

## NUMBERS NOT NECESSARILY A REFLECTION OF REALITY, 24 JUN 2007

The Joint Action Group for Gender Equality (JAG) is perturbed by the view of Deputy Human Resources Minister Datuk Abdul Rahman Bakar, as reported recently, that “compared with the 11.58 million workers that we have, the number of the sexual harassment cases in workplaces was not serious” as only 254 cases of such incidents were reported in the past eight years.

With respect, the Deputy Minister’s view at best reflects a lack of understanding of the complexities surrounding sexual harassment and at worst, amounts to a flippant dismissal of what should be a key concern given the purview of his Ministry.

When it comes to sexual harassment at the workplace, the number of reported cases may not necessarily reflect the reality on the ground.

In the first place, many workers are unclear as to what constitutes sexual harassment and are therefore unaware of their right to complain against such behaviour.

Secondly, most victims of sexual harassment are generally reluctant, too embarrassed or too afraid to come forward and lodge a complaint. Such responses by victims are a problem even within companies which have adopted a policy against sexual harassment. In a study conducted between 2000 – 2001 by the All Women’s Action Society (AWAM) and the Women’s Development Collective (WDC) on such companies, 35% of the respondents reported that they had experienced one or more forms of sexual harassment at work. However only 22-25% of them actually went on to lodge a formal complaint. The majority of the victims indicated that they would rather confide in their colleagues instead of utilising official channels.

There is also a lack of confidence in the complaint procedures, which is mainly due to the often unequal power relations between harasser and victim and the absence of measures to protect complainants against retaliation.

Thirdly, we should bear in mind that only a small minority of companies have adopted the Ministry of Human Resources’ Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace (“the Code”) which was introduced in 1999. In 2001, the Ministry itself stated that only 1.125% of the 400,000 employers registered under the Social Security Organisation (SOCSO) had actually adopted the Code. This means that victims of sexual harassment in the vast majority of companies which have not adopted the Code have little avenue for complaint or redress unless they lodge a report at the labour department or with the police. Not many would be willing to do that. This would certainly affect the number of “reported” cases, as such.

Thus, it is no surprise that the overall number of cases reported is low.

The wider and more qualitative impact of sexual harassment must be considered when measuring the seriousness of the situation. Sexual harassment can damage the victim's physical health and mental wellbeing, which leads to work-related problems such as lower productivity, morale and job satisfaction. This in turn translates into losses for the company or organization in terms of productivity and efficiency when employees who are afraid, stressed and emotionally disturbed are unable to work at optimal levels.

The bottom line is that there does not have to be an avalanche of reported cases before the issue is taken seriously.

In this regard, JAG is glad that other members of Parliament have in one way or another called for further scrutiny of the relevant policies and their implementation in this area. The irony is that the Deputy Minister of Human Resources himself does not appear to think the same way.

**Karen Lai**

**Legal Officer**

**Women's Centre for Change, Penang (WCC)**

**for and on behalf of the**

**Joint Action Group for Gender Equality (JAG) comprising:**

Women's Centre for Change, Penang (WCC)

Women's Development Collective (WDC)

All Women's Action Society (AWAM)

Women's Aid Organisation (WAO)

Sisters in Islam (SIS)

Malaysian Trades Union Congress (MTUC) – Women's Section