Report on the ILO/Japan Regional Tripartite Seminar on Action against Sexual Harassment at Work in Asia and the Pacific

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International Labour Office
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1. INTRODUCTION

The ILO/Japan Regional Tripartite Seminar on Action against Sexual Harassment at Work in Asia and the Pacific was held in Penang, Malaysia from 2-4 October 2001.

The seminar was attended by 39 delegates from 14 member States. These included 15 Government representatives, 13 Employer representatives and 11 Worker Representatives; of whom 19 were women and 20 were men. Observers included: 12 representatives from the Government of Malaysia, two representatives from a regional and national women’s organization respectively, and two representatives of United Nations programmes, UNIFEM and UNDP. Three resource persons attended from the ICFTU-APRO, the Committee of Asian Women (CAW) and the Lawyers’ Collective, New Delhi, India respectively. The Secretariat team consisted of 10 representatives of the Government of Malaysia and 13 of the ILO, from Geneva, Bangkok, New Delhi and Manila.

Aims and outputs

The aims of the seminar were to stimulate an exchange of experience on effective action against sexual harassment at work in both formal and informal sectors and to strengthen initiatives against this practice. The outputs of the seminar were to identify follow-up action that could be taken at the workplace, national and international levels.

Opening ceremony

Mr. Ian G. Chambers, Director of the Bangkok Area Office (BAO) and the East Asia Multidisciplinary Advisory Team (EASMAT), in his address, welcomed the seminar participants, speakers and guests at the opening ceremony. He indicated that sexual harassment, as expressed in the technical report for discussion at the meeting, is interpreted in different ways, in different countries with different jurisdictions. Sexual harassment is a violation of the dignity of the victims, who are usually, although not always, women. Many of the women present at the seminar would have experienced this very unfortunate manifestation of social interaction at work and would confirm that it only has negative consequences. Sexual harassment negatively affects productivity, the spirit of the workplace, women workers’ lives as workers and their dignity as human beings. Therefore, the main problem was not the definition of sexual harassment but what has to be done about it. Different approaches are being used to eradicate sexual harassment from the workplace for the benefit of both women and men because the entire atmosphere at work is poisoned by this practice. Sexual harassment is not condoned in any culture. However, the ways it is dealt with, covered up, and tolerated, may differ in each society.
He emphasized that a combined set of measures were needed including legal action, workplace measures and, in general, large scale awareness-raising. The seminar’s aims were to stimulate exchange of experience on practical and innovative measures that governments, employers and trade unions can apply and promote, and workers can rely on. The International Labour Office would commit itself to give effect and support to the recommendations of this technical seminar.

In her welcome address, Ms. Ayumi Tanaka, Director of the Equal Employment Department of the Oita Prefectural Labour Bureau of the Ministry of Health, Labour and Welfare of the Government of Japan, thanked the members of the ILO Secretariat, in particular its Regional Office, for organizing this seminar and the Government of Malaysia for hosting it. She stressed the importance of the elimination of discrimination against women in employment at a time when the world is experiencing an accelerated process of globalisation and economic structural reform. Women are increasingly participating in labour markets. In certain cases, they have gained access to greater economic opportunities and independence. However, they often have low wages and face unstable employment and working conditions because they occupy a weaker position in the labour market in terms of legal and social protection as compared with men. Therefore, ILO member States had identified policies for the promotion of equality of opportunity and treatment between men and women workers. The Government of Japan appreciated and fully supported the work of the ILO on this issue.

Ms. Tanaka further explained the initiatives against sexual harassment taken by the Government of Japan. The Revised Equal Employment Opportunity Law, in effect since April 1999, requires employers to (i) establish clear policies on sexual harassment; (ii) to inform and educate their employees fully on these policies; (iii) to make arrangements for receiving complaints; and (iv) to define prompt and appropriate responses to incidents of sexual harassment. In Japan, the Equal Employment Departments of the Prefectural Labour Bureaux and the Regional Offices of the Ministry of Health, Labour and Welfare are promoting the implementation of appropriate measures for the prevention of sexual harassment by providing advisory services and administrative guidance on the contents of the Law and its Guidelines. Sexual harassment counselors have also been appointed at the Equal Employment Departments to assist women workers and respond to their psychological and emotional needs. Ms. Tanaka emphasized the importance of close cooperation between the tripartite partners to identify effective solutions. She concluded that employers are responsible for ensuring a sound and healthy working environment. Employees should make real efforts to transform the culture and mentality in their organizations and workplaces, and to implement preventive measures. Finally, Governments also have clear responsibilities for instituting preventive measures and should institute coherent
and effective measures to protect the victims of sexual harassment and develop the legal framework.

The Honourable Y.B. Dr. Abdul Latiff Bin Haji Ahmad, Deputy Minister of Human Resources of Malaysia, hoped that the exchange of ideas and experiences among the tripartite partners at the seminar would lead to the establishment of safe work places for all and hopefully would encourage the adoption of ‘best practices’ to eradicate sexual harassment in Asia and the Pacific. He stressed the importance of reaching a common understanding of the definition of sexual harassment. He recognized its effects on the working environment and on women workers. In the past sexual harassment was not discussed and often swept under the carpet. Now it is recognized that sexual harassment constitutes an obstacle to equality of opportunity and treatment between women and men and is an unacceptable violation of human and workers’ rights.

All workplaces needed to have clear guidelines on the prevention, reporting and handling of cases of sexual harassment. The Ministry of Human Resources had prepared and issued a ‘Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace’. This Code resulted from consultations between the relevant governmental and non-governmental organizations. The Code defines sexual harassment, recognising both ‘quid pro quo’ types of sexual harassment and actions leading to a hostile working environment. It provides guidelines for the establishment of in-house mechanisms to combat sexual harassment in the workplace, consisting of complaint procedures including disciplinary rules and penalties as well as preventive measures. It also recommends protective and remedial measures for the victim. Since the launch of the Code in 1999, the Ministry of Human Resources had assisted employers to put it into practice with a view to ensuring industrial harmony. Mechanisms had been set up for the prevention, reporting and for seeking redress for sexual harassment within their companies, but the number of companies which had set up mechanisms was still too small. The Ministry would continue to promote the Code, ensure that employees are aware of it and to promote confidence in its grievance procedures.

Video presentations on sexual harassment

Two video programmes were featured: ‘Sexual Harassment at Work: Preventive Measures and Counter Measures’, produced by the Korea Employers Federation (KEF) and ‘Sexual Harassment in the Workplace’, developed by the All Women’s Action Society (AWAM) in Malaysia. The first video aims at raising awareness among employers, workers and other concerned parties on the advantages of having clear policies and mechanisms for the prevention and handling of sexual harassment problems and the disadvantages of non-action. Two court cases were shown, one depicting an employer who had taken relevant measures and one who had not. The second video programme was produced to raise
awareness among workers, and to facilitate the provision of training. It illustrates the manifestation of sexual harassment at work, common attitudes on, and effective means of taking action against sexual harassment at the workplace by harassed workers, colleagues and employers.

The seminar programme and list of participants as well as the addresses of speakers at the opening ceremony are attached as annexes 1 to 5 respectively.

2. PERSPECTIVES ON DEFINITIONS, SCOPE, ATTITUDES AND EFFECTS

Panel presentations

Ms. Nelien Haspels (EASMAT, ILO Bangkok) indicated that perceptions on sexual harassment varied between societies but more importantly within societies. Women and men often had different views, depending also on their age and position in the job hierarchy. Common initial attitudes are that sexual harassment is ‘just a bit of workplace fun’, is ‘harmless flirting’ or that women provoke it by their dress or behaviour. However, despite this diversity in views when people were first confronted with this problem, a universal consensus had emerged that the key characteristic of sexual harassment is that it is unwelcome and unwanted behaviour, as determined by the victim. It is not about behaviour that is mutual and enjoyed by both, such as flirting. A generalised definition of sexual harassment is unwanted conduct of a sexual nature or conduct based on sex affecting the dignity of women and men at work. The specific types of conduct that fall within this definition may differ from one country to another. However, the common elements of definitions of sexual harassment, are that the behaviour is unwanted, unwelcome or offensive, and, increasingly, definitions cover both ‘quid pro quo’ and hostile work environment situations.

There is widespread recognition that sexual harassment between men and women at work is an obstacle to the achievement of equality of opportunity and treatment. It is a violation of human and workers’ rights, a form of violence, an occupational safety and health risk, an unacceptable working condition and a form of gender discrimination. Silence or absence of complaint does not mean that sexual harassment does not occur. It was stressed that sexual harassment is not about sex it is about power. In this connection, the speaker noted the distinction between sex and gender, the biological functions and social roles respectively of men and women, and the importance of tackling sexual harassment from a gender perspective. The need to define work in a very broad manner was also emphasized so that action taken would cover not only the physical workplace but also any work-related activity.
As to incidence, sexual harassment is on the increase given the growing numbers of women working in the region. The fact that so many women are victims is linked to the vulnerable and weak position of women in the labour market. Reference was made to surveys in the Asia and Pacific region, which show that the incidence of sexual harassment is high, with a substantial percentage of victims being women and a small minority being men. Groups particularly vulnerable to sexual harassment include young women, persons under precarious employment contracts, migrants, domestic workers and workers in sex-segregated or single-sex dominated occupations and sectors.

Ms. Srisuda Ubol (Government, Thailand) explained that in Thailand, sexual harassment is mentioned in the labour law (Labour Protection Act, 1988), but is not clearly defined. The Act provides for the protection of women and men workers under the age of 18 years in formal employment and in domestic service. However, in policy, sexual harassment is defined as any kind of verbal, non-verbal, or physical conduct of a sexual nature, which is unwelcome and offensive to the recipient. She outlined the mechanisms that are in place in Thailand to deal with cases of sexual harassment, as stipulated by the Act and the complaints procedure which has been set up by the Ministry of Labour and Social Welfare to assess whether a particular case will be referred to the public prosecutor or not.

The speaker added that the Ministry of Labour and Social Welfare recognizes that legal measures are not the only solution and that workplace measures are also required. These include developing guidelines; conducting awareness raising and training; and ensuring that policies and procedures are communicated to workers. Only a few cases have been reported to the Labour Inspectorate so far. This is indicative of the lack of awareness on rights, lack of knowledge on the avenues for redress and the fear of being terminated.

Ms. Parveen Sultana Huda (Employer, Bangladesh) outlined the steps that have been taken by the Government of Bangladesh to provide protection against various forms of violence against women and children; the most recent and comprehensive was the Prevention of Violence Against Women and Children Act 2000. While the law provides some redress against sexual harassment, she indicated there was a need to expand the concept of abuse to encompass psychological harm and not be confined to physical abuse. Sexual harassment is any conduct that is sexual in nature and unwelcome to the recipient which creates a hostile working environment or a ‘quid pro quo’ situation. Sexual harassment can either be physical, verbal or through the display of sexually explicit material. Whether an act is ‘unwelcome’ or not has been treated differently by different courts. Failing to reject the harasser’s overtures does not necessarily mean harassment did not take place, nor does tolerating the sexual advances from someone else in the workplace mean that the conduct by the harasser is welcome. However, she noted that unfortunately in reality, very often it appears as if it is the complainant who is implicitly on trial.
'Quid pro quo' harassment is usually the first form of sexual harassment to be recognized and almost invariably occurs in situations where the perpetrator has more power than the harassed. A hostile working environment, she said, may co-exist with quid pro quo harassment, but can also be sufficient to justify a legal claim if it is so severe and pervasive that it changes the very conditions of employment. In closing, she emphasized that what is important is not how the harasser perceives it, but whether or not the recipient objects to the conduct.

Mr. Harshna Perera (Employer, Sri Lanka) described the sectors of the economy where women are more vulnerable to sexual harassment in employment and the nature and incidence of sexual harassment. In the plantation sector, the working and living environments are the same, which impacts on the nature and incidence of sexual harassment. Similarly in the industrial sector, which includes the export processing zones where young women are housed as well as work, sexual harassment is not confined to the workplace but extends to the larger living environment. In the service sector both vertical and horizontal sexual harassment occurred. Migrant workers also experienced a high incidence of sexual harassment. He agreed with the ILO panelist that sexual harassment had more to do with power and persons wielding power in any form at any level than it had to do with sex.

In his country sexual harassment was addressed adequately by legislation under the Constitution on issues of equality and also by penal legislation for criminal offenses. However he felt that in this region voluntary initiatives such as codes of conduct were more appropriate than laws because experience showed that laws are not being enforced. He cautioned against measures that would interfere with the right to work or measures that would deter women from coming to work. Ultimately, addressing sexual harassment means providing fair treatment. This should be recognized and promoted as good business practice and a business culture that does not tolerate sexual harassment should be developed. In this regard, account should be taken of the negative effects of sexual harassment on businesses including low morale, lack of teamwork and absenteeism.

In the region, the lack of information on the nature of sexual harassment and its actual occurrence due to the reluctance of victims to complain needs to be addressed. Moreover, there was a need to identify the role of each social partner in addressing sexual harassment. He proposed the Government role to be one of enforcement as well as the collection and dissemination of information. The trade unions’ role is to raise awareness, strengthen women themselves and facilitate the sharing of experiences. The employers’ role is to give due recognition and significance to this issue and to implement policies to create sexual-harassment-free working environments. To ignore or deny the existence of sexual harassment would be a great folly.
Ms. Park Seong Hee (Worker, Korea) explained that the Korean Confederation of Trade Unions (KCTU) began its work on addressing sexual harassment during a workers' sit-in strike at Lotte Hotel where they discovered that more than 70 per cent of the women workers had been sexually harassed. The subsequent KCTU survey also showed that most workers of the hotel had been harassed by supervisors or others in positions of power, including customers, and that those who rejected the sexual advances suffered a cut in pay or were transferred to other sections against their will. The union organized national campaigns to sensitize people to the issue of sexual harassment and also took the establishment to court for not having conducted any programme on the prevention of sexual harassment. The majority of women workers sexually harassed at the establishment were irregular workers. Following the KCTU intervention and negotiations, all of them became regular workers and joined the union.

The KCTU also found that many companies do not conduct training as it is cheaper for employers to pay fines than conduct education programmes. She felt that higher fines are needed in certain instances to bring justice to both the workers and the employers although she agreed that it is not the only viable solution to sexual harassment. Both workers and employers should be further encouraged to implement and participate in training and education for the prevention of sexual harassment. In this regard, she emphasized the crucial role of governments. Legal procedures alone would not totally eliminate the problem because sexual harassment is rooted in discrimination and violence which exists in social norms.

Concern was expressed over the impact of sexual harassment on the victim and the limitations of procedures to safeguard the rights of victims in employment. Therefore, the KCTU had also formulated a model collective bargaining agreement which delineates, amongst others, the responsibilities of employers in establishing an education programme and a workplace equal employment committee to deal with it. Sexual harassment should be considered as a form of violence against women and there should be action at the international level as well as at the national level. She suggested that the ILO member States formulate an international standard on sexual harassment in employment.

Mr. Hameed Mohideen Meeran Sha Abdul (Worker, Sri Lanka) described the historical situation of workers in plantations and the occurrence of sexual harassment within this context. In the past, women accepted this treatment as their fate. When the workers were unionised such practices were challenged. However, even today sexual harassment complaints are made on a daily basis, but still, there is gross under-reporting. However, there are collective agreements which the trade unions intend to expand to include provisions on sexual harassment. The unions in Sri Lanka also provide training and information on sexual harassment. They recognize the link between the weak situation of
women in the labour market, their exclusion from decision-making positions and
the existence of sexual harassment.

The speaker described recent occurrences of sexual harassment outside the
plantations including rape, molestation and assault which he considered were
unrelated to employment but showed vulnerability of women, in general. He
also cited the laws in his country that offered protection against sexual
harassment, including the Penal Code Amendment Act No. 22 (1995) and the
Educational Institutions (Ragging) Act No. 20, section 2 (2) (1988). A worker
compelled to leave his or her job because of sexual harassment could file a
complaint with a Labour Tribunal for constructive termination of employment
under the Industrial Disputes Act. A desk is located at every police station
where persons can file complaints against sexual harassment and child labour
and female officers are in charge.

**Plenary discussion**

In the plenary discussion many participants focused on the issue of the
unwelcome nature of the conduct. It was agreed that it is important to understand
that sexual harassment refers to conduct that is considered unwelcome and
offensive to the recipients. The video programmes were appreciated as they
illustrate types of sexual harassment and practical measures against such
practices. The influence of cultural norms on the way in which sexual harassment
is identified and perceived, was highlighted by various speakers. It was
recognized that cultural norms are constantly undergoing change. While cultural
norms may account for some variation in how sexual harassment was perceived,
there was general consensus that it should not be used to justify or excuse any
conduct that is an affront to the dignity and respect of individuals. Some
representatives indicated that false accusations may occur. This causes serious
concerns in relation to justice being done, if the complaint is false. Others pointed
out that men could also be victims of sexual harassment. Silence is not an
indication of the absence of sexual harassment. It just means that there is a lack
of effective avenues and mechanisms for complaints or redress. Many
participants noted that the costs involved in pursuing legal avenues may form a
deterrent to women accessing legal protection.

The Joint Secretary of the Ministry of Labour, Manpower and Overseas
Pakistanis, Mr. Mirza Akhtar Iqbal stressed the need to broaden the
consideration of issues of sexual harassment to include the situations and
problems of those harassed and discriminated against on the basis of their
sexual preference. In this regard, as in all other aspects of harassment, child
and young workers are particularly vulnerable. Further, one had to pay particular
attention to the interplay of new technologies, the internet for example, both as a
potential vector for harassment and as a disorienting cultural phenomenon when
introduced into traditional and faith-oriented societies.
With regard to the scope of action, several participants expressed the importance of extending coverage to workers in the informal economy where the incidence of sexual harassment is high but undocumented. Lack of employment, economic opportunities and employment security results in women having few options to reject sexual harassment even when they are aware of its existence in that sector. It was suggested that employment generation would be a strategy to protect women from being subject to such abuse. Reference was also made to the vulnerability of workers, for example, in the informal sector, in agriculture, and in the entertainment industry all sectors which are usually not covered by labour legislation. The particular problems associated with women working in the sex and entertainment sectors are not adequately addressed. It was also pointed out that protection against sexual harassment should also be extended to cover children at work. Related issues identified to be dealt with include same sex sexual harassment and the impact of new technologies bringing new forms and vehicles of sexual harassment.

There was consensus on the need for awareness raising to build public opinion against sexual harassment, but, awareness raising only is not sufficient. The Director General of the Labour Department of the Government of Malaysia pointed out that preventive action should be accompanied by workplace mechanisms. Otherwise, enterprise managers, labour officials and victims would not know how to effectively handle sexual harassment problems. Respect for women and men at work and provision of equal employment opportunities to all workers are vital. Sexual harassment is a clear form of gender discrimination and consists of an abuse of power. Several participants also indicated that doubts on whether actions could be considered to constitute sexual harassment or not, would dissipate easily if one would ask sceptics whether they would like such incidences to happen to their family members.

Several participants described initiatives that were undertaken in the region. For example, the Trade Union Confederation in the Philippines (TUCP) adopted a policy on sexual harassment and recently issued a handbook on sexual harassment. The Government of Nepal indicated it plans to take legislative action in the future on sexual harassment in the form of a more comprehensive legislative package aimed at enhancing empowerment of women. Reference was made to the Resolution on Action against Work-Related Sexual Harassment adopted by ICFTU/APRO which underscores the importance the workers in the region place on preventing sexual harassment and refers to the existing international conventions including the UN Convention on the Elimination of all forms of Discrimination against Women, the ILO Convention on Discrimination in Employment and Occupation, 1958 (No.111) and the ILO Indigenous and Tribal Peoples Convention, (No. 169). In this regard it was noted that only 26 countries have yet to ratify CEDAW; 17 of which belong to this region. The worker delegate from Bangladesh expressed his concern over the recently enacted Women and Children Act 2000, because this law does not include a clear definition of sexual
harassment at work. The importance of involvement of the social partners at the national level in addressing sexual harassment was emphasized by several participants. Bipartite and tripartite cooperation has proven to be effective and needs to be strengthened in view of the fact that only a minimum amount of cooperation currently exists.

The spokesperson of the employers’ group acknowledged that sexual harassment had to be eradicated. He suggested that this issue should be handled by reminding all those concerned in the workplace that they are one family and that a mind-set needs to be developed based on respect for values. This is an issue for the workplace and could never be adequately addressed through legislation. Education is the answer to the problem. The representative of the Government of Pakistan also emphasized the need for education in this field, noting that without such education, rules and restrictions would not be an effective means of dealing with the problem.

3. LEGISLATIVE AND JUDICIAL MEASURES AND ACTIONS

Panel presentations

Ms. Constance Thomas (Equality and Employment Branch, ILO Geneva) asked participants to consider the purpose of legislation in terms of what we expect legislation to do, what provisions are necessary and what is expected from persons who interact under the legislation. She pointed out that the benefits of legislating specific and comprehensive sexual harassment laws include (i) a nationally accepted and clear definition of sexual harassment, which provides a common baseline so that a common understanding of the prohibited behaviour is promoted; (ii) the existence of legislative obligations, stimulating action by employers who are required to comply and by trade unions wishing to ensure that employers and workers observe the law; (iii) explicit legal prohibitions and affirmative obligations on employers which facilitate ‘zero tolerance’ and prevention of sexual harassment; and, (iv) legal protection that helps to ensure due process and fair treatment of both complainants and accused persons.

National trends show the steady adoption of sexual harassment legislation in recent years. Sexual harassment may be covered under different types of laws. These include (i) specific acts on sexual harassment, many of which cover sexual harassment in a broad sense and extend beyond the workplace; (ii) equality or non-discrimination acts, which are the primary source of protection in the absence of sexual harassment acts, although they provide little guidance to employers and do not specify the burden of proof; (iii) labour law (e.g. labour codes, termination of employment acts, and good industrial relations practices), which usually has some, but not extensive, provisions for sexual harassment
(with the exception in this region of New Zealand’s comprehensive provisions); (iv) criminal law; (v) personal injury/tort law; (vi) contract law; (vii) public service regulations; and (viii) judicial decisions. Benefits and drawbacks of each type of legislation were briefly noted. In this regard, Ms. Thomas indicated that labour laws are familiar domain for employers and trade unions, making such legislation an important tool for sexual harassment protection in work-related activities.

Important elements of a sexual harassment law are (i) a nationally accepted definition of sexual harassment which should be broadly defined in the law but more specific in policies; (ii) a prohibition against both types of sexual harassment – ‘quid pro quo’ and hostile work environment; (iii) requirements that employers take action to address and prevent sexual harassment (e.g. adoption of a sexual harassment policy); (iv) specifications of the liability for sexual harassment, including the responsibilities of employers, supervisors, co-workers, and third parties; (v) procedures based on the principles of fair treatment to both the accused and the victim; (vi) specifications of the sanctions and remedies for sexual harassment; (vii) protection against victimisation of those that file complaints as well as protection against false claims; and (viii) implementing mechanisms.

Sexual harassment laws should specify the procedures required in processing sexual harassment cases, indicating the burden of proof required and any special procedures necessary for dealing with the sensitive nature of sexual harassment cases, such as in camera hearings, special training to officers, and counseling for the involved parties. Sexual harassment laws should furthermore protect confidentiality, ensure natural justice guarantees to the accused and the victims, provide graduated sanctions in line with severity of conduct, and other remedies. Preventing the victimisation of anyone who files a complaint was emphasized.

At the international level, several UN and ILO conventions touched on sexual harassment. However, sexual harassment is not yet the subject of any binding international convention.

The second panelist, Ms. Indira Jaisingh (ILO Resource Person, India) noted that the Asia and Pacific region is characterized by very different levels of economic development and socio-cultural environments. Hence women work in very different conditions, some organized, some unorganized, some office-based, some home-based and legal protection should be available to all of them. In India, there have been several cases of sexual harassment pursued under criminal law even before the Supreme Court laid down its Guidelines. The landmark case of Vishaka was taken to the Supreme Court by a group of women’s organizations who defined the case as a violation of women’s fundamental rights to life and to work. The Supreme Court handed down the Vishaka Guidelines on sexual harassment. These guidelines are binding until legislation is enacted that overrides it.
There are two very important features of the guidelines. Firstly, they provide a definition of sexual harassment. Secondly, they provide clear implementation mechanisms for dealing with sexual harassment cases. In particular, employers are obligated to set up a complaints committee headed by a woman, comprised of at least 50 per cent female members, and including an NGO representative as a member.

Several limitations of the *Vishaka Guidelines* were noted. The guidelines cast responsibility on the employer to investigate the complaint, but the aggrieved person does not have the right to select the members of the sexual harassment committee. Trade unions also have no role in selecting committee members. Employers’ only obligation is to set up the complaint mechanism. They have no obligations to take other measures, accept complaint committees’ reports or take disciplinary action against the abuser. The guidelines do not address the unorganized sector, including migrant labour, workers in small-scale sectors and establishments or sole proprietors. They do not provide a timeframe for the work of the committee. The guidelines provide reactive measures, but do not refer to pro-active measures. They have no provision for the payment of compensation to the complainant. Despite these drawbacks, a significant achievement is that the judgement recognizes sexual harassment in the workplace as a structural and systemic problem.

Ms. Jaisingh concluded with the reminder that we live in societies governed by the rule of law. The law is the only instrument for actualising rights and is especially important for vulnerable groups in society. She stressed the importance of legislating sexual harassment.

Ms. Preet Verma (Government, India) provided an overview of India’s legal framework as it pertains to sexual harassment. Women constitute a significant part of the work force in India, but they lag behind men in terms of work participation and in access to quality employment. The majority of women are found in rural areas in the agricultural sector. In India, the Constitution provides for both equality before the law and prohibits discrimination. Constitutional provisions take precedence over other legislation at both central and state levels and the fundamental rights they enshrine must not only be respected in all legislation but also in the formulation of State policy. There are national laws relating to aspects of equality at the workplace and to seek remedy against sexual harassment. The most significant and direct initiative against sexual harassment is the Supreme Court *Vishaka* judgement of 1997, which provided detailed guidelines for the prevention of harassment of women at workplaces.

The Government of India has undertaken several actions to implement the *Vishaka Guidelines*. They were circulated to all Central and State Government ministries and departments and to central public sector undertakings with the direction to implement them in letter and spirit. Conduct rules applicable to government employees were amended to expressly include provisions for the
prohibition of sexual harassment. The guidelines were extended to the private sector through the amendment of the Industrial Employment (Standing Orders) Act of 1946. Most ministries have publicized the guidelines and set up complaint committees for effective redress of complaints. There has been a publicity campaign to create widespread awareness. A code of conduct has been prepared by the National Commission for Women. The government is currently actively considering setting up a national committee to monitor the implementation of the guidelines.

Issues deserving further attention include the need for a methodology to generate widespread awareness on the subject, for more effective complaints mechanisms, and for mechanisms to cover the informal sector. The Government of India is currently considering the amendment of existing legislation or enactment of new legislation. The speaker concluded by stressing the need to have a legal structure in place that is good and firm, along with awareness raising mechanisms and procedures for ongoing training and education.

Mr. Hwa Ik Jang (Government, Republic of Korea) outlined the two major legislative measures in Korea that address sexual harassment in the workplace, the Equal Employment Act of 1988 (EEA), which was revised in 1999 to cover sexual harassment and further revised in 2001 providing for the prevention of sexual harassment through more effective policy measures and penalties for employers and the Gender Discrimination, Prevention, and Relief Act of 1999 (GDPRA). The latter is more comprehensive in its definition of perpetrators, victims, and obligations and the coverage of the law. The EEA levies fines and imprisonment against violations of the Act, while the GDPRA does not directly punish violations, but permits penalties for the hampering of or refusal to cooperate in investigations.

According to the legal framework in the Republic of Korea, for an incident to be defined as sexual harassment, it must meet four conditions: (i) there should be a perpetrator and a victim; (ii) it involves perpetrators taking advantage of their position at work or in the working relationship; (iii) disadvantages accrue to the victim if they refuse to comply with the perpetrator’s sexual advances; and (iv) the sexual harassment degrades the work environment by making workers feel humiliated.

The speaker outlined the obligations of the employers, and the roles of workers and trade unions. Employers should change the corporate culture, codify rules for treating sexual harassment cases, provide preventive education, punish perpetrators, prevent victimisation, develop measures for voluntary settlement, ask for support from regional labour offices, conduct surveys, and provide and utilize guidelines. Workers should develop mechanisms for documenting and dealing with harassment and should identify channels through which victims can seek remedies. Trade unions should publicize measures to prevent sexual harassment, create open consultation desks, reflect preventive measures in
collective agreements, and participate in workplace education. The speaker concluded with providing statistics on sexual harassment cases in the Republic of Korea in the year 2000.

Ms. Amuerfina Reyes (Government, Philippines) provided an overview of the history and structure of the sexual harassment legislative framework in the Philippines. Before 1995, there was increasing awareness of the issue but no specific structure. 1995 saw the enactment of the Anti Sexual Harassment Act, which declared all forms of sexual harassment in employment, education or training to be unlawful. Important features of this legislation include the provision of a definition of sexual harassment, the specification of liability for harassment, the penalties permitted, time limitations for filing complaints, and the obligations of employers and heads of offices.

However, the law has several important limitations. Firstly, it is limited in defining the coverage and incidence of sexual harassment because it excludes all sexual harassment that occurs outside work-related, educational and training environments and it excludes sexual harassment committed by peers and by individuals of lower rank or position than that of the victim. Secondly, the legal definition does not cover verbal, visual, or physical abuse. Thirdly, the law does not provide for the formulation of implementing rules and regulations, so interpretation is left to employers. Fourthly, the law does not specify the government office or agency responsible for monitoring its implementation. Several bills which address these limitations have been proposed to amend the Anti Sexual Harassment Act of 1995, including measures to cover customers and guests, increase penalties, broaden the definition, and identify lead government agencies for monitoring compliance.

The speaker recommended that advocacy programs be intensified and promotional activities undertaken to increase awareness on the subject and to reorient the society’s concept of roles of men and women and use of power. The school curricula should be revised to be more gender responsive. Media must play a role, avoiding portrayals of women as sex objects. Finally, existing laws should be implemented and enforced.

**Plenary discussion**

In the discussion that followed, the need for specific sexual harassment legislation was addressed with some questioning the need for separate legislation and others supporting it. A number of government and worker delegates supported the adoption of specific legislation on sexual harassment and noted that sexual harassment is related to the whole issue of violence based on sex differences. Hence, specific laws are needed in order to confront barriers and social taboos against standing up to gender violence based on sex. It is important that not only large companies, but also small and medium sized
enterprises, academic institutions, sports clubs and the like fall within the scope of sexual harassment measures. The Government representative of Pakistan reminded the meeting of the well-known deficiencies in the administration of justice in many countries of the region. It had to be kept in mind that laws were of value only if they were applied and enforced in an appropriate and timely manner. Several employers expressed reservations about enacting sexual harassment laws as they preferred simplified labor law. They do not want the additional burden of legislating on what is a social problem. Furthermore, they expressed the view that legislation will have the effect of polarising employers and workers. The delegates proposed alternative solutions to the problem, starting with awareness raising, developing codes of conduct, and using existing overarching laws to deal with any remaining problems. The employers emphasized cooperative approaches between employers and trade unions, highlighting the need for training programmes and publications which will raise awareness and create mechanisms within companies to combat sexual harassment.

Discussion focused on the scope and coverage of sexual harassment law. The need for sexual harassment laws in the military was recognized as no more or less important than laws in the private or public sector. It was recognized that sexual harassment law has to cover CEOs (company executive officers) and owners as well as managers and supervisors. In such cases, appropriate and adequate penalties should be specified for all.

The question was raised as to how to convince governments, employers and unions to set up sexual harassment committees. It was noted that building consensus and securing the conviction that such committees are needed is the most important step. Effective strategies in convincing employers include referring to the benefits of increased productivity and efficiency. Strategies for convincing the public portray sexual harassment as a human rights abuse, while trade unions already recognize the importance of the issue.

Delegates commented on the important role of trade unions in preventing sexual harassment. They have been instrumental in revising sexual harassment laws, as the examples of the Republic of Korea and Japan indicate. In the past, many trade unions in this region did not place priority on sexual harassment as a trade union issue. However, there has been recent progress. In several countries trade unions have shown that they are willing to work in partnership with employers, governments and other concerned parties towards the common goal of preventing sexual harassment in the workplace. In relation hereto, the ICFTU-APRO representative, on behalf of the workers’ representatives indicated that trade unions should be represented in sexual harassment committees, such as the ones, stipulated in India under the Vishaka guidelines.
4. POLICY AND WORKPLACE MEASURES

Panel presentations

Ms. Fe Josefina Dy Hammar, (Conditions of Work Branch, ILO Geneva) stressed the importance of introducing workplace policies and practical measures in preventing sexual harassment whether or not legislation had been enacted. The introduction of a workplace policy allows an enterprise to tailor the development of a culture of zero tolerance of sexual harassment to its own unique situation. She reviewed the steps involved in designing a sexual harassment policy: (i) designing the policy; (ii) training; (iii) implementation; and (iv) monitoring and evaluation. This was an iterative process, taking into account the experience gained at each step. A workplace policy usually contains (i) a policy statement prohibiting sexual harassment; (ii) defining ‘sexual harassment’, ‘preparators’ and ‘victims’, and (iii) outlining the responsibilities of all workplace actors. This policy statement should be widely disseminated to all workers.

The speaker outlined the steps involved in a sexual harassment complaint mechanism, encompassing both formal and informal procedures and the primacy of the complainant’s choice in selecting the type of procedure. She identified the main principles to be taken into account: (i) presumption of innocence; (ii) confidentiality; (iii) deadlines; and (iv) transparency. The available forms of disciplinary action were reviewed and the role of counseling and support discussed. Training for all parties who have specific roles in the complaints procedure and for the entire workforce is important. Monitoring and evaluation are also essential to determine whether the policy should be revised.

Mr. Mohd. Abdul Wahab Mohd Salleh, (Government, Malaysia) referred to the Malaysian Government’s Code of Practice on the Prevention and Eradication of Sexual Harassment which was adopted on 17 August 1999 at the first National Workshop on Sexual Harassment in the Workplace in Kuala Lumpur. The objective of the Code is to provide guidelines to employers on the establishment of in-house mechanisms at the enterprise level to prevent and eradicate sexual harassment. He described the definition of sexual harassment contained in the Code, emphasizing that it encompasses both quid pro quo and hostile working environment sexual harassment. The in-house mechanisms suggested by the Code for addressing sexual harassment include (i) a policy statement prohibiting sexual harassment; (ii) a clear definition; (iii) a complaints procedure; (iv) disciplinary rules and penalties which can be used against harassers and individuals who bring false allegations; (v) protective and remedial measures; and (vi) promotional and educational programmes. He explained the main reasons why victims do not report incidents of sexual harassment and described the complaint mechanism developed and administered by the Labour Department which included methods for addressing complaints involving non-nationals. He then outlined training initiatives and the Department’s promotional
and educational programmes on sexual harassment. A monitoring system records the number of reports received by the Labour Department on sexual harassment including statistics on the sex of the perpetrator and victim.

Ms. Kyung Jin Song (ICFTU-APRO) presented the findings of a recent ICFTU-APRO Survey on Sexual Harassment in the Workplace and the Role of Trade Unions in Preventing Sexual Harassment. Twenty affiliated national centers in 18 countries participated in the survey. The extent of laws, policies, authorities, monitoring mechanisms and landmark court cases were reported by the respondents. Eight of the trade union affiliates affirmed that there is a trade union policy and five affiliates were aware of their counterpart employer organization having a policy. The survey showed that for 13 affiliates, sexual harassment was a priority union issue. Action has been taken by 17 affiliates to raise awareness. Seven affiliates reported sexual harassment provisions in collective bargaining agreements. Nine included sexual harassment in guidelines for collective bargaining and educational material. Eleven affiliates held consultations with groups of women workers. The speaker emphasized that existing inequalities between men and women led to abuses, such as sexual harassment. She called on all parties to address gender inequality issues at work with a view to eliminate gender discrimination and promote equality between men and women workers.

The meeting was informed of the ICFTU-APRO Resolution on Action Against Work related Sexual Harassment developed and adopted at the ICFTU-APRO/ILO Regional Workshop on Sexual Harassment in the Workplace and the Way Forward in August 2001 and subsequently approved by the 74th ICFTU-APRO Executive Board meeting. The Resolution provides for an expanded definition of sexual harassment including any work-related unwanted and offensive behaviour, and refers to the structural inequalities faced by women in the labour market. The Resolution calls for the establishment of tripartite mechanisms to prevent and address sexual harassment in workplaces and calls upon all concerned parties to cooperate and provide assistance for research, education and training on sexual harassment. It calls on the ILO and other international agencies to develop and adopt a binding international labour instrument to prohibit sexual harassment. Such an instrument should be included together with core labour standards in all bilateral and multilateral trade agreements. The workers’ group at the seminar unanimously supported the ICFTU-APRO Resolution. The employers at the seminar considered that an international labour instrument would be inappropriate at this stage and noted that if existing ILO conventions would be implemented effectively, this would go a long way towards solving the problem of sexual harassment.

Mr. Vivekanandanan (Employer, Malaysia) considered sexual harassment to be a sensitive issue with significant implications for enterprise productivity. Despite difficulties encountered in proving sexual harassment he recognized the obligation for employers to provide a safe working environment free from sexual
A number of Malaysian employers have given effect to the provisions of the national Code of Practice and the Malaysian Employers' Federation had collaborated with the New Zealand Employers' Association to develop a two-day training programme and a manual on sexual harassment. A lack of complaints does not indicate the absence of sexual harassment. It is important to encourage victims to come forward and to identify problems, for example through the use of exit interviews and anonymous surveys. The Employers' Federation has requested its member organizations to conduct sexual harassment surveys. The training programme highlights the consequences of sexual harassment for both recipients and employers and outlines a detailed strategy which can be adopted to prevent sexual harassment and respond to complaints. It also provides for training on the relevant legal provisions and case law.

Ms. Wan Zurina bt. Wan Isa (Intel Company, Malaysia) presented her organization's harassment policy and procedures. She stressed that the policy is signed and distributed by the CEO of the company on an annual basis to every employee. The policy covers all forms of harassment, including sexual and gender harassment which are specifically defined. It also includes guidance addressed to employees on the actions they can take if they have been harassed. All 8,000 employees are required to participate in an awareness and training programme in addition to training directed specifically to new entrants, including managers and annual training on legal issues for harassment investigators. The company also provides on-line training tools accessible to all employees.

Some significant features of the complaints procedure were described including the company's open-door policy, following-up on even anonymous complaints in the interests of effectively addressing harassment. Timelines are also enforced, with the guarantee that a complaint will be investigated within 24 hours. After a decision has been reached on a sexual harassment complaint, managers are charged with remaining alert to indications that the employee may be subject to retaliation, gossip or show signs of withdrawing from work. They may also need to introduce management changes and provide individual or group training. The policy covers the behaviour of third-parties such as contractors and conduct which takes place off-site. Monitoring has revealed an increase in the number of complaints over the past two years. The speaker considered this a positive development since it may indicate increased awareness and confidence in the employers' ability to address incidents of sexual harassment. The monitoring process also enables the company to learn from their experience and better handle future complaints.

Ms. Minako Akiba, (Worker, Japan) explored the relation between legislative protections and workplace measures and placed emphasis on the importance of building co-operation and trust between the social partners in tackling sexual harassment. Trade unions should be involved in all stages of policy development.
as well as in developing training, implementing the policy, monitoring its effects and identifying problems and how they should be addressed. She called on employers to recognize the valuable contribution that employees can make. She referred to the work of Japanese trade unions. The Japanese Trade Union Confederation (JTUC-RENGO) had adopted policies and measures on sexual harassment in 1996 which were revised in 1998 in light of the revised Equal Employment Opportunity Law. At the national level, it discusses measures with the government with a view to ensuring employer compliance with the revised law. It also provides information tools to its affiliates to raise awareness and enable them to take the necessary action. At the industrial federation level, the unions have produced educational materials specific to individual sectors. At the enterprise level, unions have negotiated collective agreements which include sexual harassment provisions. A JTUC-RENGO survey in 1999 showed that two-thirds of the responding unions had been involved in labour-management discussions resulting in some form of bipartite agreement on sexual harassment. Some enterprises have taken initiatives in raising awareness on the issue by way of producing education materials for their employees. They have also produced material for employers to raise awareness on dealing with complaints. Surveys carried out at enterprise level have proven useful in raising awareness among trade union leaders.

The speaker noted that more problems arise in smaller enterprises and in certain sectors such as services. The low organization rate (around 20 per cent) means that although trade unions can support management efforts to combat sexual harassment, workers remain unprotected in the majority of workplaces in which there are no trade unions. In view of this situation it is notable that the local labour departments in 250 locations established advisory services on sexual harassment which promise to be useful for employees in workplaces in which there is no union. However, the organization of workers into unions remains an important goal.

Ms. Aida Carrion (Worker, Philippines) described the status of women in Filipino trade unions. Important goals are the participation of 35 per cent of women in all trade union activities and the development of sexual harassment policies. She noted that surveys reveal sexual harassment to be widespread but underreported and stressed that it is a trade union issue which demands legislation. The Trade Union Congress of the Philippines (TUCP) programmes promote awareness and understanding of issue. It has produced a handbook for an advocacy programme and has conducted a campaign which resulted in the inclusion of sexual harassment in collective bargaining agreements. The Committees on Decorum and Investigation required by the 1995 Anti-Sexual Harassment Act must include one representative of management, one trade union representative and employees of both the supervisory rank, and rank and file employees. A number of companies have introduced sexual harassment policies. The first in which the policy was negotiated jointly by management and unions was in a national food chain company whose policy encompasses the behaviour of trade
union officials. Ms. Carrion called for strengthened national tripartite cooperation, emphasizing that sexual harassment has implications for workers, employers and society.

**Plenary discussion**

During the discussion, delegates pointed out that the implementation of a legal framework is one of the most pressing issues for developing countries. In the absence of developed institutional systems, how to obtain justice for women in the Asia and Pacific Region remains a critical question. It was generally agreed that women should be more involved in the implementation of equal employment policies. Moreover, it was recognized that effective measures on sexual harassment can both protect workers and enhance productivity.

Bipartite and tripartite cooperation on eliminating sexual harassment should be strengthened. Increased consultation and cooperation between the social partners and with governments is necessary to achieve the common goal of eliminating sexual harassment. Moreover, the need for cooperation between the social partners and civil society organizations to promote a supportive environment in the community for women’s rights was pointed out by the Workers’ Group.

In the discussion, the importance of labour departments providing administrative guidance to employers was noted. Equal employment departments can provide guidance to employers who have not introduced workplace measures and can assist them in implementing legislation and guidelines.

It was noted that many women who are sexually harassed can be stigmatized if they speak out and that governments should take urgent action on this very sensitive matter. It was also pointed out that sexual harassment is a social issue which impacts on people beyond the reach of workers’ and employers’ organizations and labour ministries, including workers in the informal sector. A framework based on an empowerment perspective should be provided to facilitate partnership-building with other groups such as women’s organizations, legal aid groups, especially in those countries which have not adopted or considered the adoption of sexual harassment legislation. This would allow victims a choice of redress mechanisms including courts, company procedures and collectively agreed procedures. Moreover, more women should have opportunities to develop their ability to use legal mechanisms.

Several representatives, from governments, civil society organizations and UNIFEM recognized that women’s organizations are often the first to address the problem of sexual harassment, that most of those responsible for work on sexual harassment in governments, employers’ and workers’ organizations are women and that those who carry out research in this area also tend to be women.
Levels of awareness varied considerably among and within countries in the region and partnership between men and women on this issue would result in better policies.

The government delegate from Vietnam agreed with her Chinese counterpart on the recent recognition of sexual harassment in their countries. In the absence of any clear legal provisions on sexual harassment at the workplace in the Labour Code in Vietnam, she was interested in the experience of other countries in initiating awareness raising and policy and legislative development. She questioned whether sexual harassment measures, in addition to other equality and protective measures for women, deterred employers from hiring them. She stressed the role of tripartite mechanisms and emphasized that legislation will be ineffective in the absence of mechanisms for implementation and monitoring.

The ICFTU-A PRO representative reiterated the need for the development and adoption of a binding international mechanism, taking note of the current trends in the region and worldwide that more and more countries are enacting specific national legislation on sexual harassment.

Delegates indicated that the extent of awareness on sexual harassment at work varied considerably between and within countries in the Asia and Pacific region. In relation hereto, it was suggested that the ILO should provide more technical assistance to intensify the sharing of experiences on possible steps and measures to take, as well as their respective advantages and disadvantages for the effective prevention of sexual harassment in countries.

5. FIELD VISITS

Two enterprises, Intel Technology Sdn. Bhd. and Komag USA (M) Sdn. Bhd., Penang, the Malayan Trade Union Congress (MTUC) and the Women’s Crisis Centre in Penang, each hosted around 15 participants and informed them about their initiatives against sexual harassment.

Intel Technology Sdn. Bhd, Penang, employing about 8,000 employees, informed participants on their workplace action against sexual harassment. Intel’s policy is comprehensive in coverage and extends beyond sexual harassment alone. Intel provides (i) extensive education and training on their harassment policy, including new employee orientations attended by all new entrants; (ii) printed and on-line materials on corporate business principles; (iii) training for new managers and on-line tools for management training; (iv) workplace harassment avoidance training; and (v) a human resources legal certification for employees charged with investigating complaints. Training covers all employees, and training materials are developed for every level. Excerpts from Intel’s training video were shown which depicts cases of different types of workplace harassment and
illustrates that both men and women may be victims. The policy specifies the complaint procedure, the investigative process, the tracking and sharing of data including provisions to guarantee confidentiality, and additional preventive measures. Intel's staff answered questions and provided a tour of the Visitor Centre where participants learned about the process of chip manufacturing and the working conditions of the labour force. Participants noted that there was no trade union in the enterprise.

Komag USA (M) Sdn. Bhd., Penang, a hard disk manufacturer established in the Penang industrial zone since 1992, with around 2,000 workers, twenty per cent of whom are women, informed participants on their workplace policy against sexual harassment. The company was among the first in Penang to translate the provisions of the Government of Malaysia Code of Practice on sexual harassment into a workplace policy. The definition of sexual harassment encompasses verbal, non-verbal, visual, physical and psychological sexual harassment on company premises or off-site during functions, seminars or travel. At the start of the campaign against sexual harassment, the policy was posted on all notice boards in the company. In addition, a video on sexual harassment was screened continuously for a period of two weeks in the company's cafeteria so that all employees could view it. All managers and supervisors are responsible for the implementation of the policy. The company adopts a particularly strong stance on prohibiting the display of pornography in the workplace, citing its sensitivity to religious principles, and addresses it in its policies on both sexual harassment and the use of electronic tools. The company will immediately dismiss any individual found with pornographic material, including material on the Internet. Both harassers and individuals who file an allegation found to be false will be subject to a range of disciplinary sanctions. The company has so far to receive a sexual harassment complaint under the policy which it attributes to its workplace culture. Participants reported that there is no union in the organization.

Representatives of the Malayan Trade Union Congress (MTUC), Penang, which has 47 affiliates with around 54,000 members, expressed their concern that there is no clear law to take action against sexual harassment at work in Malaysia. The Code of Practice issued by the Department of Labour is considered insufficient to deal with the issue. The unions have received complaints on sexual harassment from employees in the textile, bank, hotel and catering sectors. The MTUC emphasized that the unions deal the issue the grassroots level and recommended that it would be best to sensitize and educate people on sexual harassment and on their rights from the early stages of schooling up to the higher educational levels. Trade unions and employers should both provide education and information to their members on the issue to stimulate action against it. The MTUC considers that there is a lack of initiative from the employers' side. The MTUC raises awareness and encourages women to speak out on the issue and to file complaints on sexual harassment cases because experience learns that the silence of a woman victim makes problems worse as
more victims will follow. If the first woman speaks out, there can be remedial action to solve the problem. They also found out that it is even more difficult if the harasser is a customer of a company. There should be a mechanism to help all parties concerned with these dilemmas. The MTUC emphasized that there is a strong need for legislation against sexual harassment.

The Women’s Crisis Centre (WCC), Penang, is a non-governmental organization that provides free crisis intervention services, such as counseling, legal advice and shelter, and undertakes advocacy and lobbying work to promote gender equality. WCC develops information material such as booklets, pamphlets and videos and conducts awareness raising in communities on women’s issues. The Centre provides educational programmes for teenage boys and girls towards promoting a positive image and eliminating gender discrimination and violence. WCC runs in-house training sessions for its own volunteers and organizes national-level training workshops. The organization conducts research on a range of issues, including rape and the Syariah court system in the country. WCC also networks with other agencies to promote societal and legal reform on various issues. The WCC leads the Joint Action Group Against Violence Against Women (JAG), which comprises seven women’s groups and one trade union, in an active campaign against sexual harassment. The number of cases on sexual harassment received via their helpline has increased significantly as a result of awareness raising. The monitoring activities of WCC and other members of the JAG highlighted the lack of support and redress for victims of sexual harassment, and on 30 March 2001, the JAG presented the Ministry of Human Resources with a Proposed Sexual Harassment Bill. The Bill, amongst others, proposes that employers are compelled by law to take preventive measures against sexual harassment, and develop in-house policies and mechanisms to deal with it. The Bill also proposes to create an independent system, including a specialized Tribunal, for complaints. Following the WCC presentation and group discussion, the participants viewed a video on their programmes.

6. ADOPTION OF THE REPORT OF THE SEMINAR

Following the reports of the field visits in plenary, the participants discussed the seminar’s draft report.

Plenary discussion

Mr. Mohd. Abdul Wahab Mohd Salleh (Government, Malaysia), the spokesperson of the Government group at the seminar and chairperson at the session, indicated that the Government representatives met twice to discuss effective means of combating sexual harassment at the workplace in the formal and informal sectors, as well as the need for advantages and disadvantages of,
developing or revising specific national legislation and/or an international labour standard on action against sexual harassment. The government representatives at the meeting had unanimously agreed:

(i) Sexual harassment at the workplace needs to be addressed seriously and efforts made to combat it require direct involvement and close cooperation between the tripartite members.

(ii) Government representatives agreed that countries need more exposure and guidance on steps to be taken to enhance awareness on the issue of sexual harassment given differences in opinions, values, attitudes and cultures in the various countries.

(iii) Individual member States need to decide on the urgency of having specific national legislation on sexual harassment.

(iv) The government delegates at the meeting encouraged the ILO to play a greater role in educating the member countries and providing assistance towards the enhancement of awareness on sexual harassment. The resolutions of the governments’ group are given in annex 6.

Mr. Muhammad Matin Khan (Employer, Pakistan) the spokesperson of the employers’ group at the seminar, expressed gratitude to the ILO, the Government of Japan and the Government of Malaysia in organizing this seminar. He thanked the speakers and panelists, and all concerned to make the seminar a success. The employers’ group recognized the importance of sexual harassment as an issue which needs to be addressed seriously by the three social partners for its gradual elimination from the workplace. The employers’ group thanked the governments’ group for their resolutions and agreed to the adoption of the seminar report subject to some modifications to be transmitted to the ILO secretariat.

Ms Minako Akiba (Worker, Japan), spokesperson of the workers’ group at this session stated that they had had several meetings and had concluded the following:

(i) The workers’ group reaffirms the importance of tripartite cooperation and active participation of each party on the issue of sexual harassment.

(ii) There is a great need to do a lot of awareness raising especially training and education to make people aware of the issue.

(iii) The workers’ group realizes that specific legislation on sexual harassment is very much needed at national level as well as at the international level, and the group would like to promote the development and adoption of an ILO convention to deal with sexual harassment more effectively at every level. The workers’ group also would like to see that core labour standards are included in all bilateral and multi-lateral trade agreements to emphasize the importance of these fundamental workers’ rights, human rights and trade union rights.

(iv) The workers group requests the ILO to provide assistance to all parties concerned so that each of the tripartite groups can be more effective in tackling and combating sexual harassment.
(v) The workers are fully committed to combating sexual harassment and extend full support to work towards the common goal of eliminating sexual harassment.

On behalf of the workers’ group, she thanked the Government of Malaysia, the Malaysian Employers Federation and the Malayan Trade Union Congress for hosting the seminar, as well as the ILO and all delegates for sharing experiences. The spokesperson for the workers indicated that her group adopted the seminar Report, subject to additions to be submitted to the ILO secretariat.

The chairperson thanked all group leaders for their contributions. It was agreed that the ILO secretariat would finalize the seminar’s report, including modifications and additions, requested by panelists, spokespersons and participants. Subject to these changes, the seminar’s report was unanimously adopted including the concluding statement given below.

Concluding remarks and suggestions for follow-up

The consensus of the meeting was as follows:

• Sexual harassment at work is a very serious issue which needs to be addressed in all countries, regardless of their level of development. Sexual harassment at work is an affront to the dignity of workers. It violates the fundamental human and workers’ rights of women and men, it poses an occupational safety and health risk, and it adversely affects productivity. It particularly affects women workers due to their disadvantaged position in the labour market and therefore manifests as a form of gender discrimination based on sex. Young workers of both sexes are also high-risk groups. Protection against sexual harassment should cover workers in all sectors and occupations, and workers in the informal sector, entertainment industry, and in other non-typical work situations must also be protected.

• The rule of law requires some kind of legal framework dealing with the issue of sexual harassment, based on specific sexual harassment instruments, expansion of existing legislation, or judicial rulings. It is vital that legal frameworks adopted at the national level reflect societal consensus on what constitutes sexual harassment. The legal framework should at least provide a clear and comprehensive definition of sexual harassment at work, specifications of who is legally liable in respect of sexual harassment, procedures and the remedies available to victims and implementing mechanisms.

• While recognizing the importance of legal frameworks for sexual harassment at work, a major focus for action is at the enterprise level. Workplace
measures should be geared to prevent and redress sexual harassment by establishing effective mechanisms. These can include systematic education and training at all levels of the work hierarchy, formal and informal grievance and complaint procedures, penalties to liable parties and redress to victims.

- The important role of the involvement of social partners at all levels in addressing sexual harassment was recognized. Bipartite and tripartite cooperation has proven to be effective and needs to be strengthened. Also, the importance of cooperation among the social partners and civil society organizations, including women's organizations, to promote an overall environment of equality between men and women was recognized.

- The under-representation of women in decision-making positions continues to be a general constraint for the promotion of equality between men and women in employment, including the elimination of sexual harassment at work. The representation of women in the design, implementation, monitoring and evaluation of programmes and mechanisms against sexual harassment should be increased to mobilize both women and men for more effective action against sexual harassment.

- It was recognized that effective action against sexual harassment in the informal sector remains difficult and that innovative measures needed to be found to protect women in these sectors. The consideration of giving local authorities and/or other community-based mechanisms responsibility for addressing equality issues, including sexual harassment, seems promising.

- The workers' group at the seminar called for the adoption of an international labour standard on sexual harassment. The employers group at the seminar considered that it was not necessary to adopt a new standard on this topic. It was recognized that it was for the Governing Body of the ILO to decide on any course of action in this regard.

- The ILO should provide technical assistance to help the social partners prevent sexual harassment and to intensify the sharing of experiences in this regard among countries.

**Closing ceremony**

Mr. Ian Chambers, on behalf of the ILO, thanked the Government of Malaysia and the State Government of Penang for their great hospitality and tremendous support in making the seminar a success. He also expressed his appreciation to the delegates for their most valuable information, instruction and orientation.
This type of meetings helps the International Labour Office to orient its programme to address the needs of its constituents and the Office would follow up on the various suggestions and recommendations. Special thanks were given to the panelists for their high quality inputs to the seminar. He emphasized that the ILO will make an effort to bring action against sexual harassment to the attention of the public so that understanding on the issue grows. The victims themselves need to become aware of support services and means of redress with a view to ensure that there are fewer victims and that persons who are victimized are given protection in the future. This seminar was part of a process geared to the aim of zero tolerance and the full elimination of sexual harassment in the region.

The spokesperson of the employers’ group expressed special thanks to the ILO secretariat for their hard work at the seminar. Finally, on behalf of the Government of Malaysia, the session’s chairperson called the seminar to a close, thanking all participants for coming to Penang and hoping that they would meet again in the future.
Annex 1:
Programme

ILO/Japan Regional Tripartite Seminar on
Action against Sexual Harassment at Work in Asia and the Pacific
Penang, Malaysia, 2-4 October 2001

PROGRAMME

Tuesday, 2 October 2001

08:00 hrs. Registration of participants/Group meetings of employers’ and
workers’ representatives

09:00 hrs. Opening ceremony

Recitation of Prayer

Welcome address by Mr Ian G. Chambers, Director Bangkok Area
Office and the East Asia Multidisciplinary Team, ILO

Welcome address by Ms Ayumi Tanaka, Director Equal
Employment Department, Oita Prefectural Labour Bureau,
Ministry of Health, Labour and Welfare, Japan

Opening Ceremony: Address by the Hon. Datuk Dr Fong Chan
Onn, Minister of Human Resources, Malaysia

Group photograph

10:30 hrs. Break

Chairperson: Mr Mohd. Abdul Wahab Mohd Salleh, Labour Department,
Malaysia

11:00 hrs. Introduction to programme and participants
- Ms Nelien Haspels, ILO

12.30 hrs. Video presentations on sexual harassment
- Ms Kim Hye-sun, Korea Employers Federation
- Ms Zaitun Kasim, ILO Resource Person, Committee of Asian
Women

12:30 hrs. Lunch
1. Perspectives on definition, scope, attitudes and effects

Chairperson: Mr Muhammad Matin Khan, Employers Federation of Pakistan

14.00 hrs. Panel presentations and plenary discussion: International perspective and national experiences:
- ILO – Ms Nelien Haspels
- Government – Ms Srisuda Ubol, Department of Labour Protection, Ministry of Labour and Social Welfare, Thailand
- Employers’ organizations – Ms Parveen Sultana, Square Pharmaceuticals, Bangladesh
- Workers’ organizations
  - Ms Park Song Hee, KCTU, Korea
  - Mr Hameed, Mohideen Meenan, NESU, Sri Lanka

15:30 hrs. Break

16.00 hrs. Continuation of panel presentations and plenary discussion

17:30 hrs. End of day 1.

18:00 hrs. Welcome reception, ILO

Wednesday, 3 October 2001

Chairperson: Mr Abdul Razak, MTUC Malaysia

08:00 hrs. Group meeting of workers’ representatives

09:00 hrs. Sum-up of day 1: ILO – Ms Nelien Haspels

2. Legislative measures

09:15 hrs. Panel presentations and plenary discussion:
- International perspective: ILO – Ms Constance Thomas
- Supreme Court Judgement in India:
  - Ms Indira Jaising, ILO Resource Person, Lawyers Collective, New Delhi

10:30 hrs. Break

11:00 hrs. Panel presentations and plenary discussion:
- Government of India: Ms Preet Verma, Ministry of Labour
- Government of the Philippines: Ms Amuerfina Reyes, Department of Labour and Employment
- Government of the Republic of Korea: Mr Jang Hwa Ik, Ministry of Labour

12:30 hrs. Lunch
3. **Policy and workplace measures**

**Chairperson:** *Ms Rita Bhandary, Employers’ Council of FNCCI*

14:00 hrs.  Panel presentations and plenary discussion:
- International perspective: ILO - *Ms Fe Josefina Dy Hammar*
- Government of Malaysia – *Mr Wahab Salleh, Labour Department*
- Workers’ perspective: *Ms Kyung Song, ICFTU-APRO*
  - Malaysian Employers Federation – *Mr Maroly Vivekanandan*

15:30 hrs.  Break

16:00 hrs.  Panel presentation and plenary discussion:
- *Ms Zurina, Intel Company*
- *Ms Akiba, JTUC RENGO*
- *Ms Carrion, TUCP*

17:30 hrs.  End of day 2

20:00 hrs.  Dinner hosted by the State Government of Penang

**Thursday, 4 October 2001**

08:00 hrs.  Group meetings of governments’, employers’ and workers’ representatives

4. **Practical measures against sexual harassment**

09:00 hrs.  Field visit on workplace measures and counseling practices
- Intel Technology Sdn. Bhd., Penang
- Komag USA (M) Sdn. Bhd., Penang
- Malayan Trade Union Congress (MTUC), Penang
- Women’s Crisis Centre, Penang

12:00 hrs.  Lunch

**Chairperson:** *Mr Mohd. Abdul Wahab Mohd Salleh, Labour Department, Malaysia*

14:00  Group meetings of governments’, employers’ and workers’ representatives

15:00 hrs.  Plenary discussion on field visit

15:30 hrs.  Adoption of report

16:00 hrs.  Break

16:30 hrs.  Closing ceremony
Annex 2:
List of Participants

ILO/Japan Regional Tripartite Seminar on
Action against Sexual Harassment at Work in Asia and the Pacific
Penang, Malaysia, 2-4 October 2001

LIST OF PARTICIPANTS

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Welcome Address by Mr Ian G. Chambers
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Mr Deputy Minister, Mr Director-General, Ladies and Gentlemen, Representatives of Employers, Workers and Governments, we have all heard that Malaysia is truly Asia and I think we have proof of it here with participants from so many different parts of the region. I would like to first welcome all of you here in Penang, On behalf of the ILO, we are very pleased that you could be with us for this activity.

Sexual harassment, as you will have seen from the report of the meeting, is interpreted in different ways, in different countries, in different jurisdictions. But fundamentally, it is a matter of the dignity of the victim, usually a woman, though not always, but I am sure many of our women colleagues who are here have experienced this very unfortunate manifestation of social and work interaction and they will confirm that it has nothing but negative consequences. It negatively affects productivity, it negatively affects the spirit of the workplace, it negatively affects their life and their dignity as human beings and as women.

The main problem is not the identification of the harassment but what has to be done about it. This is the focus of this seminar. As you will see from the report, there are different approaches that are used but fundamentally, the objective is to eradicate sexual harassment from the workplace, to the benefit not only of the women who are the victims but also of the men because the entire work atmosphere is poisoned by sexual harassment. We want in as far as possible in this seminar to focus on practical steps that can be taken. Everyone recognizes that cultural aspects are involved in many different forms in the various Asian countries. But fundamentally, the issue is not a cultural one, it is not that harassment is culturally acceptable, it is rather the way that it is dealt with, the way that it is covered up, the way that it is tolerated, that may be different in each society. There is no culture in Asia and there is no culture anywhere else that says that sexual harassment is a good thing. So let us focus on how, within our different legal systems, our different cultures and our different values, we build on that fundamental truth that harassment is something that must be done away with and look at it in the most practical way in order to achieve this objective. These will be elements of law, these will be elements of practice at the workplace, these will be elements of sensitizing and education. I think if we come out at the end of this exercise with some options that governments can apply, employers and trade unions can promote and workers can rely on, then we will have many significant steps forward in dealing with this very important issue. I will be very interested to follow your discussions, and I hope to participate in some of them, You can be sure that we, from the ILO, will do our very best to give concrete effect and support to those recommendations that you define in this meeting.

Thank you very much.
1. Greetings

Thank you Chairperson.

I am very happy to have this opportunity to address the ILO/Japan Regional Tripartite Seminar on Action against Sexual Harassment at Work in Asia and the Pacific as the representative of the government of Japan. I would like to take this opportunity to thank all of the participants, as well as the ILO Secretariat and members of the Regional Office for Asia and the Pacific who have worked very hard to organize this seminar.

I would also like to thank the government of Malaysia for very graciously accepting to host this seminar and to express my special gratitude to the Honourable Y.B Dr. Abdul Latiff bin Ahmad, Deputy Minister of Human Resources and other representatives who have joined us here today.

2. Importance of Gender Awareness

First, I would like to comment on the "importance of gender policies."

The world is experiencing an accelerated process of globalization and economic structural reform. As a result, in many countries, women are participating in the labour markets in increasingly large numbers. This has generated major changes in global labour markets.

Consequently, the role of gender in the labour markets is also undergoing changes. In certain cases, women have gained access to greater opportunities and economic independence. On the other hand, women are often the victims of low wages and unstable conditions because they occupy a weaker position than men in terms of legal systems and social protection.

Against this background, ILO has identified gender policies, based on an awareness of the position and perspectives of women, as a priority issue and is actively engaged in pursuing their implementation. These policies are aimed at eliminating gender-based discrimination in employment, raising the status of women and promoting the employment of women.
In Japan, we will take advantage of the support of ILO to consider the problem of sexual harassment in the workplace as an issue in gender policies. We believe that it is very important to discuss effective solutions to this problem and to establish a sound and healthy working environment. For the achievement of this objective, we believe that it is essential for labour, management and the government to work together to develop a keener awareness of this problem.

ILO support is indispensable for an active engagement in the resolution of the problem of sexual harassment in the workplace. Therefore, the government of Japan is very happy to be able to lend its assistance to related ILO activities.

3. Responses of the Government of Japan to Sexual Harassment

Next, I would like to explain some of the initiatives and responses of the government of Japan to this problem.

The Revised Equal Employment Opportunity Law, fully enforced since April 1999, requires employers to make appropriate labour management arrangements for the prevention of sexual harassment. The Guidelines based on this law place the following obligations on employers. [1] Employers must establish clear policies concerning sexual harassment and fully inform and educate their employees on these policies. [2] Arrangements must be made for consultation and receiving of complaints. [3] Arrangements must be made for prompt and appropriate responses to incidents of sexual harassment.

As the regional offices of the Ministry of Health, Labour and Welfare, the Equal Employment Opportunity Offices of the Prefectural Labour Bureaus are undertaking the following activities. To promote the implementation of appropriate measures for the prevention of sexual harassment in the workplace, efforts are made to fully inform businesses of the contents of the Equal Employment Opportunity Law and the Guidelines. Administrative guidance is given to employers who have not instituted measures for the prevention of sexual harassment.

Advisory services and information concerning specific measures are provided to assist employers to institute effective countermeasures.

Furthermore, sexual harassment counselors have been posted at the Equal Employment Opportunity Offices to provide consultation for female workers. These counselors have expert knowledge, skills and experience for responding to the psychological and emotional needs of persons seeking consultation.

With regard to sexual harassment, employers are obviously responsible for ensuring a sound and healthy working environment. Moreover, I believe that employees must also make real efforts to transform the culture and mentality of their organizations and to implement preventive measures. The government also has some clear responsibilities for instituting preventive measures. Likewise, the government must take thorough and effective measures to protect the victims of sexual harassment and to develop the legal framework for dealing with offenders.
4. Responses of the Government of Malaysia to Labour Problems

As the sexual harassment seminar for the Asian region is being held here in Penang, I would like to express my admiration for the active engagement of the government of Malaysia in the resolution of labour problems.

In cooperation with the government of Malaysia, Japan is currently implementing a five-year JICA (Japan International Cooperation Agency) project in the areas of occupational safety and health, and human resources development. In Penang, the Japan-Malaysia Technical Institute Project is especially active. It is our hope that these efforts will contribute to the advancement of the labour policies of the government of Malaysia.

5. Conclusion

I look forward to the active discussions of the participants in this seminar on the subject of sexual harassment in the workplace, and sincerely hope that the support of ILO will be fully utilized for the implementation of programs and initiatives for the resolution of this problem.

In closing, I would like to state that the government of Japan shall continue to cooperate with ILO and is committed to providing its full support to the propagation and promotion of the ILO spirit in the Asia-Pacific region.

Thank you.
Annex 5:
Official speech by The Honourable Y.B. Dr Abdul Latiff Bin Haji Ahmad

ILO/Japan Regional Tripartite Seminar on Action against Sexual Harassment at Work in Asia and the Pacific
Penang, Malaysia, 2-4 October 2001

Official Opening Speech by The Honourable Y.B. Dr Abdul Latiff Bin Haji Ahmad,
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Tuan-tuan dan puan-puan,
Terlebih dahulu saya Ingin merakamkan setinggi-tinggi penghargaan dan terima kasih kepada pihak penganjur atas kehormatan yang diberi kepada saya untuk memasmikan seminar ini. Saya juga mengucapkan terima kasih kepada pihak Pertubuhan Buruh Antarabangsa dan Japan untuk “Regional Tripartite Seminar on Action Against Sexual Harassment. At Work in Asia and the Pacific” di Malaysia.

Ladies and gentlemen,
First of all I would like to express our warmest welcome to Ms. Ayumi Tanaka, Director for Equal Employment Department, Ministry of Health, Labour And Welfare, Japan, representing the Government of Japan, Mr. Ian G. Chambers, the Director of the Bangkok Area Office and East Asia Multidisciplinary Team and his staff as well as the resource persons from ILO Geneva to Malaysia. Malaysia is honored that the, seminar is held here, as I believe it is an indication of the recognition of Malaysia as being in the forefront in combating sexual harassment at the workplace as well as its ability in managing regional seminars.

I understand that a total of 45 participants from 15 countries from the Asia and the Pacific region are attending this seminar with 3 participants from each country representing the government, workers and employers. I hope that exchange of ideas and experiences during the panel discussions between the tripartite members, from 15 different countries will improve your capability toward ensuring a safer workplace for all.

I understand that this seminar is to increase awareness on the effective measures for eradication sexual harassment in the workplace, to strengthen local and national initiatives against sexual harassment and to allow the participants to exchange information and experience in handling this issue. Your interaction at this seminar will hopefully lead to improving your existing mechanism in your country and that all the 15 countries involved will be able to use these best practices to eradicate sexual harassment in Asia and the Pacific.

I hope that the participants will be able to examine the, definition of sexual harassment so that we can have a common understanding of its meaning to allow for cross-reference and proper understanding of this phenomenon.
Ladies and gentlemen,
The Ministry of Human Resources is responsible for ensuring that the environment of the workplace is conducive and peaceful and that good and harmonious industrial relations prevail. Malaysia is aware that sexual harassment affects the working environment and is an important issue affecting workers especially the female employees. Social organizations have also raised this issue and voice their problems, seeking justice and protection,

In the past sexual harassment was something that is not discussed and often swept under the carpet or under the “tikar” a phenomenon unseen but often talked about in whispers. The problem is compounded by the fact that sexual harassment is determined by the perception of the victim towards the intention of the harasser. A third party may perceive the act ion as harmless.

At the work-place, sexual harassment prevails mainly due to “quid pro quo” (this for that) where a person in power is the harasser offering employment benefits to the victim in exchange for sexual gratification. This is demeaning to the victim and is an obstacle to equality of opportunity and treatment between women and men. This violation of human and workers' rights is unacceptable. There are also cases where the harasser and the victim are of similar rank. Such harassment is equally unacceptable as it affects the psyche of the victim leading to a hostile work environment, affecting productivity and inter-relationship between employees.

Even when the victims wish to report such acts of sexual harassment they would not know how to go about it. Employers who do received reports would also have problems in handling the reports, as they may not know what action to take. It is thus necessary for all workplaces to have clear guidelines on the reporting and handling of cases of sexual harassment.

Malaysia is committed to providing its citizens with places of work place of work free from sexual harassment. The Ministry of Human Resources has prepared and issued a “Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace”. This Code was the result of discussions with representatives of the relevant government agencies, employer’s organizations, trade unions and non-governmental organizations. The Code defines the meaning of sexual harassment and provides the guidelines for the setting up of in-house mechanism to combat sexual harassment in the workplace. It also, provides for the setting up of a compliant or grievance procedure and the need for disciplinary rules and penalties as preventive measures. It also recommends protective and remedial measures for the victim.

However, the Code can only provide the framework. The details of the actual mechanism are left to the employers to determine within the organizational set up of their companies. However, they are encouraged to work together with their trade unions or employees representatives to determine the mechanism most suitable to the organization.

Ladies, and gentleman,
Since the launch of file Code in 1999, the Ministry of Human Resources has taken action to publicise the Code and to assist employers to put it into practice through a two-prong
action. The first is the awareness programme where seminars were held in 10 localities throughout the country. The second phrase consisted of workshops conducted with employers with the aim of helping them to set up an internal mechanism to handle sexual harassment at the workplace. My Ministry had conducted, 12 such workshops throughout the country. A total of 5,397 employees from 22,761 companies have been trained. This campaign to eradicate sexual harassment at the workplace will be continued to ensure that all employers have the necessary mechanism and knowledge to handle such cases. We are also taking action to educate members of the public on this issue through seminars in conjunction with the Ministry of Women and Family development.

Since in launch of the code a total of 127 reports have been received by the Labour Department. Out of this, one report was received from a male worker against his female boss. However the number of cases reported is not an indication of the success of the code neither the prevalence of the sexual harassment in Malaysia. Our Policy is to have cases of sexual harassment be handled in-house through the internal mechanism set up in the organization to ensure good industrial harmony.

Employers have realized that they have a responsibility to ensure a safe workplace and to take action to prevent sexual harassment. They have realized that if they allow sexual harassment to go unchecked it can spread throughout the organization. As such they have responded by setting up the mechanism for the prevention, reporting and for seeking redress for sexual harassment within their companies. However the number of companies, which has set up the mechanism, is still too small. My Ministry will continue to promote the code of practice and ensure that employees are aware of the code as well as to promote confidence in the grievance procedures.

Ladies and gentlemen,
I hope that you will achieve the objectives of the seminar. While here I hope you will be able explore Penang as well as the other part of Malaysia.
It is thus my pleasure to declare this seminar open.
RESOLUTIONS BY GOVERNMENT REPRESENTATIVES

Chairperson : Malaysia

Members : Bangladesh
          China
          India
          Japan
          Republic of Korea
          Nepal
          Pakistan
          Philippines
          Singapore
          Sri Lanka
          Thailand
          Viet Nam

Points of Discussion:

- An effective means of combating sexual harassment at the workplace in the formal and informal sectors, based on the input presented during the above seminar.
- A requirement to have a specific legislation on Sexual Harassment
- A requirement to have an ILO Convention on Sexual Harassment.

Resolutions

The resolutions are unanimously consented to at the meeting of the Government Representatives attending the above seminar on the above mentioned points of discussion.

1. **That the government representatives** agreed sexual harassment at the workplace needs to be addressed seriously and effort made to combat this issue requires direct involvement and close cooperation between the tripartite members.

2. **That the government representatives** agreed most members need more exposure and guidance towards steps to be taken to enhance awareness on the issue of sexual harassment and it is also proposed that consideration on the differences in opinions, values, attitudes, cultures etc. of the various member countries are to be given serious scrutiny before standard setting is introduced.
3. That the government representatives agreed individual member countries needs to decide on the urgency of having their own specific legislation on sexual harassment.

Based on the above consensus:

We, the Government Representatives namely Bangladesh, China, India, Japan, Republic of Korea, Malaysia, Nepal, Pakistan, Philippines, Singapore, Sri Lanka, Thailand and Vietnam hereby propose that:

ILO is to play a more encouraging role in educating the member countries and providing assistance towards the enhancement of awareness on the issue of Sexual Harassment until such time before any ILO Convention on Sexual Harassment is introduced.