

EMPLOYMENT ACT, 2 AUG 2010

KUALA LUMPUR: Bosses will have to be “extra careful” in the way they handle their employees with impending amendments to the Employment Act.

And the first principle they should adopt, according to the Malaysian Employers Federation (MEF), is to “keep their doors open at all times”.

MEF secretary Datuk Thavalingam Thavarajah, a lawyer well-versed with sexual harassment cases, said “randy bosses” had no choice but to clean up their act.

“The new amendments give more clarity and will help in distinguishing the do’s and don’ts in the workplace,” he said.

“If a guy has a nude picture of a woman on his wall or as his PC screen saver, it amounts to sexual harassment. Remarks such as ‘Your legs look great in that short skirt’ can be deemed offensive.

“E-mail and obscene SMSes can be construed as sexual harassment, as in a way they outrage a person’s modesty,” Thavalingam said.

He advised employees offended by sexist remarks from their bosses to make their feelings clear from the start.

“If the boss continues with his randy behaviour, the employee will have strong grounds to cite him for intended sexual harassment,” he added.

The amendments, tabled in Parliament on July 8, impose a legal duty and liability on employers to ensure that such cases are dealt with in full compliance of the law.

It proposes that employers look into complaints of sexual harassment within 30 days or be fined up to RM10,000.

The amendments are expected to be tabled in Parliament later this year for second reading.

Thavalingam said the amendments imposed certain obligations on the various stakeholders, adding that managements must take note of the amendments.

Many big firms, such as F&N Beverages and Astro, already have in-house regulations to deal with sexual harassment.

“Astro believes in providing its employees with a work environment free of discrimination and harassment,” its senior vice-president (talent management) Aziz Mohd Ibrahim said.

F&N Beverages' human capital manager Teofilus Ponniah, who welcomed the amendments, said the firm had laid the grounds to deal with offences of such nature since 2002.

"Any action that undermines such a policy will be dealt with severely," he warned.

However, Women's Centre for Change (WCC) Penang executive director Loh Cheng Kooi said the amendments were not enough to cover all occurrences of sexual harassment.

She said WCC, along with other women's rights groups, had been proposing to have a sexual harassment Bill to the Government since 2001.

Loh said the problem with placing the provision under the Employment Act was it was restricted to only occurrences within the traditional employee-employer relationship.

"Hence, it fails to protect victims where sexual harassment occurs outside the workplace," she said.

Women's Aid Organisation executive director Ivy Josiah echoed the views, urging for a specific Anti-Sexual Harassment Act.

"We are not happy with the proposed amendments. It does not even clearly spell out what sexual harassment constitutes or the enforcement of effective mechanisms within a company," she added