

## COVERAGE OF SEXUAL HARASSMENT IN THE MEDIA, 1 DEC 2003

The Joint Action Group Against Violence Against Women (“JAG”) is quite concerned over recent media reporting which equates sexual harassment with women “using their feminine wiles in the workplace”.

Throughout history men and women have traded on their looks and physical attributes for personal gain, whether by flirting or trading sexual favours for their personal benefit or career advancement. Such behaviour, while morally reprehensible, is nothing new and has to be acknowledged as a case of “willing buyer willing seller.” The perpetrator would only achieve his or her aim if the target of his or her actions were to play along. This cannot in any way be deemed to be sexual harassment.

Sexual harassment by definition is any form of verbal, physical, visual or psychological attention of a sexual nature which is UNWANTED. In the workplace it is invariably perpetrated by someone of equal or higher position on a co-worker or subordinate, and constitutes an abuse of power. Statistically, most perpetrators are men. Sexual harassment primarily flows down the balance of power – simply because a subordinate seeking to sexually harass a superior would very quickly find him or herself looking for another job. It is vital therefore to draw a distinction between sexual harassment and sexual trading.

Any discourse which ignores this distinction does a great disservice by trivialising the silent suffering of thousands of victims of sexual harassment. Studies have shown that up to 70% of workers – the overwhelming majority of them women – have been sexually harassed. Sexual harassment in the workplace is humiliating, degrading and the cause of much anguish to victims and their families. The victim is forced to encounter the harasser on a regular basis and suffers damage to her emotional and physical health, including fear, anxiety, migraine and depression. It also has a substantial negative impact on other staff members, polarises co-workers and reduces productivity, creating an atmosphere of hostility in the workplace.

Where no procedures are implemented at the workplace for handling sexual harassment or where the abuser himself is the employer, then in the current state of the law the victim has only two alternatives- either to tolerate the harassment with its attendant stress, fear and physical effects, or to quit, lose all the benefits accrued in the course of employment and take her chances in an uncertain job market. Either way, the victim loses. Sexual harassment poses a risk not only to her wellbeing but also to her very livelihood

Despite the manifold problems it creates, despite the fact that up to 45 percent of the workforce is now female, sexual harassment is still not recognised as a serious issue. It is frequently downplayed and treated as a joke. Perpetrators are regarded as “one of the lads”

and victims labelled as troublemakers. It is not deemed an offence under the law unless a physical assault occurs, and even compliance with the Code of Practice on Sexual Harassment is voluntary. Implementation of the Code is minimal (as at March 2001 only approximately 1% of companies in Malaysia had adopted the Code) and its effect patchy and piecemeal.

Recognising the severity of the problem, JAG drafted a Sexual Harassment Bill, which was presented to the Ministry of Human Resources in March 2001. Many meetings have been held with the relevant ministries on this issue but not much progress has resulted. To date there is little indication of when the draft Bill may be enacted.

In view of the many misconceptions surrounding sexual harassment, the mass media plays a critical role in ensuring the dissemination of accurate information. Unbalanced reporting can lead to confusion and the perpetuation of stereotypes, and thus JAG urges the media to be responsible and even-handed in their reporting of this issue.

JAG also urges our Prime Minister to take urgent and immediate action to expedite the enactment of the draft Bill on Sexual Harassment.

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Joint Action Group against Violence Against Women — Sexual Harassment