



THE KENDO ASSOCIATION OF HONG KONG, CHINA GUIDELINES AND PROCEDURES ON EQUAL OPPORTUNITIES

Objective: To promote equal opportunities and avoid discrimination in all aspects of the operations of the Kendo Association of Hong Kong, China Limited ("HKKA"), and to ensure that all individuals are treated equally regardless of age, disability, sex, marital status, pregnancy, breastfeeding, race, family status or religious belief, consistent with article 79 of Part B of the Articles of Association.

This document applies to all Executive Committee Members, Senate Members, members of any committee or sub-committee of the Executive Committee, and to staff, coaches, referees, athletes and members of the HKKA, irrespective of the terms on which they are engaged (including short-term, part-time or voluntary capacities), and to every other person taking part in HKKA's business, activities, competitions, matches or events.

1. Forms of Discrimination

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

- (a) Direct discrimination: treating someone less favourably than another person because of a protected characteristic.
- (b) Indirect discrimination: applying a requirement or condition to everyone which, in practice, adversely affects people sharing a protected characteristic because it is less likely that they can comply with it.
- (c) Harassment: unwelcome conduct on account of a protected characteristic (including disability), in circumstances where it can reasonably be anticipated that the person would be offended, humiliated or intimidated.
- (d) Victimisation: treating a person less favourably because that person, or another person, has made or intends to make a complaint, or has provided information in relation to a complaint, of discrimination.
- (e) Sex discrimination: under the Sex Discrimination Ordinance (Cap. 480), it is unlawful to discriminate against a person on the ground of sex, marital status, pregnancy or breastfeeding in prescribed areas of activity, including employment, education, the provision of goods, services or facilities, the disposal or management of premises, eligibility to vote for or be elected or appointed to advisory bodies, participation in clubs, and activities of the Government.
- (f) Disability discrimination: under the Disability Discrimination Ordinance (Cap. 487), it is unlawful to discriminate against a person on the ground of disability in prescribed areas of activity, including employment, education, the provision of goods, services or facilities, access to and disposal or management of premises, participation in clubs and sporting activities, and activities of the Government.
- (g) Family status discrimination: under the Family Status Discrimination Ordinance (Cap. 527), it is unlawful to discriminate against a person on the ground of family status (having responsibility for the care of an immediate family member) in the same

prescribed areas of activity as above. Victimisation is also unlawful under this Ordinance.

- (h) Race discrimination: under the Race Discrimination Ordinance (Cap. 602), it is unlawful to discriminate against, harass, or vilify a person on the ground of race (including colour, descent, or national or ethnic origin) in the same prescribed areas of activity as above. Victimisation is also unlawful under this Ordinance.

2. Principles for Employment

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

- (a) no wording or imagery reflecting a stereotype of a particular group, or that may discourage a particular group from applying (e.g. “female/male only”), shall be used in a job advertisement;
- (b) no question that may lead to intentional discrimination on the ground of a protected characteristic (e.g. marital status or pregnancy plans) shall be asked of an applicant at interview;
- (c) an applicant shall not be asked about their health or disability at interview, unless necessary to assess their fitness to perform the role;
- (d) selection for employment, promotion, training or other benefits shall be made on the basis of merit and ability, and no protected characteristic shall be a decisive factor; and
- (e) an open and fair pathway to management positions shall be available to all employees.

3. Principles for Athlete Selection

3.1 The HKKA shall comply with the following principles in its athlete selection process:

- (a) the selection criteria and selection method shall be open to everyone;
- (b) selection of an athlete shall be on the basis of merit and ability, and no protected characteristic shall be a decisive factor, save that age may be taken into account where required by the criteria of the relevant event owner or governing body (e.g. an age-grade competition category); and
- (c) every athlete shall have an equal right to be evaluated, and to appeal against a selection result, regardless of any protected characteristic, in accordance with the HKKA Guidelines and Procedures on Appeals.

4. Making a Complaint

4.1 An individual who believes they have been subject to discrimination, harassment or victimisation may lodge a complaint with the HKKA. A complaint is made, received, investigated and determined under the HKKA Guidelines and Procedures on Handling of Complaints, and any appeal is handled under the HKKA Guidelines and Procedures on Appeals. This document does not itself provide a separate complaint-handling, investigation or appeal mechanism.

4.2 A person who believes they have been discriminated against, or a witness to discrimination, may also: report the matter to the EOC and request investigation, conciliation or legal assistance (telephone: 2511-8211; website for lodging a complaint: <http://www.eoc.org.hk/eoc/graphicsfolder/complaint.aspx>); or file a civil lawsuit against

the alleged discriminator. There is a time bar for lodging a complaint with the EOC (ordinarily within 12 months of the incident, save where the EOC accepts a justifiable reason for delay) and for civil proceedings (a decision to commence District Court proceedings should ordinarily be made within 2 years of the incident). The HKKA's internal mechanism does not affect these rights.

5. Enquiries

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