

Legally Speaking

There are some sections in the Penal Code which may give some protection. However, these only cover the physical forms of sexual harassment (e.g. assault or the use of force with intent to outrage the modesty and rape). At the workplace, sexual harassment is now covered under Part XVA of the Employment Act, 1955, unfortunately it has many limitations.

What Can You Do

- **If you are dismissed**

... because you voiced objections against the sexual harassment, you should report to the Industrial Relations Department within 60 days from date of dismissal, citing “unfair dismissal” as provided under the Section 20 Industrial Relation Act 1967. An investigation followed by conciliation will be carried out. The company has to prove that dismissal was just cause.

If the dismissal was found to be unfair, the IRD could recommend reinstatement. If the employer refuses reinstatement, the IRD could recommend compensation in lieu.

If no settlement is reached, the case can be referred to the Minister of Human Resources for further action (refer to Industrial Court).

- **If you resign**

... because the situation got so bad and the company is not taking any action, your resignation can be deemed as “constructive dismissal”. You can lodge a report to the Industrial Relations Department.

For cases of constructive dismissal, you as the complainant will need to prove that you have exhausted various avenues to get the harassment to stop.

There Is More That You Can Do

- **Speak up.** Tell the harasser firmly that his behaviour is unwelcome and that you want it to STOP.
- **If the harassment continues,** talk to someone who can help you. There are people within your workplace who can support you.
- **Record the details of when,** where and how the incidents happen. These can help to establish a case against your harasser.
- **If it is your manager or supervisor** who is harassing you, speak to someone more senior.
- **Suggest to your employer / institution** to adopt a sexual harassment policy as a preventive measure.
- **Offer your support** to colleagues who are being harassed. Check if the person is aware of the steps she / he can take.

**The only thing
you must NOT do
is to do
nothing about it!**

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Updated by Women's Centre for Change, 2014

SEXUAL HARASSMENT IS NOT ACCEPTABLE



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What Is Sexual Harassment

Sexual Harassment is any unwanted conduct of a sexual nature having the effect of verbal, non-verbal, visual, psychological or physical harassment.

*Code of Practice On The Prevention and Eradication of Sexual Harassment In The Workplace
- Ministry of Human Resources, 1999*

Sexual harassment can include:

- unwanted touching, patting, pinching, stroking or brushing up against a person, hugging, kissing, fondling, sexual assault
- comments about your body, leering, wolf whistling, cat calls, insults of a sexual nature, persistently pestering for a date
- displaying or circulating pornographic pictures, drawing sex-based sketches or writing sex-based letters, sexual exposure
- workplace blackmail - i.e. suggestions that sexual favours may further your career (or refusal may hinder it)

The majority of people who are harassed are women. However a small percentage of men do get harassed as well.

Sexual Harassment is a violation of a person's right and is not a small matter.

What People Say About Sexual Harassment

If a woman dresses or behaves in a sexy way, she is asking to be sexually harassed.

When a businessman gets robbed, we do not blame him for being well dressed. We blame the robber. Yet when a woman is sexually harassed, we blame her for the way she looks! There is no excuse for harassment regardless of how the woman looks. Anyone can control their sexual feelings and are entirely responsible for their own actions.

It is a small matter and a bit of fun and flirting: anyway, women enjoy it even if they pretend not to!

Women who are harassed definitely do not agree with this! Sexual harassment is not the same as flirting. Sexual harassment is about being disrespectful! If a person is interested in another person, they show it in a respectful way - not by sexually harassing the person.

Only young women get harassed.

Sexual harassment happens to all women some time in their lives, regardless of their age, physical appearance or marital status. Sexual harassment is about the abuse of power - those who feel and are more powerful, harass and intimidate those who are not.

Women should just ignore sexual harassment.

Many are forced to ignore it, but often feel bad about it. In the workplace specially, research shows that if sexual harassment is ignored, most of the time, it continues or gets worse!

What Are The Effects of Sexual Harassment

Sexual harassment affects you:

- emotionally - depression, at times helpless, strong fear reactions, loss of job motivation, loss of control
- physically - headaches, sleep disturbances, disordered eating, nausea, weight loss or gain, crying spells.

You may feel that it is something that you have to face alone, especially if other people make you feel that something you did or did not do, caused it.

You are not at fault and should not feel that you have to quit your job.

You do not have to face it alone. Talk to someone - your friends, colleagues, family members, personnel officers, union representatives or women's organisations.