

Amendment the way forward, says Fong

by **Llew-Ann Phang**
newsdesk@thesundaily.com

KUALA LUMPUR: Sexual harassment is a serious problem in the workplace and current provisions in the Employment Act and the Code of Practice on the Prevention and Elimination of Sexual Harassment in the Workplace are inadequate to compel employers to investigate such complaints.

The proposed amendment to make employers liable to a fine of up to RM10,000 if they fail to investigate complaints is, therefore, necessary, Human Resources Minister Datuk Seri Dr Fong Chan Onn said.

"I think the proposal to amend the Employment Act is the way forward," he told *theSun* after launching an employment kiosk - the first of 10 - at Bukit Bintang Plaza on Thursday.

He said this was also because the code was not legally enforceable.

Fong was responding to the Malaysian Employers Federation's (MEF) opposition of the amendment.

The MEF said sexual harassment could be categorised as a misconduct under Section 14 of the Employment Act.

The provision in the Act allows for an employee to be dismissed, downgraded or suspended without pay after an inquiry.

If an employer fails to respond to a complaint, it will amount to a breach of contract and the complainant may seek redress in the Industrial Court through a claim for constructive dismissal.

The MEF also said the code was a practical guideline for employers to establish an internal mechanism to handle problems of sexual harassment at the workplace.

The Human Resources Ministry introduced the code in 1999 and employers are encouraged to implement it, but this is on a voluntary basis.

Women's groups have pointed out that few employers take the code seriously.

Statistics from a 2001 survey by the Women's Centre for Change and the All Women's Action Movement, showed that only 1.125% of the 400,000 employers registered under the Social Security Organisation