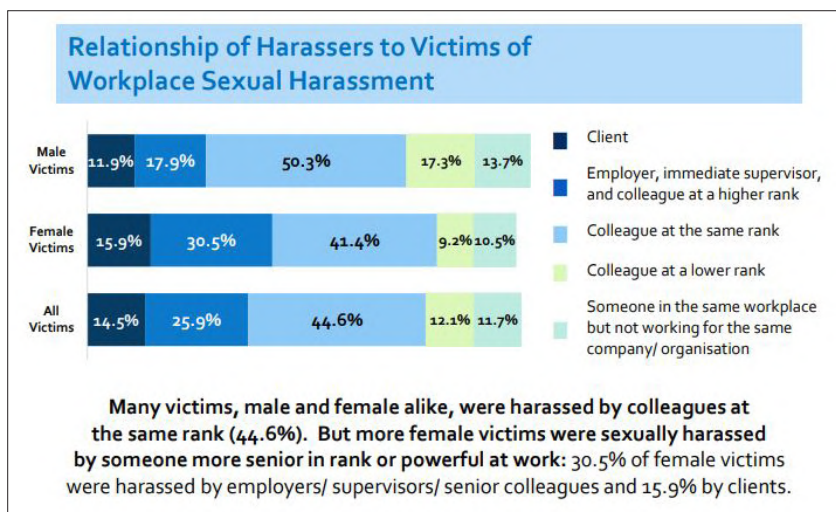


### Characteristics of harassers of workplace sexual harassment

A majority of the most recent incidents of workplace sexual harassment in the past twenty-four months involved a single perpetrator. Three-fifths (59.9 percent) of workplace sexual harassment incidents were carried out by a single perpetrator.

Consistent with the conventional belief, in this survey, perpetrators of workplace sexual harassment were overwhelmingly men. Specifically, two-thirds (66.7 percent) of the most recent incidents of workplace sexual harassment were committed by male harasser(s) and 16.8 percent by female harasser(s), while 16.6 percent involved a mix of male and female harassers. Regardless of the sex of the victims, a majority of both female (72.5 percent) and male (56.2 percent) victims were harassed by men alone. A quarter of male victims (25.9 percent) were harassed by female harasser alone, and the respective figure for female victims was 11.7 percent.

The most recent incidents of workplace sexual harassment that occurred in the past twenty-four months were more often perpetrated by colleague at the same rank as the victim (44.6 percent), followed by colleague at a higher rank as the victim (17.2 percent), and clients (14.5 percent). Over one-tenth of the workplace sexual harassment was carried out by someone working in the same workplace but not for the same company or organization (11.7 percent).



Results of more in-depth analyses concerning the relationship of perpetrator to victim indicated that sex differences existed. On the one hand, compared with their male counterparts, more female victims were sexually harassed by someone who were more senior and powerful than them at work (including employer, immediate supervisor, and colleague at a higher rank) (30.5 percent for female victims, compared to 17.9 percent for male victims) and clients (15.9 percent for female victims and 11.9 percent for male victims). On the other hand, a greater proportion of male victims were sexually harassed in the workplace by colleague at the same rank (50.3 percent for male victims and 41.4 percent for female victims) and by colleague at a lower rank (17.3 percent for male victims and 9.2 percent for female victims).

### Reporting incidents of workplace sexual harassment

Out of four hundred sixty-three victims of workplace sexual harassment, 79.5 percent (n=367) took action(s) in response to the most recent incident. In other words, one-fifth of the victims did not take any action following the incident. Female victims were significantly more likely to take action after being sexually harassed in the workplace (84.1 percent of women and 71.1 percent of men).

The most common action taken by victims of workplace sexual harassment was avoiding the harassers (60.9 percent), followed by telling the ha-



rassers off (49.4 percent). Similar to what has been found in overseas research studies, formal reporting was also not common in Hong Kong. In total, 14.7 percent ( $n=68$  out of four hundred sixty-two<sup>5</sup>) made a formal report to either the Police, the EOC, or supervisors or management of related departments within their companies or organizations. Compared with their male counterparts, female victims of workplace sexual harassment were significantly more likely to avoid the harassers or make a formal report.

The most common types of outcomes of taking action were: “the harassers stopped doing the sexual harassment acts” (80.2 percent) and “someone showed support to my action” (61.4 percent). While these outcomes could be categorized as positive, a minority of victims faced negative outcomes after taking action, including being regarded as a troublemaker (8.6 percent) or being retaliated or socially excluded (6.5 percent).

Among the sixty-eight victims who reported formally to the Police, the EOC, or their company, nearly one-fifth faced retaliation or social exclusion, or were regarded as a troublemaker (17.2 percent). Compared with men, female victims who made formal report were more likely to have faced these negative outcomes (6.7 percent for men and 20.8 percent for women), though no statistically significant difference between sexes was observed.

Among four hundred sixty-three victims of workplace sexual harassment, 20.5 percent ( $n=95$ ) did not take any actions after experiencing their most recent incident of workplace sexual harassment. An overwhelming majority of these ninety-five victims thought that “the incident was not serious” (97.1 percent). Around half of these ninety-five victims reasoned their inaction by saying that “sexual harassment was prevalent in their company or organization” (54.9 percent) and “the actions would be useless” (46.1 percent). Moreover, in total, 26.1 percent of these ninety-five respondents mentioned reasons concerning the complaint system or procedures (i.e., “the complaint mechanisms were ineffective or complaint processes were protracted” and “did not know the channels for lodging complaints”). This might suggest that sexual harassment complaint mechanism available in the workplace or elsewhere might not be perceived to be user-friendly.

### **Impact of workplace sexual harassment on victims**

Victims of workplace sexual harassment were asked to rate how humiliated and how intimidated the most recent incident had made them feel. On a scale from one to five, where one indicated “not feeling humiliated”/“not

feeling intimidated” and five denoted “feeling very humiliated”/ “feeling very intimidated”, the mean rating for the level of humiliation felt by victims of workplace sexual harassment was 2.64 and that of intimidation was 1.62.

Female victims felt significantly higher levels of humiliation and intimidation than men (feelings of humiliation: mean rating for women was 2.84 versus that for men being 2.29; feelings of intimidation: mean rating for women was 1.74 versus that of men being 1.40).

### **Witnesses to workplace sexual harassment**

Two-fifths of the most recent incidents of workplace sexual harassment were witnessed or known by someone else in the workplace (41.4 percent;  $n=191$ ).

The most common type of witness was colleague(s) at the same rank as the victim (66.3 percent), followed by colleague(s) at a higher rank (21.3 percent) and at a lower rank (16.9 percent). Among these witnessed incidents, 14.5 percent were witnessed or learnt by the immediate supervisor of the victim.

Out of these one hundred ninety-one witnessed incidents of workplace sexual harassment, a majority of witnesses (69.7 percent) did not attempt to intervene in or stop the incident. Overall, among all victims, only 11.9 percent ( $n=55$ ) of the most recent incidents of workplace sexual harassment were intervened or stopped by a third party.

Statistically significant sex differences were observed in terms of whether the incident was witnessed or revealed, and whether it was intervened or stopped. Compared with their male counterparts, a greater proportion of female victims reported that someone witnessed or learnt about the incident of workplace sexual harassment (47.6 percent for female victims versus 30.1 percent for male victims). While 34.1 percent of female victims claimed that someone attempted to intervene in or stop the incident, the figure for men was 18.8 percent.

### **The role of bystanders in workplace sexual harassment**

Among 3,460 respondents who claimed they had not been sexually harassed at workplace for the past two years, only 2.3 percent witnessed or subsequently heard about incidents of sexual harassment occurring in their company or organization ( $n=79$ ) in the past two years. No statistically significant difference between sexes was observed.

A majority of bystanders (73.7 percent) attempted to intervene in the incidents of workplace sexual harassment they witnessed. Sex and age differences were not found in terms of taking action or not. Out of these fifty-eight “proactive bystanders”, 43.0 percent told the harassers off, while nearly half assisted the victims of workplace sexual harassment to report the incident or lodge a complaint (47.6 percent). Over four-fifths of the bystanders who took action after witnessing or hearing about workplace sexual harassment reported that their actions were well-received (83.4 percent).

A quarter of bystanders did not take action after witnessing or hearing about workplace sexual harassment (26.3 percent;  $n=21$ ). The most common reason cited for not taking action was that other people were handling the sexual harassment incident (69.3 percent). Almost half of these “passive bystanders” did not take action because they did not know what to do (49.7 percent) and one-third said that they did not know whether the incident constituted sexual harassment at that time (35.6 percent).

## **Conclusions and Recommendations**

Since the EOC launched its Anti-Sexual Harassment Campaign in 2013, we have conducted surveys in a number of sectors. Those sector-based surveys provided us with useful but piecemeal information about the prevalence of sexual harassment in Hong Kong and the prevalence of anti-sexual harassment policy in specific sectors of the society. This territory-wide representative survey is the first of its kind in terms of its sample size and its coverage of the general population of Hong Kong.

The current survey on workplace sexual harassment and online sexual harassment tells us the hard facts. Sexual harassment is prevalent, regardless of sex and age.

The survey findings, on the one hand, confirm the traditional belief that more women than men are victims of workplace sexual harassment, and that the harassers are very often men. On the other hand, this survey provides solid evidence that it is not uncommon for men to be harassed and that women can be the harassers.

More importantly, this research tells us more than the cliché that women need to be protected from the harassers. Workplace sexual harassment is not only a kind of gender-based violence, but also a power-based violence.

The survey findings illustrate that those with less power, i.e. the younger adults, in particular younger women, and those who took up temporary or short-term positions were more likely to face sexual harassment at work.

This research also debunks the myth that sexual harassment is difficult to prove, for the reason that it often involves no more than one's word against that of another. In fact, in this survey, 40 percent of those reported to have been sexually harassed at work said that a third party had either witnessed or had been told about the incident, albeit that only a fraction of the bystanders tried to intervene in or stop the incident.

The findings further show that most incidents of sexual harassment committed by co-workers or clients occurred during the course of employment. However, the incidents of workplace sexual harassment did not only happen in the physical or online office space, but also during work-related or after-work activities, including those organized by the company or organization concerned.

Based on the findings of the current study on sexual harassment in Hong Kong, the related evidence documented in overseas literature and previous studies, and the good practices adopted by and legal requirements imposed on various stakeholders in other places, this report provides ten recommendations in four directions: (a) Transforming Workplace Culture: Employers, the Hong Kong Exchanges and Clearing Limited (HKEX), and the Government, (b) Increasing Awareness and Strengthening Protection in Client-facing industries, (c) Reforming Sexuality Education and Providing Practical Knowledge to Students, and (d) Identifying and Monitoring Risks of Sexual Harassment. Specifically, the ten recommendations are listed below.

### **Recommendation 1**

Employers, regardless of the size of their company or organization, are strongly encouraged to: (a) develop a clear corporate anti-sexual harassment policy; (b) establish an effective system to handle complaints; (c) take disciplinary or appropriate actions; (d) implement timely improvement measures; and (e) provide awareness training to staff regularly.

### **Recommendation 2**

The Hong Kong Exchanges and Clearing Limited (HKEX) should consider reviewing the Environmental, Social and Governance (ESG) Reporting Guide of the Listing Rules to include the adoption of an anti-sexual harass-

ment policy as one of the key gender equality strategies that issuers of listed companies should disclose in their ESG report.

### **Recommendation 3**

The Government might explore the feasibility of introducing a positive duty on employers to take reasonable and proportionate steps to prevent and respond to workplace sexual harassment.

### **Recommendation 4**

Every staff can be a potential victim or bystander at the workplace. Potential victims or bystanders should be engaged so that they become part of the solutions to the problem of workplace sexual harassment. Employers should encourage potential victims to be assertive and adopt a bystander intervention approach in delivering staff training programs.

### **Recommendation 5**

Employers should explicitly show its commitment to countering sexual harassment in their companies or organizations by enhancing communication and transparency. Appointing a top-level managerial staff member to oversee matters related to anti-sexual harassment conveys a clear message that the company or organization takes sexual harassment seriously. Employers should communicate to every staff, including summer job workers and interns, at the start of employment about the redress channels and regularly remind staff not to commit acts of sexual harassment via meetings, staff notices, or emails.

### **Recommendation 6**

Companies or organizations from client-facing industries can raise awareness among their clients or workplace participants by providing knowledge about the recent legal changes in anti-sexual harassment provisions under the Sex Discrimination Ordinance. They are also strongly encouraged to send a clear message that staff complaints against clients' or workplace participants' inappropriate behavior(s) would be properly dealt with.

**Recommendation 7**

The Government should consider amending the Sex Discrimination Ordinance to make employers legally liable for third party harassment, when participants in common workplaces, customers, or clients are found to have sexually harassed their employees, unless employers have taken reasonably practicable steps to prevent the sexual harassment and unless they have no knowledge of the sexual harassment or allegation(s) of sexual harassment.

**Recommendation 8**

The Education Bureau should consider thoroughly reforming the sexuality education in primary and secondary schools as soon as possible to give more emphasis on gender equality and relationship education, including sexual harassment in digital contexts and image-based sexual violence.

**Recommendation 9**

Secondary schools, school-sponsoring bodies, and institutes of higher education should provide training to students on awareness of sexual harassment and equip them with skills and knowledge to respond to experiences of sexual harassment.

**Recommendation 10**

The EOC and the Census and Statistics Department should collaborate and conduct territory-wide representative household surveys regularly to identify and monitor risks of sexual harassment in different spheres of public life, including the digital space.

**Endnotes**

<sup>1</sup> For example, in 2019, Rainlily, a non-governmental organization based in Hong Kong, conducted a survey of 206 individuals which had experienced image-based sexual violence (IBSV) in the last three years. The most common forms IBSV reported were: someone took intimate images of them without their consent (n=151); someone observed their private acts without their consent (n=82); someone threatened or blackmailed to distribute intimate images of them (n=62); and intimate images were distributed without their consent (n=60). It is worthwhile to note that many instances of the IBSV occurred via electronic communications such as an instant messaging application (n=52), a social media website (n=33), and online fo-

rum (n=18). It is also significant that most perpetrators were strangers (n=116). For more information about this survey, see: <https://rainlily.org.hk/publication/2020/ibsvsurvey#eng>.

2 Reports of these surveys could be found by visiting: [www.eoc.org.hk/en/policy-advocacy-and-research/research-reports](http://www.eoc.org.hk/en/policy-advocacy-and-research/research-reports).

3 The major purpose of this small-scale survey is to assess the feasibility of carrying out a survey on sexual harassment, in which questions are often regarded as sensitive and private, via telephone interviews in a larger scale in terms of sample size. Attitudes of most respondents towards this small-scale survey are positive. While over 95 percent of the respondents said that they supported EOC to conduct more sexual harassment related surveys and the questions of this survey were easy to understand, over four-fifths of all respondents found the time required to complete the telephone interviews acceptable. Overall, the average length of the telephone interviews was 10.17 minutes (standard deviation=3.07).

4 While The Centre for Communication and Public Opinion Survey, The Chinese University of Hong Kong was commissioned to collect survey data via telephone interviews, EOC was in charge of designing the survey questionnaire, conducting data analyses, and preparing this research report.

5 Although four hundred sixty-three victims of workplace sexual harassment were identified in the survey, only four hundred sixty-two of them gave valid answers on whether or not they had given a formal report.

## Annex A

### Sixteen Sexual Harassment Scenario Statements and Responses

Sexual Harassment Scenarios	Yes	No	Don't know
In your company, a colleague keeps making sexual advances to you regardless of your rejection.	98.0	1.7	0.4
In your company, a colleague has inappropriate physical contact with you, such as forced kiss, touching or brushing up against your bottom.	97.6	1.8	0.6
In your company, a colleague sexually assaults or attempts to sexually assault you.	97.3	2.4	0.3
In your company, a colleague masturbates or exposes himself/herself in your presence, making you feel offended.	96.7	2.7	0.6
In your company, a colleague sends you emails or electronic messages with indecent or obscene words, photos, or videos, making you feel offended.	90.8	8.0	1.2
In a company, a male colleague leers at, makes lewd/sexual gestures at a female colleague, making her feel offended.	89.4	9.0	1.6
In your company, a colleague peeps at you or takes photos or videos of you, making you feel offended.	86.8	11.9	1.3
In a company, a female colleague leers at, makes lewd/sexual gestures at a male colleague, making him feel offended.	83.9	14.2	1.9
In a company, a male colleague leers at, makes lewd/sexual gestures at another male colleague, making him feel offended.	80.6	16.7	2.6
In your company, a colleague asks about your sex life, making you feel offended.	79.9	18.3	1.8
In your company, a colleague makes sexually suggestive comments on your physical appearance or body figure, making you feel offended.	78.0	20.3	1.7
In a company, a female colleague leers at, makes lewd/sexual gestures at another female colleague, making her feel offended.	76.1	21.0	2.9
Someone puts up obscene posters in the pantry of your workplace, making you feel uncomfortable.	71.6	26.5	1.9
In an activity hosted by a community organization, a volunteer plays sexually suggestively games with other participants in front of you, making you feel uncomfortable.	66.8	30.4	2.9
When you are shopping in a store, a shop assistant makes sexually suggestive comments or jokes to other customers in front of you, making you feel uncomfortable.	45.0	52.6	2.3
In your company, a colleague keeps asking you out for a date regardless of your rejection, making you feel offended.	44.7	54.2	1.1



## **Annex B**

### **Eight Forms of Online Sexual Harassment**

1. Someone posted indecent images or videos of you on the Internet without your consent.
2. Someone made sexual comments on you or spread rumors of a sexual nature concerning you on the Internet, such as commenting on your body figure or spreading rumors about you having a sexual relationship with someone.
3. You received sexually suggestive messages online, making you feel offended.
4. You received indecent photos or videos online, making you feel offended.
5. Someone made sexually suggestive comments or jokes to you online, making you feel offended.
6. Someone kept making sexual advances to you online regardless of your rejection.
7. Someone requested you online to post nude photos or videos of yourself, making you feel offended.
8. Someone called you by a sexually suggestive name online, making you feel offended.

## Annex C

### **Twelve Forms of Sexual Harassment Experience During the Course of Employment or When Seeking Jobs in Hong Kong**

1. Someone at work kept asking you out for a date regardless of your rejection, making you feel offended.
2. Someone at work offered you job-related, pecuniary, or other forms of advantages in exchange for sexual favors.
3. Someone at work sent you emails or electronic messages with indecent or obscene words, photos or videos, making you feel offended.
4. Someone at work peeped at you or took photos or videos of you without your consent, making you feel offended.
5. Someone at work masturbated or exposed himself/herself in your presence, making you feel offended.
6. Someone at work had inappropriate physical contact with you, such as forced kiss, touching, or brushing up against your bottom.
7. Someone at work made sexually suggestive comments on your physical appearance or body figure, making you feel offended.
8. Someone at work sexually assaulted or attempted to sexually assault you.
9. Someone at work asked about your sex life, making you feel offended.
10. Someone at work leered at you, or made lewd/sexual gestures at you, making you feel offended.
11. Someone at work made sexually suggestive comments or jokes to you, making you feel offended.
12. Someone at work made sexually suggestive comments or jokes to others in front of your presence, making you feel uncomfortable.