

# **SEXUAL HARASSMENT: THE LEGAL ISSUES IN MALAYSIA**

By

Nooraishah Binti Azis (2005681474)

Aliff Marzuki Bin Mahmud Marzoki (2005582296)

Submitted in Partial Fulfillment of the Requirements  
for the Bachelor in Legal Studies

**Universiti Teknologi MARA**  
**Faculty of Law**

April 2008

The students/authors confirm that the work submitted is their own and that appropriate credit has been given where reference has been made to the works of others.

## **ACKNOWLEDGEMENT**

In the name of ALLAH (s.w.t), the most Gracious and Merciful for giving us the fullest strength and courage to complete this project paper.

There are many people to whom we would like to express our gratitude and appreciation for helping us during our study.

Firstly, we would sincerely like to convey our greatest and deepest gratitude to our supervisor, Puan Rasyidah binti Mohd Khalid for her invaluable patient, guidance and tolerance in supervising us and especially for being so understanding towards a meaningful completion of the project paper.

Secondly, we would like to express our thanks to all of our friends, especially Yanie, Siti, Alang and Nadia who were always there to supports us during our hectic semester.

Last, but not least, deepest thanks and precious love to our family who supported and guided in completing this project paper. Thanks you so much for the love and encouragement. This project would not have been completed without the support of our family.

May ALLAH (s.w.t) bless you all.

## **ABSTRACT**

This research is about the issue of sexual harassment and the legal issues in Malaysia. In 1999 the Minister of Human Resource had introduced the Code of Practice and Eradication of Sexual Harassment in the Workplace. The existence of this Code was supposed to be the solution to this problem. However, since it is merely a guideline, it does not have any mandatory effects.

There are other laws in Malaysia which governs sexual harassment. However, these laws are not sufficient in curbing the rising issue of sexual harassment in our country. The lack of laws in Malaysia causes the victims to have no legal redress. Thus many cases go unreported.

Among others, this research will include not only the legal aspects of sexual harassment but also the impact of this problem from a social perspective. The level of social awareness among the public is not encouraging. Therefore, recommendations on how to properly address this issue will also be included.

In conclusion, legislate the Code to an Act will be a very helpful step in curbing sexual harassment.

## TABLE OF CONTENT

	Page
Acknowledgment	i
Abstract	ii
Content	iii
List of Cases	v
<b>CHAPTER ONE:                   SEXUAL HARASSMENT: LEGAL ISSUES IN MALAYSIA</b>	
1.0    Introduction	1
1.1    Problem Statement	3
1.2    Objectives	5
1.3    Literature Review	6
1.4    Methodology	9
1.5    Limitation	9
1.6    Significance of Study	10
<b>CHAPTER TWO:               LEGAL FRAMEWORK OVER SEXUAL HARASSMENT IN MALAYSIA</b>	
2.0    Introduction	11
2.1    Code of Practice on the Prevention and Eradication of Sexual Harassment in the Work Place	12
2.2    Section 509 of the Penal Code	18
2.3    Section 20(1) of the Industrial Relations Act 1967	19
2.4    Section 4 of the Occupational Safety And Health Act 1994 (Act514)	22
2.5    Conclusion	24

**CHAPTER THREE: EFFECTS OF SEXUAL HARASSMENT**

3.0	Introduction	26
3.1	Psychological Effects	26
3.2	Physical Effects	29
3.3	Economic Effects	31
3.4	Effects on Family	32
3.5	Effects on Workplace/School	33
3.6	Conclusion	36

**CHAPTER FOUR: SOCIAL AWARENESS & FINDINGS**

4.0	Social Awareness	37
4.1	Workplace	38
4.2	School	39
4.3	Public	40
4.4	Findings	42
4.5	Conclusion	46

**CHAPTER FIVE: RECOMMENDATION AND CONCLUSION**

5.0	Introduction	47
5.1	Recommendation	48
	5.1.1 Workplace	50
	5.1.2 Educational Premises	51
	5.1.3 Public In General	53
5.2	Conclusion	54

	Bibliography	55
--	--------------	----

	Appendixes	59
--	------------	----