



Perbadanan Insurans Deposit Malaysia
Protecting Your Insurance And Deposits In Malaysia

POLICY ON WORKPLACE HARASSMENT



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Approved by the Chief Executive Officer on 14 December 2020



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1.0 INTRODUCTION

- 1.1 Perbadanan Insurans Deposit Malaysia (“PIDM”) is fully committed to a safe, healthy and harassment-free work environment for all employees and believes that every employee should be treated with respect and dignity.
- 1.2 This Policy sets out:
- (a). a prohibition statement;
 - (b). what constitutes harassment;
 - (c). the procedure involved for dealing with a harassment complaint; and
 - (d). a description of the roles and responsibilities of employees, Heads of Division, the Human Capital Division (“HCD”) and the Chief Executive Officer (“CEO”) in relation to matters under this Policy.

2.0 OBJECTIVES

As a step toward ensuring a safe, healthy and harassment-free workplace, PIDM has developed this Policy on Workplace Harassment (“Policy”) which aims to:

- (a). prevent harassment of employees in the workplace and provide an effective mechanism to eliminate such harassment;
- (b). educate all employees to recognise that harassment in the workplace is a demeaning practice that constitutes a profound affront to the dignity of persons; and
- (c). reaffirm Corporation’s commitment that all employees are to be treated with respect and fairness, and they can work in a conducive environment free of harassment, thus encouraging positive morale, productivity and professional work relationships.

3.0 APPLICATION

This policy applies to all permanent employees, employees under a contract, employees on secondment, employees on probation, and also to those undergoing



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internship with PIDM. This Policy will be made known to agents, vendors and contractors of PIDM so that they should be aware that harassment of PIDM employees will not be tolerated.

4.0 PROHIBITION OF HARASSMENT

4.1 PIDM does not tolerate the harassment of its employees in the workplace. In particular, the following are contrary to this Policy and therefore prohibited:

- (a). any employee engaging in conduct deemed to be harassment under section 5 below, or encouraging such conduct by others; and
- (b). any form of retaliation directed against an employee or third party who either complains about harassment or who participates in any investigation concerning harassment. Retaliation includes dismissal, demotion, unwanted transfer, denial of opportunities within PIDM or harassment as a result of the complaint or participation in the investigation.

4.2 PIDM's zero-tolerance position on harassment in the workplace applies to all aspects of employment:

- (a). harassing another is a breach of a term or condition of employment;
- (b). the career development of an employee will not be compromised as a result of the actions of a harasser; and
- (c). employees are expected to behave in a non-threatening and non-offensive manner.

4.3 Breach of this Policy is considered employee misconduct and may result in disciplinary measures taken, including dismissal. PIDM is responsible for taking necessary action against harassment, regardless of whether the conduct complained of was sanctioned or specifically forbidden.

5.0 HARASSMENT IN THE WORKPLACE

5.1 For the purposes of this Policy, reference to the workplace means any place where the operation of PIDM is being carried out and other locations and situations, such as work-related off-site assignments and business travel, work-related conferences, training or social gatherings, or other locations where the prohibited conduct might have a subsequent impact on the work relationship, environment or performance.

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5.2 Harassment means any verbal, written or physical conduct that is commonly known or ought reasonably to have been known to be unwelcome, inappropriate or otherwise offensive to a person, and that such conduct demeans, humiliates, threatens or embarrasses him/her or otherwise violates his/her dignity. Harassment has the purpose or effect of:

- (a). creating an intimidating, hostile or offensive workplace;
- (b). interfering with the performance of an employee's functions, duties and responsibilities; or
- (c). affecting conditions of employment or compensation.

5.3 Harassment may be motivated by one of these grounds: race or ethnicity; skin colour; religion; sex or gender; place of origin; ancestry; culture; age; mental or physical disability; sexual orientation; family, marital or social status; economic or financial background; power disparity; and political affiliation. In particular, this Policy identifies and seeks to eliminate the following types of harassment:

- (a). *Racial harassment*

Harassment in the work conditions or working environment on the basis of race is intended to cause, or has the effect of causing physical, mental or emotional distress at the workplace. It is also a form of discrimination.

- (b). *Sexual harassment*

Such harassment refers to conduct or behaviour that is of a sexual nature, and includes such things as a request for sexual favours by a manager, superior, colleague or even a non-employee. It usually takes the following two forms:

- (i) *Quid pro quo* – This is when a manager, Head of Division or a person of authority gives or withholds a work-related benefit in exchange for sexual favours. Typically, the harasser requires such favours from the victim, either rewarding or punishing the victim in some manner.
- (ii) *Hostile environment* – This is when a victim is subjected to unwelcome and severe or pervasive repeated sexual comments, innuendoes, touching or other conduct of a sexual nature which creates an intimidating or offensive place for employees to work.

Sexual harassment is frequently more about power than about sex. It occurs in situations where there is unequal power between the people involved and is an attempt by the harasser to assert power over the victim.

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(c). *Abuse of authority*

Abuse of authority happens when a person uses his/her authority to interfere with an employee or the employee's job. It includes humiliation, intimidation, threats and coercion.

5.4 Other forms of harassment may include, but are not limited to:

- (a). insulting behaviour or comments (verbal or written);
- (b). verbal, written or physical abuse, threats and assaults;
- (c). derogatory remarks, slurs, epithets or language;
- (d). unacceptable, annoying or unwanted nicknames or negative stereotyping;
- (e). racist, pornographic or otherwise offensive signs, images, pictures or materials displayed;
- (f). coercion, unwelcome demands, invitations or requests of a sexual nature;
- (g). lewd, leering, obscene or suggestive gestures;
- (h). unwanted or inappropriate physical contact that is non-consensual, such as kissing, pinching, stroking, fondling, patting, touching and brushing up against a person;
- (i). derogatory or offensive pranks and practical jokes;
- (j). isolation or exclusion of a person from others;
- (k). bullying and victimisation, for example, unreasonable and persistent criticism or humiliation, unreasonable distribution of work and responsibilities;
- (l). inappropriate inquiries or comments about a person's sex life, religious or cultural norms, sexual orientation, family background, source of income or lifestyle;
- (m). psychological harassment that may harm a person's psychological well being that includes belittling or trivialising a person's thoughts, or discrediting or spreading rumors about the person; and

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- (n). cyberbullying or online harassment that includes sharing of humiliating information, spreading rumors or lies about a person using electronic means.

6.0 INFORMAL APPROACH

- 6.1 Any employee who is experiencing or affected by harassment may take an informal approach, if he/she considers appropriate, in resolving the problem by raising the matter directly with the person responsible (the “alleged harasser”). It is possible that the alleged harasser may not realise that this behaviour is unwelcome or offensive. The employee may make an initial attempt to make it clearly known to the alleged harasser that his/her behaviour is contrary to this Policy and that he/she should stop behaving in this manner. Alternatively, the employee may seek the help of his/her immediate supervisor or Head of Division to informally approach the alleged harasser on his/her behalf.
- 6.2 If the employee is dissatisfied with the informal approach or finds it inappropriate in the circumstances or unsuccessful, he/she may proceed with a formal complaint under section 7 below at any time. Nothing prevents the employee from making such a complaint immediately if he/she feels that the conduct is serious enough to warrant such an approach.
- 6.3 The formal complaint should be directed in writing to the General Manager, HCD.

7.0 COMPLAINT PROCEDURE AND APPEAL

- 7.1 An employee who has been directly harassed, or has witnessed or is affected by the harassment of others, should report such conduct to the General Manager of his/her division or to the General Manager, HCD. If the employee needs help in determining whether harassment has occurred, or whether to take the formal or informal approach, he/she should seek advice from the General Manager, HCD. If the employee is not comfortable approaching the General Manager, HCD or the latter is the subject of the complaint, the employee should raise the matter with the CEO. Anonymous complaints will not be investigated.
- 7.2 Allegations of harassment will be treated seriously and due regard to the need for confidentiality will be given. PIDM aims to resolve any complaints as quickly as possible. Under no circumstances shall the employee alleging the harassment be required to file a complaint with the person responsible for the alleged harassment.
- 7.3 The right to raise at any time the issue of harassment by way of complaint or as witness in an investigation should be exercised without fear of reprisal. As noted above, PIDM prohibits any form of retaliation against employees.



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- 7.4 Complaints about other matters should be made using the procedures prescribed under the Employee Grievance Procedures of PIDM.
- 7.5 An investigation will be conducted as discreetly as possible to avoid any embarrassment to the parties. Both the employee and the alleged harasser will be separately interviewed, as will any individuals who may be able to provide relevant information. Every employee is expected to cooperate in any investigation if so requested. The outcome of the investigation will be communicated to the employee making the complaint. Where the employee is dissatisfied with the outcome of the investigation, he/she may appeal to the CEO in writing within 14 days from the date he/she is officially informed of that outcome.
- 7.6 A complaint received by the General Manager, HCD or any other person will be kept strictly confidential. Information acquired from the investigation will also be kept confidential. All parties involved in the investigation, including both the victim and the harasser (alleged or otherwise), are required to keep such information secret.
- 7.7 Although PIDM encourages an employee suffering from harassment to report the matter, any false accusations, fabricated allegations or otherwise complaints against another made in bad faith are considered as misconduct and there may be disciplinary measures taken against the employee making such accusations, allegations or complaints.

8.0 DISCIPLINARY MEASURES AND RESTITUTION

- 8.1 PIDM treats harassment as misconduct and the Disciplinary Procedures of PIDM shall apply. If the investigation reveals evidence to support the complaint and it is upheld, the harasser will be disciplined in accordance with the Disciplinary Procedures. The nature and severity of the disciplinary measures will commensurate with the gravity of the harassment. Such measures may therefore include suspension or dismissal. The incident will also be documented in the harasser's file.
- 8.2 An employee accused and found not guilty of harassment will be granted restitution deemed appropriate by PIDM for any direct and foreseeable pecuniary loss suffered by him/her. For instance, where interim suspension without pay pending settlement of the case is instituted, such payment shall be reinstated.

9.0 ROLES AND RESPONSIBILITY

- 9.1 Each employee has the right to be treated fairly and respectfully in the workplace. Each employee also has the responsibility to treat colleagues, managers and stakeholders in general in a way that respects individual differences.



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- 9.2 Employees are encouraged to address their concerns if someone behaves in a way that is offensive, humiliating or degrading and to speak up or report the complaint to an immediate supervisor or the General Manager, HCD. Employees should keep a written record of the details of the alleged incident(s) of harassment, including time, date, locations and name of witnesses, if any.
- 9.3 All employees have a responsibility to cooperate in any investigation of a harassment complaint. All information should be kept confidential. These are serious issues and privacy must be respected.
- 9.4 Heads of Division should also be familiar with this Policy and are expected to be alert of any signs of harassment, such as an unexplained change in an employee's performance, rumours or an employee isolating himself/herself or seemingly distracted. If something does not seem right, Heads of Division should speak to the employee concerned. Having someone willing to listen often helps the employee to talk about a problem.
- 9.5 Heads of Division also have a responsibility of ensuring that the workplace remains free of harassment and in doing so, they should apply this Policy consistently.
- 9.6 The HCD is in charge of ensuring that this Policy and its applicable procedures for dealing with harassment are understood by all employees. This includes making sure that this Policy is consistently applied in all harassment complaints.
- 9.7 The HCD is also responsible for conducting an investigation when required and reviewing this Policy and its procedures so that the aims of this Policy are achieved.
- 9.8 The CEO has the responsibility of taking the lead in promoting a harassment-free workplace.

10.0 PROCESS FLOW CHART

- 10.1 The process relating to the complaint procedure and appeal for Workplace Harassment is set out in Appendix 1

11.0 INTERPRETATION AND REVIEW

- 11.1 The General Manager, HCD is responsible for the official interpretation of this Policy.
- 11.2 The review of this document falls under the policy as set out in the Manual for the Development of Policies and Procedures.



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12.0 CROSS REFERENCE

- Disciplinary Procedures
- Employee Grievance Procedures

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Appendix 1

Complaint procedure and appeal for workplace harassment

