

Risque at work

► Sexual harassment remains prevalent, new Bill necessary to address it

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PETALING JAYA: Sexual harassment at the workplace ranges from the subtle to the vulgar, from words to deeds. It can be a suggestive remark or a lewd joke that causes discomfort, or a touch that lingers a little too long. In the worst case scenario, it sinks into angling for sexual favours in exchange for a positive performance appraisal.

Sexual harassment has prevailed for as long as men and women have worked together but in many countries, such as Malaysia, not enough has been done to address the problem.

“Existing laws are simply inadequate to address sexual harassment, nor provide justice or meaningful redress for victims,” Nadiah Nazri, a member of the Kuala Lumpur Bar Committee’s Gender, Equality and Diversity Committee, told *theSun*.

The Employment Act (EA) and the Penal Code, which are the current safeguards, are inadequate, she pointed out.

“Owing to the criminal nature of the Penal Code, there is a high burden of proof that does not address the concerns unique to sexual harassment at the workplace,” she added.

The EA does not provide the victim the right to maintain a legal

suit against the perpetrator, nor are there safeguards against emotional and psychological harm to the victim.

Furthermore, she said the EA does not apply to anyone who does not have an employment contract.

Nadiah stressed that men can be equally vulnerable to sexual harassment.

“Anyone can be affected as long as there is a prevalence of power imbalance, toxic masculinity and the rape culture. Unfortunately for men, this may lead to an unjust assumption that they must accept or appreciate all types of suggestive or sexual overtures they receive.”

“This causes many men to become victims of sexual harassment,” she added.

Nadiah was commenting on a statement by Women, Family, and Community Development Minister Datuk Seri Rina Mohd Harun that the Anti-Sexual Harassment Bill will be tabled in Parliament this year.

In an immediate response to Rina’s announcement, the Joint Action Group for Gender Equality (JAG) described sexual harassment in Malaysia as “prevalent” and that it is detrimental to people and society.

It also agreed that current laws are ineffective in combating sexual harassment.

JAG is a coalition of 14 women’s rights organisations in Peninsular Malaysia, Sabah and Sarawak.

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'Awareness, de-stigmatisation initiatives needed to make it work'

National Council for Women's Organisations (NCWO) president Tan Sri Sharifah Hapsah Syed Hasan Shahabudin agreed that any legislation on sexual harassment should protect both genders.

"While it is widely acknowledged that women are largely the victims, men too can be sexually

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harassed at the workplace."

She pointed out that the changes in government over the past three years and the need to address the pandemic have overshadowed the urgency for a sexual harassment Bill.

"We at NCWO wish to stress the importance of tabling this Bill and we

hope there will be no further delays."

Ypolitics, a non-partisan youth-led initiative that strives to raise political awareness among young Malaysians, pointed to what it refers as "loopholes" in the legislative framework, one of which is the lack of thinking put into the need for equal protection for those engaged in remote or off-site work.

Its representative Nithiyah Tamilwanan said the proposed legislation would have to address these flaws.

She said the legislation would also be ineffective unless it was accompanied by public awareness and de-stigmatisation initiatives.

However, the Malaysian Employers Federation (MEF) said

more debate and consultation are needed.

MEF president Datuk Dr Syed Hussain Syed Husman said there still remains several issues that need to be worked out to clear up any misunderstanding particularly in areas dealing with the workplace as well as employer-employee relationship.