

WEBINAR ON EFFECTIVE HANDLING OF SEXUAL HARASSMENT AT THE WORKPLACE



Event Details:

24th & 25th August 2022
9:00 AM – 1:00 PM (2-days half-day program)
Online – Microsoft Team
Fee – RM700 (inclusive SST per participant)



[Scan the QR Code or Click the link below for Online Registration:](#)

<https://forms.office.com/r/mEcdcLw6bk>



The Federal Court of Malaysia in *Mohd Ridzwan Bin Abdul Razak v. Asmah Binti Hj. Mohd Nor [2016] 6 CLJ 346* in its judgment dated 2nd June 2016 sent a very strong message about dealing with sexual harassment in the workplace where it stated as follows:

“Sexual Harassment is a very serious misconduct and in whatever form it takes, cannot be tolerated by anyone. In whatever form it comes, it lowers the dignity and respect of the person who is harassed, let alone affecting his or her mental or emotional well-being. Perpetrators, who go unpunished, will continue intimidating, humiliating and traumatising the victims thus resulting, at least, in an unhealthy working environment.”

WHO SHOULD ATTEND

All HR and IR Practitioners, CEOs and Deputy CEOs, Managing Directors as well as Department Managers, Trade Union Officials Executives and Supervisors who have to deal with complaints relating to Sexual Harassment in the workplace, Regulators, Lawyers, Researchers & Academicians, Senior Sales, Marketing Managers.

OBJECTIVES

The HR/IR Practitioners play a critical role in recognizing, dealing and managing sexual harassment issues at their work place including from customers. This *two-days half-day webinar* will focus on the understanding of the broad definition, complexity and principles relating to sexual harassment issues; dealing with complaints of sexual harassment by employees including from customers and adopting a concrete and most appropriate approach in resolving them. This seminar will also provide practical advice on the important policies & procedures that should be adopted in organizations on this important subject matter. Participants will be equipped with the key case laws and principles of the Anti-Sexual Harassment Bill 2021, which is due for gazettelement in 2022. The relevant provisions of the Amended Employment Act 1955 in respect of sexual harassment matters will also be dealt with.



TRAINER PROFILES

Mr P Iruthayaraj D Pappusamy (HRDF Cert. No.: TTT/15452) who is the Former Industrial Court Chairman who had served the Industrial Court for about 14 years. He had adjudicated on numerous cases in Sabah, Sarawak and Kuala Lumpur involving all types of dismissal cases under s. 20(3) of the IR Act 1967, Trade Disputes relating to Collective Agreements and complaints under s. 8(2A) of the IR Act and other matters relating to industrial disputes. He had also successfully applied mediation and early evaluation skills in resolving industrial disputes. He was holding the position of Chairman of Social Security Appellate Board. In addition, he also has vast experience in all aspects of Human Resource and Industrial Relations Management while working with large multinational companies. He has designed and conducted a unique programme entitled Certificate in Domestic Inquiry for all HR and IR Practitioners for the DRB-HICOM Group of Companies as well for other relevant personnel. In addition, he has also authored 2 books published by MEF, ie. (i) Handling of Cases at the Industrial Court of Malaysia published in 2016; and (ii) Co-authored the book on Practical Guide on Performance Management published in 2017

Ms Saraswathi Ravindran, A Senior Consultant-IR with more than 14 years' experience with MEF. She is a lawyer by profession who has completed her Masters in Law (UKM). She graduated from University of Northumbria UK and also has the Certificate in Legal Practice. Prior to joining MEF she has worked in an established Legal Firm in Kuala Lumpur as an Advocate and Solicitor specializing in Industrial Relations Practice. Her current duties include handling Industrial and Labour Court cases representing MEF's Member Companies. She also provides advisory and consultancy services to member Companies pertaining to Employment matters. She is also actively involved in providing Trainings, in relation to The Employment Act 1955, Disciplinary Procedures, Managing Probationers, Termination

COURSE STRUCTURE

DAY 1: on 24.08.2022

TOPIC: UNDERSTANDING OF THE GENERAL PRINCIPLES RELATING TO SEXUAL HARASSMENT AND THE APPLICABLE LAWS

9.00am – 10.30am

- Definition,
- Categories and
- Forms of Sexual Harassment at the Workplace.
- Consequences of Sexual Harassment to the Employer and Employee
- Anti-Sexual Harassment Bill 2021 Objectives of The Bill

10.30am-10.45am (Tea Break)

10.45am – 1.00pm

- Employer's responsibilities in Handling Sexual Harassment complaints as a misconduct in terms of:
 - Obtaining of Reports on complaints of Sexual Harassment
 - Carrying out investigations
 - Drafting of show cause letters and drafting of charges
 - Conducting Domestic Inquiry on allegations of Sexual Harassment
- Summary and Conclusion
- QUESTION TIME

DAY 2: on 25.08.2022

TOPIC: THE KEY TAKEAWAYS ON PRINCIPLES RELATING TO SEXUAL HARASSMENT BASED ON STATUTORY AND DECIDED CASES FROM BOTH INDUSTRIAL AND APPELLATE COURTS

9.00am – 10.30am

- Employers need to comply with Part XVA of the Employment Act 1955 (s.81A-s.81G and s 81H) when dealing with Sexual Harassment
- Companies are guided by the Code of Practice On The Prevention and Eradication Of Sexual Harassment In The Workplace
- Application of the following key points for Organisations extracted from Recent Industrial and Appellate Court decisions on Sexual Harassment:
 - (i) Ensure validity of Charges at the Domestic Inquiry
 - (ii) Which party has the burden of proof in sexual harassment misconduct?
 - (iii) Are witnesses or corroboration necessary for sexual harassment cases?

10.30 am to 10.45 am (Tea Break)

10.45am – 1.00pm

- (i) Is there a mandatory requirement to make a police report regarding sexual harassment?
- (ii) Does a delay in making a sexual harassment complaint render the claim invalid?
- (iii) Is "it was just a joke" a valid defence?
- (iv) Examples of what constitutes sexual harassment.
- (v) If complaints on Sexual Harassment are not handled correctly and promptly it may give rise to a claim in Constructive Dismissal.
- Summary and Conclusion
- QUESTION TIME