



TRANSPARENCY
INTERNATIONAL
MALAYSIA

MALAYSIAN SOCIETY FOR TRANSPARENCY AND INTEGRITY (TRANSPARENCY INTERNATIONAL – MALAYSIA)

(PPM-007-10-28081999 – Established since 24th December 1998)

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TRANSPARENCY INTERNATIONAL MALAYSIA (TI-M) Anti-Sexual Harassment Policy

1. Policy Statement

TI-Malaysia is committed to providing a safe environment for all its employees free from discrimination on any ground and from harassment at work including sexual harassment. TI-Malaysia will operate a zero-tolerance policy for any form of sexual harassment in the workplace, treat all incidents seriously and promptly investigate all allegations of sexual harassment. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from employment. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimised for making such a complaint.

2. Objective

This policy aims to protect all employees, EXCO members, individual and corporate members, funders, partners, participants, consultants and stakeholders in TI-Malaysia from unwanted sexual advances and give them guidelines to report incidents. TI-Malaysia will not tolerate sexual harassment in our workplace in any shape or form. Our culture is based on mutual respect and collaboration. Sexual harassment is a serious violation of this policy.

3. Definition of sexual harassment

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of that person's employment or continued dealings, as well as situations which create an environment which is hostile, intimidating or humiliating for the recipient.

Sexual harassment can involve one or more incidents and actions constituting harassment may be physical, verbal and non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:

Physical conduct

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching;
- Physical violence including sexual assault;
- Physical contact (e.g. touching, pinching); and
- The use of job-related threats or rewards to solicit sexual favours.

Verbal conduct

- Comments on an individual's appearance, size, private life and etc;
- Sexual comments, stories and jokes;
- Sexual advances;
- Repeated and unwanted social invitations for dates or physical intimacy; and
- Sending sexually explicit messages (by phone or by email).

Non-verbal conduct

- Display of sexually explicit or suggestive material;
- Sexually-suggestive gestures;
- Whistling; and
- Leering.

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. TI-Malaysia recognises that sexual harassment may also occur between people of the same sex. What matters is that the sexual conduct is unwanted and unwelcome by the person against whom the conduct is directed.

TI-Malaysia recognises that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager and employee. Anyone, including employees of TI-Malaysia, clients, casual workers or visitors who sexually harass another will be reprimanded in accordance with this internal policy.

All sexual harassment is prohibited whether it takes place within TI-Malaysia premises or outside, including at social events, business trips, training sessions or conferences sponsored by TI-Malaysia.

4. Complaint procedures

Anyone who feels he/she is subject to sexual harassment may, if he/she chooses to do so and if possible under the circumstances, inform the alleged harasser that the conduct is unwanted and unwelcome. TI-Malaysia recognises that sexual harassment may occur in unequal relationships (ie. between a manager/superior and his/her employee), or difficult and uncomfortable circumstances, and that it may not be possible for the victim to inform the alleged harasser.

If a victim cannot directly approach an alleged harasser, he/she can approach the Secretary-General of TI-Malaysia. When the Secretary-General receives a complaint of sexual harassment, he/she will:

- Immediately record the dates, times and facts of the incident(s);
- Ascertain the views of the victim as to what outcome he/she wants;
- Ensure that the victim understands the company's procedures for dealing with the complaint;
- Discuss and agree the next steps: either informal or formal complaint, on the understanding that choosing to resolve the matter informally does not preclude the victim from pursuing a formal complaint if he/she is not satisfied with the outcome;
- Keep a confidential record of all discussions;
- Respect the choice of the victim; and
- Ensure that the victim knows that they can lodge the complaint outside of the company through the relevant country/legal framework.

All complaints and investigations will be treated confidentially to the extent possible, and information will only be disclosed on a need-to-know basis. The Secretary-General is to be mindful of persons who are aware of the complaint and the identity of the victim, and ensure that such persons are aware of their obligation to treat the information confidentially. The victim or complainant should be made aware that the identity of the victim will likely be revealed to the parties involved in the investigation, and any disciplinary hearing, on a need-to-know basis. The Secretary-General will as far as they are able to, take adequate steps to ensure that the victim is protected from retaliation during and after the investigation.

In managing the risk of sexual harassment, TI-Malaysia will take precautions in its recruitment of new employees including vetting for criminal records and request for references to avoid known sexual abusers.

Outside complaints mechanisms

Aside from the internal process at TI-Malaysia - a person may also choose to pursue legal remedies under the Anti-Sexual Harassment Act 2022.

5. Formal complaints mechanism

If the victim wants to make a formal complaint, the Whistleblowing & Complaint Policy and Whistleblowing & Complaint Procedure should be used to resolve the matter.

The Secretary-General who initially received the complaint will notify the matter to the President/EXCO members to initiate a formal investigation. The Secretary-General may handle matter him/herself or seek the advice of the President/EXCO in accordance with this policy.

Please refer to TI-M's Whistleblowing & Complaint Policy, and Whistleblowing & Complaint Procedure for details.

The person carrying out the investigation will:

- Interview the victim and the alleged harasser separately;
- Interview other relevant third parties separately;
- Decide whether or not the incident(s) of sexual harassment took place;
- Produce a report detailing the investigations, findings and any recommendations to be forwarded to the EXCO;
- Follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the victim is satisfied with the outcome;
- If it cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the workplace;
- Keep a record of all actions taken;
- Ensure that the all records concerning the matter are kept confidential; and
- Ensure that the process is done as quickly as possible and in any event within 30 days of the complaint being made.

6. Disciplinary Actions

Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following actions:

- Verbal or written warning
- Adverse performance evaluation
- Reduction in wages
- Transfer
- Demotion
- Suspension
- Dismissal
- Reporting by TI-M to the appropriate authorities, such as the police



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The nature of the actions will depend on the gravity and extent of the harassment. Suitable deterrent actions will be applied to ensure that incidents of sexual harassment are not treated as trivial. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser.

7. Implementation of this policy

TI-Malaysia will ensure that this policy is widely disseminated to all employee. It will be included in the Standard Operating Policies and Procedures Manual. All new employees must be trained on the content of this policy as part of their induction into the company. It is the responsibility of every manager to ensure that all his/her employees are aware of the policy.

8. Monitoring and evaluation

TI-Malaysia recognises the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects statistics and data as to how it is used and whether or not it is effective. Secretary-General, managers and those responsible for dealing with sexual harassment cases will report on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made to the EXCO. This will be done on a yearly basis.