



HONG KONG SAILING FEDERATION (“HKSF”)

Code of Equal Opportunities

September 2021

1. PRINCIPLES

- 1.1. Everyone has the right to be respected and be equally treated.
- 1.2. Discrimination 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), Family Status Discrimination Ordinance (Cap. 527), and the Race Discrimination Ordinance (Cap. 602).
- 1.3. This Code shall follow, as practicable as possible, Language Services Policy published by the Equal Opportunities Commission of HKSAR.
- 1.4. This Code should be read in conjunction with HKSF Common Code of Conduct, HKSF Code of Conduct for Instructors and Coaches, and HKSF Policy and Guidelines on Prevention of Sexual Harassment, and applies all individuals acting on behalf of HKSF whether paid or voluntarily.
- 1.5. Discrimination can lead to disciplinary measures, civil liability, and even criminal consequences.
- 1.6. Hong Kong Sailing Federation (“HKSF”) is committed to providing a sport environment free of discrimination on the grounds of sex, marital status, pregnancy, breastfeeding, disability, family status and race.
- 1.7. In respect to Clause 1.6, HKSF also promotes equality of opportunities between persons with and without a disability and irrespective of family status and race.
- 1.8. This Code applies to discrimination which occurs during the course of any HKSF business, activities, competitions, matches or events.

2. DEFINITIONS

- 2.1. A person discriminates against a second person when he/she:
 - 2.1.1. Makes a decision based on grounds described in Clause 1.6 instead of tangible criteria set out in relevant evaluation document, such as but not limited to, Statement of HKSF Policy on Asian Games or Olympic Classes; HKSF Squad Selection Guidelines; Para Sailing Selection Guidelines, or,

- 2.1.2. Engages 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 due to grounds described in Section 1.6; or
 - 2.1.3. Displays visual material which is offensive or which one ought to know is discriminative, or
 - 2.1.4. Delivers unwelcome remarks jokes, comments, innuendo or taunting about a person's looks, body, attire, age, race, religion, sex or sexual orientation; or
 - 2.1.5. Initiates condescending, paternalistic or patronizing behaviour which undermines self-esteem, diminishes performance or adversely affects working conditions.
- 2.2. For the purposes of this Code, retaliation against a person:
- 2.2.1 For having filed a complaint under this Code; or
 - 2.2.2 For having participated in any action under this Code; or
 - 2.2.3 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 victimization and will not be tolerated.

3. RESPONSIBILITY AND PROCEDURE

- 3.1. The Council of HKSF shall be responsible for the implementation of this Code, including:
- 3.1.1. Investigating formal complaints of discrimination in a sensitive, responsible and timely manner and imposing appropriate disciplinary or corrective measures when a complaint of discrimination has been substantiated, regardless of the position or authority of the offender;
 - 3.1.2. Providing advice to persons who experience discrimination;
 - 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 HKSF'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 discrimination committed by HKSF or its personnel, the Complainant may lodge a complaint to the Secretary General or the HKSF's delegated personnel. In the event that Secretary General or the

HKSF's delegated personnel is involved in a complaint which is made under this Code, the complaint shall be forwarded to the President of HKSF.

- 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. Be accompanied by supporting documentation if possible.
- 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 COMPLAINTS

- 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 Secretary General, or the HKSF's delegated personnel, or the President of HKSF 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. Seek the appointment of an Investigation Group by the Council.
- 5.3. The Investigation Group shall conduct an investigation into the allegations made in the complaint, which investigation may include, but is not limited to:
 - 5.3.1. Compiling a list of witnesses;
 - 5.3.2. Obtaining a written statement from any available witness; and
 - 5.3.3. Obtaining other evidence.
- 5.4. When the investigation is completed, the Investigation Group may:
 - 5.4.1. Dismiss the complaint if the Investigation Group determines that ~~he/she believes~~ it is frivolous or vexatious; or
 - 5.4.2. Refer the complaint to a Conciliation Panel (if the Respondent is HKSF) or a Disciplinary Panel (if the Respondent is HKSF personnel) formed and approved by the Council.
- 5.5. The Conciliation Panel shall consist of an Officer and 2 Council Members and is set up for the purpose of negotiation and reaching a settlement with the Respondent.

- 5.6. The Disciplinary Panel shall consist of Council Members and external professional or reputable individuals who have absolutely no conflict of interest in the case. The minimum number of Panel Members is 3.

6. DISCIPLINARY PANEL HEARINGS

- 6.1. Following referral of a complaint under clause 5.4.2 of this Code, the Disciplinary Panel shall:
 - 6.1.1. Be sent all material arising from the investigation of the Investigation Panel; and
 - 6.1.2. Promptly arrange a hearing after considering the availability of the persons affected.
- 6.2. Hearings conducted by the Disciplinary Panel into complaints will not be open to members of the public.
- 6.3. All persons required at the hearing shall attend punctually at the time and place designated.
- 6.4. The Disciplinary Panel may consult the Equal Opportunities Commission for advice.
- 6.5. The Disciplinary Panel will hear and decide the complaint in a manner to be determined by it.

7. PENALTY

- 7.1. If the Disciplinary 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 banning or expulsion of the Respondent from holding, or continuing to hold, membership of HKSF or any position within HKSF, including as an employee, contractor, supplier, sponsor, volunteer, instructor, coach, official or officer;
 - 7.1.2. The requirement of the Respondent to undergo counselling for a specified time for reduction of penalty under Clause 7.1.1.
 - 7.1.3. The requirement of the Respondent to perform voluntary service to sailing or the community;
 - 7.1.4. The requirement of the Respondent to pay restitution; and
 - 7.1.5. A reprimand to the Respondent.

8. DECISION OF THE DISCIPLINARY PANEL

- 8.1. The Disciplinary Panel will advise its decision and provide a written statement of the findings to the Respondent, the person who initiated the report and HKSF Council as soon as practicable following the hearing.
- 8.2. The HKSF Council may, in its absolute discretion, issue a public announcement regarding any decision of the Disciplinary Panel made under this Code after the decision has been communicated to the parties pursuant to Clause 8.1. The public announcement of the decision may include details of the complaint made 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 being discriminated against and the Respondent have the right of appeal against the decision of the Disciplinary Panel to HKSF Council within 28 days after being informed of the decision.
- 9.2. The HKSF Council shall appoint an Appeal Panel whose members shall not be HKSF Council members. The Appeal Panel will decide how to hear the appeal and if further investigation is to be conducted. The decision of the Appeal Panel on the appeal is final and binding on the Complainant and the Respondent.