

ANTI SEXUAL-HARASSMENT POLICY

TEOH BENG HOCK ASSOCIATION FOR DEMOCRATIC ADVANCEMENT

A) Policy Statement

1. Teoh Beng Hock Association for Democratic Advancement (TBH-ADA) is committed to providing a safe environment for all its members, volunteers, employees, contractors, activity participants and visitors free from discrimination on any ground and from violence and harassment at activities including sexual harassment.
2. TBH-ADA will operate a zero-tolerance policy for any form of sexual harassment in the activity venues, treat all incidents seriously and promptly investigate all allegations of sexual harassment.
3. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal from membership or volunteer participation or termination of engagement with TBH-ADA.
4. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. No one will be victimised or retaliated against (including complainants, witnesses, whistleblower or supporters) for making such a complaint.

B) Definition of sexual harassment

1. Sexual harassment is unwelcome and unwanted 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 well as situations which create an environment which is hostile, intimidating or humiliating for the recipient.
2. TBH-ADA also recognises that sexual harassment can intersect with gender, race, disability, sexual orientation, political affiliation, or other status.
3. 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:

a) *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 activity-related threats or rewards to solicit sexual favours.

b) *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;
- Insults based on the sex of the member or volunteer
- Condescending or paternalistic remarks
- Sending sexually explicit messages (by phone, email or social media message).

c) *Non-verbal conduct*

- Display of sexually explicit or suggestive material;
- Sexually-suggestive gestures

- Whistling; and
 - Leering.
4. Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser.
 5. TBH-ADA 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.
 6. TBH-ADA recognises that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the organisation, for example between seniors and juniors.
 7. Anyone, including employees, members and volunteers of TBH-ADA, activity participants or visitors who sexually harass another will be reprimanded in accordance with this internal policy.
 8. All sexual harassment is prohibited whether it takes place within TBH-ADA premises or outside, including at social events, activity trips, training sessions or conferences sponsored by TBH-ADA.

C) Complaint procedures

1. Anyone who feels he/she is subject to sexual harassment may inform the alleged harasser that the conduct is unwanted and unwelcome.
2. Whether a complainant informs the alleged harasser and raises the objection or not, the act does not preclude the complainant from invoking informal or formal complaint procedure.
3. TBH-ADA recognises that sexual harassment may occur in unequal relationships (ie. between a senior and a junior), or difficult and uncomfortable circumstances, and that it may not be possible for the victim to inform the alleged harasser.
4. If a victim cannot directly approach an alleged harasser, he/she can approach TBH-ADA's designated contact person for each activity, of TBH-ADA including TBH-ADA executive committee members.
5. Confidentiality will be maintained to the maximum extent possible, consistent with a fair investigation and due process.
6. When the designated person 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 TBH-ADA'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 organisation through the Malaysian legal mechanism.

7. Throughout the complaints procedure, a victim is entitled to be helped by a dedicated person or organisation with knowledge in gender equality or law nominated by the TBH-ADA executive committee. TBH-ADA recognises that because sexual harassment often occurs in unequal relationships within the organisation or during activities, victims often feel that they cannot come forward. TBH-ADA understands the need to support victims in making complaints.

D) Informal complaints / Mediation mechanism

1. If the victim wishes to deal with the matter informally, the designated person will:
 - Give an opportunity to the alleged harasser to respond to the complaint
 - Ensure that the alleged harasser understands the complaints mechanism
 - Facilitate discussion between both parties to achieve an informal resolution which is acceptable to the complainant, or refer the matter to a designated mediator within the organisation to resolve the matter
 - Ensure that a confidential record is kept of what happens
 - Follow up after the outcome of the complaints mechanism to ensure that the behaviour has stopped
 - Ensure that the above is done speedily and within 14 calendar days of the complaint being made

E) Formal complaints mechanism

1. If the victim wants to make a formal complaint or if the informal complaint mechanism has not led to a satisfactory outcome for the victim, the formal complaint mechanism should be used to resolve the matter.
2. The designated person who initially received the complaint will refer the matter to any executive committee member. The executive committee may deal with the matter itself, refer the matter to an internal or external inquiry panel with adequate qualification and gender-balanced composition.
3. The person or inquiry panel carrying out the investigation will:
 - a) Interview the victim and the alleged harasser separately
 - b) Interview other relevant third parties separately
 - c) Decide whether or not the incident(s) of sexual harassment took place
 - d) Produce a report detailing the investigations, findings and any recommendations
 - e) If the harassment took place, decide what the appropriate remedy for the victim is, in consultation with the victim (i.e.- an apology, a change to organisation or activity arrangements, training for the harasser, discipline, suspension, dismissal)
 - f) Follow up to ensure that the recommendations are implemented, that the behaviour has stopped and that the victim is satisfied with the outcome
 - g) If it cannot determine that the harassment took place, he/she may still make recommendations to ensure proper functioning of the organisation or activity
 - h) Keep a record of all actions taken
 - i) Ensure that all records concerning the matter are kept confidential in compliance with the Personal Data Protection Act (PDPA) of Malaysia
 - j) Ensure that the process is done as quickly as possible and in any event within 30 days of the complaint being made
4. An appeal process will be available: any party dissatisfied with the outcome may submit an appeal to the TBH-ADA Executive Committee within 14 days of notification of the decision. A discussion and decision of the appeal should be taken place in the Annual General Meeting of TBH-ADA.

F) Outside complaints mechanisms

1. A person who has been subject to sexual harassment can also make a complaint outside of the organisation. They can do so through mechanisms stipulated in the Penal Code or Anti-Sexual Harassment Act 2022.

G) Sanctions and disciplinary measures

1. Anyone who has been found to have sexually harassed another person under the terms of this policy is liable to any of the following sanctions:
 - a) Verbal or written warning
 - b) Adverse performance evaluation
 - c) Reduction in wages
 - d) Transfer
 - e) Demotion
 - f) Suspension
 - g) Dismissal
 - h) Removal of leadership or coordination roles
 - i) Suspension from participation in TBH-ADA activities
2. The nature of the sanctions will depend on the gravity and extent of the harassment. Suitable deterrent sanctions 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 and prohibition of participation in organisation activity forever.

H) Implementation of this policy

1. TBH-ADA will ensure that this policy is widely disseminated to all employees, members & volunteers. All new members & volunteers must be trained on the content of this policy as part of their induction into the organisation. Annual refresher training and awareness activities will also be conducted.
2. It is the responsibility of the executive committee to ensure that all employees, members & volunteers are aware of the policy. A policy brief will be presented in each TBH-ADA activity.

I) Monitoring and evaluation

1. TBH-ADA 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.
2. Executive committee members 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. This will be done on a yearly basis. As a result of this report, the executive committee will evaluate the effectiveness of this policy and make any changes needed.

Published on 20 October 2025