



CONSUMERS' ASSOCIATION OF PENANG POLICY ON SEXUAL HARASSMENT

1. Policy Statement

The Consumers' Association of Penang (CAP) is committed to creating and maintaining an environment in which all are treated fairly and with dignity, decency, respect, and in accordance with applicable law.

Accordingly, CAP is committed to providing a safe environment free from discrimination and from harassment, including sexual harassment.

CAP 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.

This policy is intended to cover CAP Council, staff, volunteers and consultants, and anyone participating in or involved with events or activities organized or hosted or sponsored by CAP.

2. 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, 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 and may be physical, verbal and non-verbal. Examples 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;
- The use of work-related threats or rewards to solicit sexual favours.

Verbal conduct

- Comments on a worker's appearance, age, private life, 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 person concerned;
- Condescending or paternalistic remarks;
- Sending sexually explicit messages (by phone or by email or any social media platform).

Non-verbal conduct

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

CAP recognises that sexual harassment is a manifestation of power relationships and often occurs within unequal relationships in the workplace, for example between manager or supervisor and employee.

Anyone can be a victim of sexual harassment, regardless of their sex and of the sex of the harasser. CAP 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.

Anyone covered by this policy who sexually harasses another will be reprimanded in accordance with this internal policy.

All sexual harassment is prohibited whether it takes place within CAP's premises in Penang, and outside, including at social events; work-related trips and meetings organised by other parties; training sessions, seminars, webinars or conferences sponsored by CAP.

3. Complaints Procedure

Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome and request them to stop. In some situations, a person may not understand that his or her behaviour is inappropriate or unwelcome.

CAP recognises that sexual harassment may occur in unequal relationships (i.e. between a supervisor and his/her employee) and that it may not be possible for the victim to inform the alleged harasser.

If it is not possible for the victim to inform the alleged harasser, or if requests for the behaviour to stop are ineffective, then he/she can approach the following designated persons to lodge a complaint:

- The President; or
- The Honorary Secretary; or
- Any member of the CAP Council; or
- Any of the two external persons designated by the CAP Council if the alleged harasser is a member of the Council.

When a designated person receives a complaint of sexual harassment, he/she will:

- Immediately record the dates, times and facts of the incident(s);
- Ascertain the victim's views on the desired outcome he/she wants;
- Ensure that the victim understands CAP's procedures for dealing with the complaint;
- Discuss and agree on 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;
- Ensure that the victim knows that he/she can lodge the complaint outside of CAP through the relevant country/legal framework.

All complaints of sexual harassment will be taken seriously and treated with respect and in confidence.

Informal complaints mechanism

If the victim wishes to deal with the matter informally, the designated person will:

- Ensure that the alleged harasser understands the complaints mechanism;
- Give an opportunity to the alleged harasser to respond to the complaint;
- 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 promptly and within [15] days of the complaint being made.

Formal complaints mechanism

If the victim wants to make a formal complaint, or if the informal complaint mechanism has not led to a satisfactory outcome, the designated person who initially received the complaint will refer the matter to the Committee to be established by the CAP Council. The Committee will comprise the two external persons designated by the CAP Council in accordance with paragraph 3 above, and one member of the Council.

The Committee 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;
- 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 working arrangements, a promotion if the victim was demoted as a result of the harassment, training for the harasser, discipline, suspension, dismissal);
- 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;
- Ensure that the process is done as quickly as possible and in any event within 30 days of the complaint being made.

4. Sanctions and Disciplinary Measures

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:

- Verbal or written warning;
- Adverse performance evaluation;

- Reduction in wages;
- Transfer;
- Demotion;
- Suspension;
- Dismissal.

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.

5. Monitoring and Evaluation

CAP 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.

Supervisors, 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. This will be done on a yearly basis. As a result of this report, CAP will evaluate the effectiveness of this policy and make any changes needed.

Policy adopted on 24 October 2025.