The Judo Association of Hong Kong, China

Guidelines and Procedures on Equal Opportunities

Effective: September 2026

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The Judo Association of Hong Kong, China
Guidelines and Procedures on Equal Opportunities

Objective:

To promote equal opportunities and avoid discrimination in all aspects of daily operation of The Judo Association of Hong Kong, China (the Association), and to ensure all individuals will be treated equally regardless of age, disability, sex, marital status, pregnancy, breastfeeding, race, family status and religious belief.

It applies to all Board Directors, Committee Members, and staff irrespective of their terms of employment, i.e., including short-term contract or part-time staff, members, athletes, coaches, umpires, and every person involved in the Association's business, activities, competitions, matches or events.

1. Forms of Discrimination

1.1 Forms of discrimination as defined by the Equal Opportunities Commission ("EOC") are detailed as follows:

1.1.1 **Direct Discrimination:** occurs when someone is treated less favourably than another person because of a protected characteristic.

1.1.2 **Indirect Discrimination:** occurs when a requirement or condition is applied to everyone, but in practice adversely affects people sharing a protected characteristic because it is less likely for them to be able to comply with that requirement or condition.

1.1.3 **Harassment:** consists of sexual harassment and other harassment, which is an unwelcome conduct on account of a person's disability where it can be reasonably anticipated that the person would be offended, humiliated or intimidated.

1.1.4 **Victimization:** occurs when a person treats another person (the victimized person) less favourably than in those circumstances he/she treats or would treat other persons, and does so by reason that the victimized person or any other person (the third person) has made or intends to make a complaint, or has furnished or intends to furnish information or document in relation to the complaint under the policy of discrimination.

1.1.5 **Sex Discrimination:** it is unlawful under the Sex Discrimination Ordinance (Cap.480) ("SDO") to discriminate against a person on the ground of sex, marital status, pregnancy or breastfeeding in prescribed areas of activities, including:

- Employment
- Education
- Provision of goods, services and/or facilities
- Disposal and/or management of premises
- Eligibility to vote for and to be elected or appointed to advisory bodies

- Participation in clubs
- Activities of the Government

1.1.6 **Disability Discrimination:** the Disability Discrimination Ordinance (Cap. 487) ("DDO") renders unlawful certain acts which discriminate against a person on the ground of disability when committed in prescribed areas of activities, including:

- Employment
- Education
- Provision of goods, services and/or facilities
- Access to premises
- Disposal and/or management of premises
- Participation in clubs and sporting activities
- Activities of the Government

1.1.7 **Family Status Discrimination:** under the Family Status Discrimination Ordinance (Cap. 527) ("FSDO"), it is unlawful to discriminate against a person on the ground of family status. "Family status" means the status of having a responsibility for the care of an immediate family member, and "immediate family member", in turn, means a person who is related to someone by blood, marriage, adoption or affinity. Victimization is also unlawful under the FSDO. The areas of activities for which a person may lodge a complaint under the FSDO includes:

- Employment
- Education
- Provision of goods, services and/or facilities
- Disposal and/or management of premises
- Eligibility to vote for and to be elected or appointed to advisory bodies
- Participation in clubs
- Activities of the Government

1.1.8 **Race Discrimination:** the Race Discrimination Ordinance (Cap. 602) ("RDO") protects people against discrimination, harassment, and vilification on the ground of their race. Victimization is also unlawful under the RDO. "Race" means the race, colour, descent, national or ethnic origin of a person. Under the RDO, it is unlawful to discriminate, harass or vilify a person on the ground of his/her race in prescribed areas of activities, including:

- Employment
- Education
- Provision of goods, services and/or facilities
- Disposal and/or management of premises
- Eligibility to vote for and to stand for election to public bodies, etc.
- Participation in clubs

2. Principles for Employment

2.1 As an employer, the Association shall act in a manner with the following principles:

2.1.1 No wordings or images related to stereotype of particular groups or descriptions that may discourage particular groups from application (e.g., female/male only) shall be used on the job advertisement;

2.1.2 No questions which may lead to an intentional discrimination of a protected characteristic (e.g., marital status or pregnant plan) shall be asked to the applicants during the interview;

2.1.3 Applicants shall not be asked about his/her health or disability during the interview, unless such questions are necessary to access if his/her fitness to perform his/her duty;

2.1.4 Selection of employment, promotion and training or other benefits shall be made on the basis of one's merit and ability, none of the ethnic group, gender, sexual orientation, religion, age, or any other protected characteristic shall be considered as a decisive factor; and

2.1.5 Ensure an open and fair pathway to management positions is open to all employees.

3. Principles for Athlete Selection

3.1 The Association shall comply with the following principles during the athlete selection process:

3.1.1 Ensure the selection criteria and selection method are open to everyone;

3.1.2 Selection of athlete shall be on the basis of his/her merit and ability, none of the ethnic group, sexual orientation, religion, [age (unless required by the Event owner)], or any other protected characteristic shall be considered as a decisive factor; and

3.1.3 Ensure every athlete has an equal right to be evaluated and to appeal against the selection results regardless of their protected characteristic.

4. Complaints on Discrimination

<u>Lodging a Complaint</u>

4.1 An individual who believes himself/herself has been subject to harassment, discrimination or victimization may lodge a complaint. Making a delayed complaint can cause difficulties to the investigation and the collection of evidence. The Association shall ensure that the complainant is protected from retaliation because of lodging a complaint in good faith.

4.2 Every person has a right to lodge a complaint on discriminations. A third party who witnesses discriminations can also report the incident to:

4.2.1 The Association;

4.2.2 The EOC and request investigation, conciliation or legal assistance (telephone number: 2511-8211). There is a time bar for lodging a complaint with the EOC. If the complainant intends to lodge a complaint with EOC,

he/she should take action within 12 months after the incident occurred. Otherwise, EOC will not handle the case unless there are justifiable reasons for the delay. For enquiries or lodging of complaints, please refer to EOC's website: http://www.eoc.org.hk/eoc/graphicsfolder/complaint.aspx; and/or

4.2.3 File a civil lawsuit against the harasser as the complainant may deem fit. It is advisable that any decision to take legal proceedings to the District Court should be made within two years from the date of the incident.

4.3 The Association's internal mechanism for handling discrimination does not affect the lodging of complaints with EOC, reporting to the police or filing a lawsuit.

4.4 When lodging a complaint, the following information should be provided:

4.1.1 Name and contact information of the complainant;

4.1.2 Date(s) when the incident(s) occurred;

4.1.3 Facts of the alleged incident(s);

4.1.4 Any loss or harm caused from the unlawful act;

4.1.5 Any other supporting information;

4.1.6 Name and contact information of the witness(es) and his/her statement (if any); and

4.1.7 Any other applicable documents.

Handling a Complaint

4.5 Complaint shall be handled in line with the principles of fairness, promptness, transparency, protection for complainant and witness, and avoidance of conflict of interest.

4.6 The Association shall ensure confidentiality is maintained throughout the handling process to the extent that it is practical and appropriate under the given circumstances.

4.7 The Association should set the time frame for handling the complaint, i.e. specified the time frame for acknowledging the complaint, completion of enquiries and/or conduct of conciliation.

4.8 Any person who is the respondent or involved in the complaint should avoid handling the complaint. The complaint should only be dealt with by an independent person.

4.9 The Association will not tolerate retaliation or victimization of any complainant for reporting an allegation of harassment or assisting or participating in any manner in any investigation into the alleged harassment. Retaliation or victimization is a form of harassment and those engaged in such will be subject to the same procedures set up in these guidelines and procedures.

4.10 Upon receiving a complaint, an acknowledgement of the complaint should be made within the specified period of receipt of the complaint. The responsible person should report it to the Board of Directors/responsible functional committee who shall assign a unique document file number for individual complaint case. The Board of Directors shall appoint a designated person to handle the complaint if no functional committee or department is established for handling discrimination.

4.11 The responsible person/functional committee appointed by the Board of Directors will conduct preliminary enquiries to decide whether to proceed the complaint through conciliation or investigation as soon as practicable or within the specified period from the date of receiving the complaint.

4.11.1 Conciliation

- If it is deemed appropriate and the complainant agrees to attempt conciliation, the responsible person/functional committee appointed by the Board of Directors shall assist the complainant to identify the cause and examine the issues that lead to the complaint and identify any points of agreement which may lead to a resolution on the complaint;
- If a mutual agreement can be reached, the terms of agreement will be written down and signed by both parties under the witness of the responsible person/functional committee appointed by the Board of Directors; and
- If the complainant does not agree to attempt conciliation, or an agreement cannot be reached after the conciliation, the complaint will be proceeded for further investigation.

4.11.2 Investigation

- The responsible person/functional committee appointed by the Board of Directors shall take the lead in conducting the investigation on the allegations made by the complainant. This will involve conducting interviews with the complainant, respondent, witness(es) and any other parties concerned, reviewing and analyzing relevant documents; and
- Upon conclusion of the investigation, the responsible person/functional committee shall submit a written fact-finding report to the Board of Directors for consideration. The report shall consist of the following:
  - A statement of the issues under review;
  - The allegations made by the complainant;
  - The evidence adduced in support of the allegations;
  - The response of the respondent towards the allegations;
  - The evidence adduced in rebuttal of the allegations;
  - The finding of facts subsequent to the investigation; and
  - Conclusion on the findings of the allegations.

<u>Resolving the Complaint</u>

4.12 When the investigation is completed, the responsible person/functional committee shall communicate the findings and intended actions to the complainant and the perpetrator. If the alleged harassment, discrimination or victimization is found to have occurred, appropriate corrective and/or disciplinary action shall be taken

4.13 If the responsible person/functional committee decide not to proceed the complaint or not to take any disciplinary action against the perpetrator, the reason for the

decision should be conveyed to the complainant. If the complainant is not satisfied with the result, he/she can lodge an appeal.

4.14 If the complainant reports the issue to EOC, the police or file a civil lawsuit, depending on the seriousness of the incident and the role of the alleged perpetrator, the Association may take the following steps regarding the alleged perpetrator:

If the alleged perpetrator is a staff of the Association	a) If the case is under investigation by relevant law enforcement agencies/EOC, the alleged perpetrator will be assigned other duties where he/she will not be in contact with the complainant/the informant/other parties involved or will be suspended from duty without pay according to Sections 9 and 11 of the Employment Ordinance (Cap. 57). b) If there is insufficient evidence to proceed with charges by relevant law enforcement agencies or the staff is acquitted from the criminal charges, but during investigation it was revealed that the staff was involved in inappropriate behaviours, the case will be recorded in the staff's personnel file for record. In addition, his/her case will be subject to a disciplinary review according to the Staff Handbook of the Association. Disciplinary sanctions will be given subject to the outcome of review. If after review, it is found that the staff is suitable to return to work, he/she will be offered support and training, as appropriate. c) If the alleged perpetrator is found or pleads guilty, he/she will be subject to disciplinary actions in accordance with the Code of Conduct of the Association or even dismissed depending on the circumstances.
If the alleged perpetrator works for the Association on a voluntary basis (e.g., Board Directors / Committee Member / Representative / Volunteer)	a) If the case is under investigation by relevant law enforcement agencies/EOC, the alleged perpetrator will be assigned other duties where he/she would not be in contact with the complainant/the informant/other parties involved or will be suspended from his/her role. b) If there is insufficient evidence to proceed with charges by relevant law enforcement agencies or the alleged perpetrator is acquitted from the criminal charges, but during investigation it was revealed that he/she was involved in inappropriate behaviours, his/her case will be subject to a disciplinary review and to be endorsed by the Board of Directors according to the Code of Conduct of the Association. His/her case will be subject to a disciplinary review according to the Staff Handbook of

	the Association. Disciplinary sanctions will be given subject to the outcome of review. Whether the alleged perpetrator can return to his/her role and complete the remaining tenure will be subject to the final decision of the Board of Directors. c) If the alleged perpetrator is found or pleads guilty, he/she will be subject to disciplinary actions in accordance with the Code of Conduct of the Association. The Association reserves the right to terminate the appointment with the perpetrator.
If the alleged perpetrator is a member of staff of a contractor of the Association	a) The Association will request the relevant company to change the staff concerned, pending the investigation outcome of the relevant law enforcement agencies/EOC. b) The Association reserves the right to terminate the contract with the relevant company if no other staff is available.
If the alleged perpetrator is not directly related to the Association	The Association will report the incident to the relevant law enforcement agencies/EOC for handling and follow the subsequent advice on any follow-up steps.

Appeal

4.15 Both the person being discriminated against and the perpetrator have the right to appeal against the decision. To initiate an appeal, a written statement has to be submitted to the Board of Directors.

4.16 The Board of Directors may determine whether to reopen the case or seek for external helps within a specified period from the date of receiving the written appeal.

4.17 A flow chart on handling complaints on discrimination is appended in ***Appendix I*** for reference.

5. Enquiries

For enquiries or complaints, please feel free to contact the Secretariat at 2504 8360 or email to secretary@hkjudo.org . Views or comments on the guidelines and procedures are welcomed by way of email or post.

*This document will be reviewed every five years.

Appendix I

Flowchart on Handling Complaints on Discrimination

