

'Surprise visits can tackle sexual harassment'

KUALA LUMPUR: Fining employers RM10,000 for failing to act on complaints of sexual harassment is one thing, but enforcing the law is another, said a woman trade unionist.

Malaysian Trades Union Congress' women's wing head Noorlaila Aslah said the Human Resources Ministry needed to have a mechanism that recognised sexual harassment in the workplace.

"The ministry's code for eradication of sexual harassment in the workplace is not recognised, adopted or implemented in many companies.

"Many cases are not taken up as the perpetrators are in senior positions and the companies are wor-

ried about their image.

"We want the procedures and mechanism to tackle the problem to be strengthened."

Noorlaila said the ministry should carry out impromptu inspections and goodwill visits to companies.

The Malaysian Employers Federation (MEF) is against the inclusion of sexual harassment in the law.

"Sexual harassment is a serious form of misconduct and companies would take action by dismissing employees," said MEF executive director Shamsuddin Bardan.

He said the ministry should not accept any complaint of wrongful dismissal in such cases as companies

would have sacked workers found guilty of the misdeed.

He asked why sexual harassment as a form of misconduct should be singled out for action compared with other forms of misconduct such as criminal breach of trust.

"This kind of provision in the law will be viewed negatively by foreign companies. They may think that Malaysia has (many) such incidents and that is why such laws exist."

Under Section 2 of the Employment (Amendment) Act 2010, sexual harassment is defined as "any unwanted conduct of a sexual nature, whether verbal, non-verbal, visual, gestural or physical directed, at a

person that is offensive or humiliating or is a threat to his wellbeing arising out of and in the course of his employment".

Women, Family and Community Development Minister Senator Datuk Seri Shahrizat Abdul Jalil was pleased that the Human Resources Ministry had picked up issues involving women for the Employment (Amendment) Bill 2010, which was tabled for first reading in the Dewan Rakyat on Thursday.

"Sexual harassment should be included under the law but the government's stand is to take other measures first.

"At one time, we had only guide-

lines to deal with sexual harassment.

"This time, the government is sending the signal that sexual harassment will not be tolerated."

On whether the RM10,000 fine was too little, she said it was a start and "we must tell perpetrators that we mean business".

The special officer for parliamentary affairs in her ministry, Suriani Kempe, said what was important now was that these amendments would ensure that companies had a legal responsibility to act when people filed complaints of sexual harassment.

"It will compel companies to set up procedures for handling such cases."