

CRICKET HONG KONG:  
1019 Olympic House,  
1 Stadium Path, So Kong Po,  
Causeway Bay,  
Hong Kong  
香港銅鑼灣掃桿埔大球場徑一號 奧運大樓 1019 室



# **ANTI-HARASSMENT CODE FOR PLAYERS, PLAYER SUPPORT PERSONNEL AND STAFF**

***Effective from 15 December 2017***

**FAO: HEAD OF INTEGRITY**

## **ANTI-HARASSMENT CODE FOR PLAYERS, PLAYER SUPPORT PERSONNEL AND STAFF (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 Cricket Hong Kong (“**CHK**”) 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. CHK will not tolerate harassment.
- 1.5 CHK encourages the reporting of all incidents of harassment, regardless of who the offender may be.
- 1.6 This Code applies to all persons subject to the CHK Code of Behaviour, as well as officials of CHK members and all CHK staff.
- 1.7 This Code applies to harassment which occurs during the course of any CHK 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
- 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 CHK in conjunction with the Code of Behaviour Committee (as established by Article 3 of the CHK Code of Behaviour (“the **Code of Behaviour**”)) 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 CHK'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 CHK Head of Integrity (usually the Chief Executive Officer). In the event that the CHK Head of Integrity is involved in a complaint which is made under this Code, the complaint shall be forwarded to the CHK Chairman, who shall appoint an alternative to deal with the complaint.
- 4.2 A complaint must:
  - 4.2.2 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 CHK Head of Integrity 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 CHK Head of Integrity may:
  - 5.3.1 dismiss the complaint if he/she believes it is frivolous or vexatious; or
  - 5.3.2 refer the complaint direct to a CHK Code of Behaviour Committee (“the **Committee**”) to determine the complaint pursuant to Clause 6 of this Code.
- 5.4 The CHK Head of Integrity may delegate to an officer or agent of CHK 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 Committee shall be composed of almost equal number of member of both sexes.
- 6.2 Following referral of a complaint under clause 5.4.2 of this Code, the Committee shall:
  - 6.2.1 be sent all material arising from the investigation of the CHK Head of Integrity; and
  - 6.2.2 promptly arrange a hearing after considering the availability of the persons affected.
- 6.3 Hearings conducted by the Committee 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 Committee will hear and decide the complaint in a manner to be determined by it.

## **7. PENALTY**

- 7.1 If the Committee 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 the imposition of a fine of no more than HK\$10,000;
  - 7.1.3 banning the Respondent from holding (or continuing to hold) any position within CHK or a member of CHK (including any T20 Blitz team or similar), including as an employee, contractor, official or officer;
  - 7.1.4 require the Respondent to undergo counselling for a specified time;
  - 7.1.5 require the Respondent to perform voluntary service to cricket or the community;
  - 7.1.6 reprimand the Respondent; and/or
  - 7.1.7 in the case of CHK staff, refer the Respondent to an employee disciplinary tribunal.

## **8. Decision of the Committee**

- 8.1 The Committee will advise its decision and provide a written statement of the findings to the Respondent, the person who initiated the report and the CHK Head of Integrity as soon as practicable following the hearing.
- 8.2 CHK may, in its absolute discretion, issue a public announcement regarding any decision of the Committee made under this Code after the decision has been communicated to the parties pursuant to Article

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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 Committee. The appeal will be conducted in accordance with the appeals process set out in Article 7 of the CHK Code of Behaviour.