

Hong Kong Paragliding Association



GPO Box 7670
Central, Hong Kong
www.HKPA.net

ANTI-HARASSMENT CODE FOR MEMBERS

Effective from 5 October 2020



ANTI-HARASSMENT CODE FOR MEMBERS (the “Code”)

1. PRINCIPLES

1.1 Everyone has the right to be respected and be equally treated. Harassment is discriminatory and unlawful.

1.2 Harassment is prohibited by law in Hong Kong, including the common law and certain legislation including the Sex Discrimination Ordinance (Cap. 480), Disability Discrimination Ordinance (Cap. 487), and the Race Discrimination Ordinance (Cap. 602).

1.3 Harassment can lead to disciplinary measures, civil liability, and even criminal consequences.

1.4 Hong Kong Paragliding Association (“HKPA”) is committed to providing a sport environment free of harassment on the basis of race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, or disability, or any other basis prohibited by law. HKPA will not tolerate harassment.

1.5 HKPA encourages the reporting of all incidents of harassment, regardless of who the offender may be.

1.6 This Code applies to all members of the HKPA and persons that provide services to HKPA.

1.7 This Code applies to harassment which occurs during the course of any HKPA business, activities, competitions, matches or events.

2. DEFINITIONS

2.1 A person harasses another if, on the grounds of another person’s or that other person’s associate’s race or disability:

2.1.1 They engage in unwelcome conduct in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the second-mentioned person would be offended, humiliated or intimidated by that conduct; or

2.1.2 They engage in conduct that creates a hostile or intimidating environment for the second-mentioned person.

2.2 For the purposes of this Code a person commits sexual harassment if the person:

2.2.1 Makes an unwelcome sexual advance, or an unwelcome request for sexual favours, to another (“the person harassed”); or

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2.2.2 Engages in other unwelcome conduct of a sexual nature in relation to the person harassed, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the person harassed would be offended, humiliated or intimidated; or

2.2.3 Engages in unwelcome conduct of a sexual nature which creates a hostile or intimidating work environment.

2.3 “Conduct of a sexual nature” as referred to in clause 2.2 above includes making a statement of a sexual nature to the person harassed, or in their presence, whether the statement is made orally or in writing.

2.4 Types of behaviour which constitute harassment include but are not limited to:

2.4.1 Written, verbal or physical abuse, threats or intimidation;

2.4.2 The display of visual material which is offensive or which one ought to know is offensive;

2.4.3 unwelcome remarks jokes, comments, innuendo or taunting about a person’s looks, body, attire, age, race, religion, sex or sexual orientation;

2.4.4 leering or other suggestive or obscene comments or behaviour;

2.4.5 condescending, paternalistic or patronising behaviour which undermines self-esteem, diminishes performance or adversely affects working conditions;

2.4.6 practical jokes which cause awkwardness or embarrassment, endanger a person’s safety or negatively affect performance;

2.4.7 unwanted physical contact including touching, petting, pinching or kissing;

2.4.8 unwelcome sexual flirtations, advance requests or invitations; or

2.4.9 physical or sexual assault.

2.5 Sexual harassment most commonly occurs in the form of behaviour by males towards females; however, sexual harassment can occur between people of any gender and is proscribed by this Code.

2.6 Even if the act of sexual harassment is not intentional or there is no evidence to prove the intention, it amounts to sexual harassment once the act meets the definition of sexual harassment set out above.

2.7 A single incident may also amount to sexual harassment.



2.8 For the purposes of this Code, retaliation against a person:

2.8.1 for having filed a complaint under this Code;

2.8.2 for having participated in any action under this Code; or

2.8.3 for having been associated with a person who filed a complaint or participated in any procedure under this Code, will be treated as discrimination by way of victimisation and will not be tolerated.

2.9 For the sake of clarity, the application of this Code is not limited to sexual harassment and will cover any circumstances or types of behaviour that can constitute harassment pursuant to clause 2.1 above.

3. RESPONSIBILITY AND PROCEDURE

3.1 HKPA Executive Committee and the Panel shall be responsible for the implementation of this Code, including:

3.1.1 investigating formal complaints of harassment in a sensitive, responsible and timely manner and imposing appropriate disciplinary or corrective measures when a complaint of harassment has been substantiated, regardless of the position or authority of the offender (as set out in clauses 4-9 of this Code);

3.1.2 providing advice to persons who experience harassment;

3.1.3 informing both complainants and respondents of the procedures contained in this Code and of their rights under the law; and

3.1.4 reviewing the terms of this Code at least annually to ensure that they adequately meet HKPA's legal obligations and public policy objectives.

4. LODGING A COMPLAINT

4.1 Where a person ("the Complainant") believes he, she or another person has been subject to harassment under this Code, the Complainant may lodge a complaint with the HKPA Chairman. In the event that the HKPA Chairman is involved in a complaint which is made under this Code, the complaint shall be forwarded to the HKPA Vice Chairman, who shall appoint an alternative to deal with the complaint.

4.2 A complaint must:

4.2.1 be in writing;

4.2.2 outline the circumstances of the allegations made; and



4.2.3. if possible, be accompanied by supporting documentation.

4.3 Lodging of a complaint under this Code does not affect the Complainant's rights to lodge complaints with the Equal Opportunities Commission, reporting to the police, or filing a law suit.

5. PROCEDURE FOLLOWING RECEIPT OF COMPLAINT

5.1 Complaints shall be dealt with in line with the principles of fairness, confidentiality, promptness, transparency, protection for complainants and witnesses, discretion, and avoidance of conflict of interest.

5.2. The HKPA Chairman shall upon receipt of a complaint:

5.2.1 inform the person alleged to have contravened the Code ("the Respondent") of the complaint and provide the Respondent with both a copy of the complaint and an opportunity to respond in writing; and

5.2.2 conduct or procure the conduct of an investigation into the allegations made in the complaint, which investigation may include, but is not limited to:

5.2.2.1 compiling a list of witnesses;

5.2.2.2 obtaining a written statement from any available witness; and

5.2.2.3 obtaining other evidence.

5.3 When the investigation is completed, the HKPA Chairman may:

5.3.1 dismiss the complaint if he/she believes it is frivolous or vexatious; or

5.3.2 form a panel ("the Panel") to determine the complaint pursuant to Clause 6 of this Code.

5.4 The HKPA Chairman may delegate to an officer or agent of HKPA any of his or her powers or functions under this Code.

6. COMMITTEE HEARINGS

6.1 In the case of a complaint of sexual harassment, the Panel shall be composed of almost equal number of member of both sexes.

6.2 Following referral of a complaint under clause 5.3.2 of this Code, the Panel shall:

6.2.1 be sent all material arising from the investigation of the HKPA Chairman; and

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6.2.2 promptly arrange a hearing after considering the availability of the persons affected.

6.3 Hearings conducted by the Panel into complaints will not be open to members of the public.

6.4 All persons required at the hearing shall attend punctually at the time and place designated.

6.5 The Panel will hear and decide the complaint in a manner to be determined by it.

7. PENALTY

7.1 If the Panel finds the complaint or any part of it proven it may apply any one or more of the following penalties:

7.1.1 the imposition of a suspension of between one (1) month up to a maximum of a lifetime's suspension;

7.1.2 banning the Respondent from holding (or continuing to hold) any position within HKPA or a member of HKPA, including as an employee, contractor, official or officer;

7.1.3 reprimanding the Respondent;

7.1.4 filing the complaint against the Respondent with the Equal Opportunity Commission and/or report to the police for serious cases

8. DECISION OF THE PANEL

8.1 The Panel will advise its decision and provide a written statement of the findings to the Respondent, the person who initiated the report and the HKPA Chairman as soon as practicable following the hearing.

8.2 HKPA may, in its absolute discretion, issue a public announcement regarding any decision of the Panel made under this Code after the decision has been communicated to the parties pursuant to Article 8.2. The public announcement of the decision may include details of the offences committed under this Code and of the sanctions imposed, if any. Until such time as a public announcement is published, all parties and participants in the proceedings shall treat such proceedings as strictly confidential.

9. APPEAL

9.1 Both the person harassed and the Respondent have the right of appeal against the decision of the Panel.