



# Hong Kong expands anti-discrimination protections

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Recently enacted changes to Hong Kong’s anti-discrimination legislation will increase individuals’ protections from discrimination and harassment. Most of the measures took effect on 20 Jun 2020, but provisions aimed at protecting breastfeeding women from discrimination take effect on 19 Jun 2021. The measures feature in the [Discrimination Legislation \(Miscellaneous Amendments\) Ordinance 2020](#) and amend four discrimination ordinances — sex, disability, family status and race.

## Highlights

- **Workplace harassment.** Protections against sexual, racial and disability harassment now include interns, volunteers and barristers’ pupils. Previously, only employees, employers, contract workers, principals, commission agents and partners were protected. Now, all workers are referred to as “workplace participants.” Interns could also be liable for claims of harassment against other individuals in the workplace, and employers could be vicariously liable for harassment acts they commit.
- **Discrimination and harassment by association.** Individuals treated less favorably because of their association with another person of a certain race have protection from direct discrimination and harassment. “Associates” include spouses, another person who is living with the person on a genuine domestic basis, relatives or carers of a protected person, and individuals who are in business, sporting or recreational relationships with a protected person. Race protections are also extended to those assumed to be of a particular race.
- **Lack of intention to discriminate.** Victims of indirect discrimination can now claim damages against defendants who say they didn’t have any discriminatory intent. Previously, the absence of an intention to discriminate precluded individuals from claiming damages.

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- **Breastfeeding women.** From 19 Jun 2021, women who are breastfeeding or expressing breast milk, and who are employed in key sectors including education, employment and the provision of goods, services and facilities, will be protected from direct and indirect discrimination and victimization. A separate bill that would prohibit harassment on grounds of breastfeeding was published in January 2020 and, if agreed to, will take effect on 19 Jun 2021.

### Related resources

#### Non-Mercer resources

- [Announcement](#) (EEOC, 11 Jun 2020)
- [Discrimination Legislation \(Miscellaneous Amendments\) Ordinance 2020](#) (Hong Kong Gazette, 19 Jun 2020)

#### Mercer Law & Policy resource

- [Hong Kong to prevent harassment of breastfeeding women](#) (6 Feb 2020)

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