



**MALAYSIA UNIVERSITY of
SCIENCE and TECHNOLOGY**

**CODE OF PRACTICE ON PREVENTION AND
ERADICATION OF SEXUAL HARASSMENT IN THE
WORK PLACE**

February 2010

1.0 AIM

The aim of this Code of Practice (hereinafter will be referred as “Code”) is to provide guidelines on the establishment of in-house mechanisms at the organization to prevent and eradicate sexual harassment in the work place

2.0 RATIONALE

Sexual harassment problem arises out of general workplace relationships involving personal behaviour of people within the organization. The best approach to combat sexual harassment in the work place is through the establishment of preventive and redress mechanism at the organization.

3.0 MEANING OF SEXUAL HARASSMENT

For the purpose of this code, sexual harassment means:-

Any unwanted conduct of a sexual nature having the effect of verbal, non verbal, visual, psychological or physical harassment:

- i) that might on reasonable grounds, be perceived by the recipient as placing a condition of a sexual nature on her/his employment.
- ii) that might, on reasonable grounds, be perceived by the recipient as an offence humiliation, or a threat to her/his well-being, but has no direct link to her/his employment.

Based on the definition above, sexual harassment may be divided into two(2) categories, namely sexual coercion and sexual annoyance.

- i) Sexual coercion is sexual harassment that result in some direct consequences to the victim’s employment. An example of sexual harassment of this coercive kind is where a superior, who has the power over salary and promotions, attempts to coerce a subordinate to grant sexual favours. If the subordinate accedes to the superior’s sexual solicitation, job benefits will follow. If the subordinate refuse, job benefits are denied.
- ii) Sexual annoyance, the second type of sexual harassment, is sexually-related conduct that is offensive, hostile or

intimidating to the recipient, but nonetheless has no direct link to and job benefit. However, the annoying conduct creates a bothersome working environment which the recipient has to tolerate in order to continue working. A sexual harassment by a company's client against an employee also falls into this category.

Within the context of this Code, sexual harassment in the work place includes any employment-related sexual harassment occurring outside the workplace as a result of employment responsibilities or employment relationships. Situations under which such employment related sexual harassment may take place includes, but is not limited to :

- i) at work-related social functions;
- ii) in the course of work assignment outside the workplace;
- iii) at work-related conferences or training sessions;
- iv) during work related travel;
- v) over the phone; and
- vi) through electronic media.

4.0 FORMS OF SEXUAL HARASSMENT

Sexual harassment encompasses various conducts of a sexual nature which can manifest themselves in five possible forms, namely:

- i) verbal harassment:**
e.g offensive or suggestive remarks, comments, jokes, jestings, kidding, sounds, questioning.
- ii) non- verbal/gestural harassment:**
e.g leering or ogling with suggestive overtones, licking lips or holding or eating provocatively, hand signal or sign language denoting sexual activity, persistent flirting.
- iii) visual harassment:**
e.g showing pornography materials, drawing sex based sketches or writing sex based letters.
- iv) psychological harassment:**
e.g repeated unwanted social invitations, relentless proposals for dates or physical intimacy.

v) physical harassment:

e.g inappropriate touching, patting, pinching, stroking, brushing up against the body, hugging, kissing, fondling, sexual assault.

5.0 POLICY STATEMENT PROHIBITING SEXUAL HARASSMENT

Any form of sexual harassment is prohibited in the organization. Sexual harassment constitute a breach of company's policy and will incur disciplinary actions which may amount to dismissal. Everyone on the supervisory capacity have a positive duty to implement the policy and to demonstrate leadership by example.

6.0 COMPLAINT PROCEDURES

In the event staffs are intimidated by any form of sexual harassment, they are to file a written complaint with Human Resources Department. The Human Resources Department will conduct the investigations and will make recommendations to the management such as conducting a disciplinary enquiry.