



SEXUAL HARASSMENT POLICY AND PROCEDURE

Danau Girang Field Centre (DGFC) operates a zero-tolerance approach to sexual harassment and prohibits sexual harassment in all workplace contexts and related activities, including outside the conventional workplace such as, but not limited to staff quarters; work meetings (including online); work-related travel; conferences and any work-associated social events.

SECTION 1: DEFINING SEXUAL HARASSMENT

Sexual harassment occurs when any form of unwanted verbal, nonverbal or physical conduct of a sexual nature occurs with the purpose or effect of insulting the modesty of a person when it creates an intimidating, hostile, degrading or humiliating situation.

It is also relevant when sexual harassment occurs when, for example, the recipient feels they have to endure the sexual harassment so as not to jeopardise their further employment or career prospects (sexual coercion).

Conduct of a sexual nature refers to a wide range of behaviour that includes, but is not limited to:

- Sexual comments, banter/jokes or rumours regarding an individual of a sexual nature
- Displaying sexually graphic images or videos
- Sexual gesturing, suggestive looks, staring, leering
- Sexual content or sexually offensive communications via email, text or other social media platforms
- Intrusive questions about a person's private and/or sex life and discussing your own sex life
- Sexual advances and/or propositions such as touching, hugging, massaging or kissing
- Making promises of job perks, promotions in return for sexual favours
- Acts of a criminal nature, whether or not recognized as criminal offences in Malaysia, including (but not exclusively) sexual assault and indecent exposure.

For further information regarding Malaysia's code of practice regarding sexual harassment please visit the following:

KOD AMALAN UNTUK MENCEGAH DAN MEMBASMI GANGGUAN SEKSUAL DI TEMPAT KERJA: Bahasa Malaysia at

<https://www.wccpenang.org/01important/laws/Kod-Amalan-Untuk-Mencegah-dan-Membasmi-Gangguan-Seksual-di-Tempat-Kerja.pdf>

CODE OF PRACTICE ON THE PREVENTION AND ERADICATION OF SEXUAL HARASSMENT IN THE WORKPLACE (Ministry of Human Resources, Malaysia, 1999): In English at <https://www.wccpenang.org/wp-content/uploads/2021/04/Code-of-Practice-on-the-Prevention-and-Eradication-of-Sexual-Harassment-in-the-Workplace.pdf>

SECTION 2: REPORTING SEXUAL HARASSMENT

- 2.1 Depending on the complainant's need for immediate action, or if access to email is problematic, the complainant may raise their complaint verbally by approaching a member of DGFC staff prior to submitting the required complaints form.
- 2.2 If the complaint was received verbally, the DGFC member of staff involved will immediately inform a member of the Management Team^[1] for action.
- 2.3 Should it be deemed necessary; the Director may decide to relocate or suspend the person or persons involved until the outcome is determined.
- 2.4 If the complaint directly implicates the Director, the complaint may follow the procedures of their respective institution or if the complaint directly implicates any of the Management Team, that implicated person will be barred from taken part in the investigation and denied access to any records pertaining to the complaint.
- 2.5 The Director, in consultation with the Management Team shall, based on the nature of the complaint, determine whether to initiate an internal investigation.
- 2.6 An internal investigation shall be conducted according to the procedure outlined below.

OR

If no internal investigation is deemed necessary, the Director shall meet with and inform the complainant.

- 2.7 Complaints involving internal parties the Director shall appoint a member of the Management Team to act as the Investigating Officer.
- 2.8 Complaints involving external parties the Director may, at their discretion, also engage with the external party's organisation directly and/or based on the nature of the complaint, appoint an independent third-party to lead or assist with the investigation.

SECTION 3: THE PROCESS

- 3.1 The Investigating Officer will be responsible for administrating the complaints procedure and shall be responsible for but not limited to undertaking the following.

^[1] The Management Team comprises: the Director, General Manager, Head of Research and Health and Safety, Director of Public Relations and Development.

- Liaise with the complainant as soon as is reasonably possible. If required, provide the necessary facilities for the complainant to submit a formal, written statement. **Please note** that this formal statement can be completed in either Malay or English and must be submitted to safeguarding@danaugirang.com.my
- Provide an opportunity for the respondent to reply to the complaint.
- Interview other parties or witnesses as relevant to the complaint.
- Collect evidence (e.g., statements, photos, emails, social media posts, etc.) relevant to the complaint.
- Visit the site where the incident took place.
- Ensuring that the Director, and members of the Management Team are fully briefed on the progress of the investigation.

SECTION 4: DISCIPLINARY ACTIONS AND CORRECTIVE MEASURES

On completion of the investigation, the Director and Management Team will ultimately decide what appropriate action shall be taken including sanctions and/or disciplinary measures proportionate to the incident. These may include but are not limited to:

- a) Written warning
- b) Suspension (without pay)
- c) Dismissal

SECTION 5: PROTECTIVE MEASURES

- 5.1 All complaints shall be treated as having been made in good faith.
- 5.2 DGFC prohibits any retaliation, directly or indirectly as a consequence of having made a complaint towards any person who raises concerns or reports misconduct.
- 5.3 In such cases, the Director shall, following investigation, impose disciplinary actions against any employee or associate who retaliates or threatens retaliation against any person who has raised concerns or reported misconduct.
- 5.4 Any person who has made allegations that are found to be knowingly false, made maliciously or with vexatious intent shall be subject to disciplinary action, up to and including termination of employment or, if an individual is not an employee of DGFC, immediate termination of engagement with DGFC.
- 5.5 DGFC retains the right to seek recourse against cases of malicious or vexatious behaviour through legal or internal disciplinary procedures.

SECTION 6: APPEALS

- 6.1 Should any party wish to contest the handling and/or outcome of the internal investigation they may contact:
Labour Department (Sabah) (Jabatan Tenaga Kerja Sabah)

Address: Tingkat 4, Blok E, Bangunan KWSP, Peti Surat 14557, 88852 Kota Kinabalu, Sabah Telephone: +6088-23 8755 or Fax +6088-24 2445
Email at jbkknblu@mohr.gov.my.
For more information, please visit <http://jtksbh.mohr.gov.my/>

Or a relevant authority.

- 6.2 In such cases, DGFC shall be represented by the Director who may also refer to an appropriate legal authority.

SUBMIT A COMPLAINT

Sexual harassment allegations will be investigated fully by the DGFC Management Team or the relevant legal authority, and individuals must submit [an online form](#) for the process to begin.