

ENACT A SEXUAL HARASSMENT LAW, 30 MAY 2007

The Women's Centre for Change Penang (WCC) greatly applauds the recent letters by victims of sexual harassment expressing their frustrations that sexual harassment incidents are not being taken seriously. The range of complaints – from a university student being publicly humiliated in sexual way to a professional career woman being subjected to sexism at her workplace and sexist jokes at public functions – are indicative of how rampant sexual harassment actually is in our society. Unfortunately, sexual harassment victims have an uphill battle reporting such incidents to the police or relevant bodies. The fact remains that there is currently no sexual harassment law in Malaysia.

In 2000, when four brave female employees of a local hotel decided to lodge police reports against their General Manager for sexual harassment, they were summarily dismissed. It took a seven year battle at the Industrial Court before they were awarded damages for wrongful dismissal. Although the General Manager in question was charged separately for outrage of modesty, he left the country in the midst of the criminal proceedings, leaving the cases effectively unresolved. This is a key example of the reality faced even when women are brave enough to come out and file sexual harassment complaints. There is simply no satisfactory redress mechanism for victims. Not only are many productive hours lost, but the emotional and psychological trauma suffered by the victims and her family is immeasurable.

Since 2001, the Joint Action Group for Gender Equality (JAG) of which WCC is a member, has been lobbying for a sexual harassment law for Malaysia by submitting a comprehensive Sexual Harassment Bill to the government. This Bill provides a clear definition of sexual harassment, comprehensive coverage for all levels of persons in different workplace situations and an independent dispute resolution mechanism.

Instead, in 2005, the Ministry of Human Resources announced that the government is considering amendments to the employment laws to combat sexual harassment. JAG has highlighted the limitations of such piecemeal amendments which may not cover different categories of workers and different scenarios of sexual harassment. The amendments also do not provide for an independent dispute resolution mechanism.

Women deserve thorough legal protection against sexual harassment when conducting their daily lives, be it at universities or at the workplace. Let us not have piecemeal legislation which, at the end of the day, does not adequately address the particular problems surrounding such complaints. What is needed is a comprehensive law addressing all aspects of sexual harassment.

JAG urges the government to take concrete action towards enacting specific sexual harassment legislation in order to provide a safer working environment for everyone

