

Sexual Harassment

Speech Presented by Zarizana Abdul Aziz during the Handover Ceremony of Signature Petition on Stop Sexual Harassment by Joint Action Group (JAG) Against Violence against Women on 30 June 2000

YB Dato' Dr Fong Chan On, Minister of Human Resource, ladies and gentlemen,

Early this year, six women came to the Women's Crisis Centre in Penang. They were angry, distraught, frustrated and scared. Two of them had resigned and four were afraid that they would be suspended after the New Year holidays.

They were helpless. We were helpless as we too stood by and watched as one by one they were dismissed. It was this sense of helplessness that made us again pick up the issue of legislation for sexual harassment.

We laud the adoption by the Ministry of the Code of Practice on Prevention and Eradication of sexual harassment at the workplace. It was the first definitive official statement on sexual harassment and sends a clear message that sexual harassment is unacceptable.

The Code was influential in creating awareness that sexual harassment violates a person's dignity and safety. It gives victims, mainly women, a sense of hope that their sexual harassment complaints shall receive redress. It gives them the courage to speak out against sexual harassment.

But the Code stops short of :

1. compelling employers to adopt it; and
2. providing details on grievance procedures to be adopted when dealing with sexual harassment complaints.

So what do we have? On the one hand, we have awareness; this creates hope and courage. But when it comes to the crunch, there is no redress.

To be able to work in a sexual harassment-free environment is a right; not a privilege bestowed only on those workers who are fortunate enough to work for sensitive and responsible employers.

Minister, half the workforce in Malaysia is women. That workforce is waiting to be guaranteed the right to a sexual harassment-free environment. To deny this right to women is to deny women equal opportunity to seek employment and advancement at the workplace.

Minister, to many employers, sexual harassment is a new issue.

Because it is new, employers may not even be vigilant enough to recognise sexual harassment, let alone stop it;

Because harassers are normally superior or otherwise good employees, sexual harassment complaints are not believed;

Because it does not necessarily happen on the factory floor but also in the boardroom, sexual harassment is not solely a union issue;

Because employers may not have dealt with sexual harassment, they are ill-equipped to deal with complaints;

Because there is no detailed guidelines on grievance procedures for sexual harassment, employers are forced to rely on normal in-house enquiry mechanism;

Because sexual harassment is complex and involves at least 2 parties, such normal procedures are not adequate;

Because it is easier to deny the existence of a problem, it is easier to view complaints as damaging a company's reputation;

Because employers are not guaranteed a sexual harassment-free workplace, morale and productivity at the workplace is low.

So Minister, it is in the interest of all parties to have an unequivocal statement of law on sexual harassment.

If the law is clear, it will set a standard of behaviour at the workplace. You and I will be guided by it and can adopt that acceptable behaviour. If the standard is breached, the complainant will know whom to approach and what to expect. She will be able to access her rights without fear of retaliation.

The grievance procedure, having been set up under the law, will allow the employer and alleged harasser to know where they stand and exactly what the next step is.

Thus the complaint can be expeditiously disposed of.

Minister, legislation is the only way to set us on the path towards eradicating sexual harassment.

Most of us in the Joint Action Group (JAG) are not unknown to the government. We have had a long history of engaging and working with the government to address issues of violence against women.

JAG worked with the Ministry of National Unity and Social Development and the Attorney-General's Chambers in the difficult task of legislating on domestic violence. The Domestic Violence Act, when passed signalled to the world that Malaysia is a forerunner in creating violence-free homes.

We invite you now, Minister to consider this our proposal.

We invite you to draw on our collective pool of experience from working with women, our research findings and our resources.

We invite you to engage us in consultation research and discussion.

We urge you, Minister, in the names of over 12,000 other Malaysians who took time to sign the petition and 63 organisations representing thousands more to underline the government's commitment to the goal of equal opportunity for all Malaysians.

LEGISLATE NOW!

In the spirit of Malaysia Boleh, we can bring about a sexual harassment-free workplace.