

'Workplace sexual harassment a major misconduct'

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PETALING JAYA: Employers have to make it clear that sexual harassment at the workplace is a major form of misconduct, said the Malaysian Employers Federation.

Its executive director Datuk Shamsuddin Bardan said this was because improper and inappropriate behaviour at the workplace lowered morale and interfered with work effectiveness.

"Such behaviour should not be tolerated by any employer," he said, adding that he believed many cases had gone unreported.

According to the Employment Act, sexual harassment is defined as "any unwanted conduct of a sexual nature, whether verbal, non-verbal, visual, gestural or physical, directed at a person which is offensive or humiliating or is a threat to his well-being, arising out of and in the course of his employment".

Shamsuddin said employees should be protected from intimidation, victimisation or discrimination by filing a complaint or assisting in sexual harassment investigation.

"What is needed is an investigation, not an inquisition," he added.

All complaints, he noted, should be handled in a timely, confidential and fair manner, with prompt attention and disciplinary action to follow.

"If relocation proves necessary, then relocate the harasser and not the victim," he said.

If the employer does not take action, he is in breach of the Act and committing breach of contract of employment for which he can be sued through Industrial Court claims and civil proceedings.

Shamsuddin said it was vital that those investigating such complaints avoided discouraging genuine complainants.

On the other hand, he reminded that the accused harasser must be given full and fair opportunity to present his version of events.

He said data released by the Labour Department had shown that in peninsular Malaysia, 12 sexual harassment cases were reported in 2013 and settled in the same year.

The department has organised programmes to create anti-harassment awareness at the workplace.