

Harassment and Gender in the Workplace

Challenges and Strategies for Managers and Employees

Professional Women's Network

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Aye Lei Tun: Recognising Harassment

May Moe Wah: Management Perspectives & Decisions

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HARASSMENT AND GENDER IN THE WORKPLACE

MANAGEMENT PERSPECTIVES & DECISIONS

May Moe Wah

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WHAT'S IN IT FOR ME

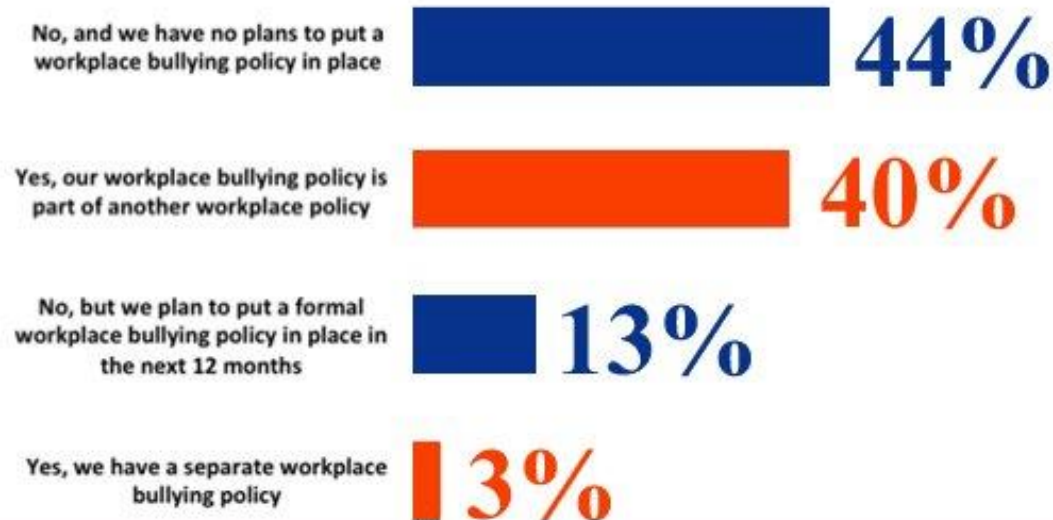
You will learn about:

- **Management preventive actions**
- **What should a victim of harassment do?**
- **Handling workplace harassment**

MANAGEMENT PERSPECTIVES

Zero tolerance *bullying and harassment at work.*

The Society for Human Resource Management conducted a survey - "Does your organization have a formal (written, documented) workplace bullying policy?" Below are the results:



MANAGEMENT PREVENTIVE ACTIONS

Develop a :

Workplace harassment policies

- some company applied harassment in: Health & Safety Policy, Decency in Workplace Policy, Work Ethic Policy etc.,

Complaint handling system

- Some good practices - whistle blower system, having an anonymous complaint channel

Open communication and

Create and communicate your anti-harassment policy.

Training and education system

- Onboarding
- Track & evaluate outcomes



WHAT SHOULD A VICTIM OF HARASSMENT DO?

Dealing with the harasser upfront

- Do not pretend it did not happen
- Immediately inform the alleged harasser that the behaviour is unwelcome
- Demand that the harassment be stopped
- Reinforce your statements with a firm tone and professional body language

Other steps

- Trust your own instincts about possible danger
- Discuss it with a close friend or confidant
- Report to committee or management
 - full information is required for report :date/time/witness/ case / damages
- Be professional at all times
- Speak to a management if you see someone else being bullied or harassed – don't ignore it.



HANDLING OF HARASSMENT MANAGEMENT RESPONSIBILITIES

- Do whatever is necessary to stop the harassment immediately.
- Restore any job benefits that were lost due to the harassment.
- All complaints will be investigated promptly
- Treat all complaints seriously and confidentially. Do not ignore an allegation.
- Respond to allegations immediately; investigate, as appropriate.
 - Be sensitive but impartial.
 - Interview parties and relevant witnesses.
 - Ask opened-questions.
 - Collect relevant documentation/evidence.
- Ensure no retaliation.
- Discipline the person who committed the harassment. If disciplinary action of the harasser is not considered appropriate, document the reasons why.
- Document the actions. If require, case file for legal actions.

THE OUTCOME...



- **Complainant will be kept informed.**
- **If the outcome is disciplinary action – this will be confirmed but the outcome of the disciplinary process will not be divulged.**
- **If an employee has been found to have bullied or harassed someone, they may be transferred to another area if they are not dismissed.**
- **Any Employee, supervisor, or manager who is found to have violated the harassment policy will be subjected to appropriate disciplinary action, up to and including termination.**



RECOMMENDATIONS

- Conduct an organisational audit or climate survey**
- Actively disseminate and promote their policy to increase its visibility and the awareness levels amongst academic staff.**
- Appoint senior managers, representing both sexes, to take responsibility for the implementation of sexual harassment policies.**
- Provide regular training sessions for staff on the contents of the policy**
- Issue a clear 'no tolerance' statement and stress the protection of complainants against retaliation and victimization.**
- Regularly update their policies through consultation with employees & higher institutions**
- Preventing sexual harassment is the most effective way of dealing with the problem.**
- Please note; there is no standard solutions as the harassment exist every workplace.**

Kate Baillie: Practical Steps to Resolving Issues



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Kate, an Australian qualified lawyer, joined LWA in January 2017 and advises across a range of practice areas and sectors, including commercial law, employment law and project financing, extractive industries, energy and infrastructure, technology services, manufacturing and tourism. Kate is a current Board member of the British Chamber of Commerce and was previously was an active Board member of AustCham Laos, a founding committee member of the British Business Group (Laos) and was on the Organising Committee of Women in Leadership Conference 2016 (Laos).

Practical Steps to Resolving Harassment Issues:

Myanmar Law

Constitution (2008):

- Guarantees the legal equality of all citizens, and prohibits discrimination on the basis of, among other things, sex (ss 347, 348).
- Ensures equal opportunities in public employment, occupation, trade and business, and matters related to technology and science, and provides for equal pay for equal work (ss 349, 350).

International conventions and agreements:

- United Nations Convention on the Elimination of All Forms of Discrimination Against Women 1979 (CEDAW) (acceded to in 1997)
- Beijing Declaration and Platform for Action, 1995
- Myanmar is a member of the ASEAN Commission on Protection and Promotion of the Rights of Women and Children, 2010 and ASEAN Committee on Women

National Strategic Plan for the Advancement of Women 2013–2022

- Includes 12 critical areas aligned with the Beijing Platform for Action, including violence against women.

Practical Steps to Resolving Harassment Issues:

Myanmar Law

Penal Code (1861)

Section 509:

“Whoever, **intending to insult the modesty** of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.”

Section 354:

“Whoever **assaults or uses criminal force** to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.”

Practical Steps to Resolving Harassment Issues:

Myanmar Law

Protection and Prevention of Violence Against Women Bill

- The Ministry of Social Welfare, Relief and Resettlement have been in charge of drafting the *Protection and Prevention of Violence Against Women Bill*.
- The bill stipulates need to protect women from all forms of violence including intimate partner violence, marital rape, sexual violence, harassment by stalking, **harassment in the work place** and public places and violence through tradition and customary practice.
- The bill has been in development since 2013, with the final version of the bill finished and submitted to Parliament during the parliamentary session in mid-October

Practical Steps to Resolving Harassment Issues:

Practical Steps

1. Consult your employee handbook.

- Consult your employee handbook/workplace rules to see if they include provisions about what constitutes harassment, your rights if you are a victim of harassment, the process of making a claim, protections for you against retaliation (e.g. whistle-blower protections), etc.
- No handbook? Start from step 2.

2. Collect evidence.

- As soon as you notice behaviour that makes you feel uncomfortable, document it in writing e.g. the time, date, place and what was said and/or done and by who.
- If there were any witnesses, who you trust to keep information confidential, ask them whether they would be willing to support you in making a claim, whether in writing or verbally.

Practical Steps to Resolving Harassment Issues:

Practical Steps

3. Lodge a complaint and request a meeting.

- Determine who you should ask for a meeting. This could be:
 - (a) The persons indicated in your employee handbook or policy (who may not be based in Myanmar); or
 - (b) Workplace Coordinating Committee (if your company has more than 30 employees); or
 - (c) Someone in your chain of command who you trust, is mature, reasonable and capable of being objective in handling something as sensitive as your harassment claim.
- Ask the person in your chain of command for a meeting, and invite an appropriate person from HR to attend.
- Make sure you prepare for this meeting by writing down your claim, with specific details about the harassment and explain how it has affected your ability to do your job. Practice what you want to say to a friend.

Practical Steps to Resolving Harassment Issues:

Practical Steps

4. Make your case.

- Demonstrate during the meeting that you have consulted the employee handbook (if any) and the law.
- Tell your employer that you want the behaviour to stop in order to work in a safe and supportive environment.
 - Ask: “Do you think this behaviour is acceptable at this company?”
- Think about the outcome that you want—e.g., would you feel comfortable continuing to work with this person in the same office, department, company?
- Listen to what say and write everything down.
- Ask what the next steps are, who will conduct the investigation, who they will talk to, how long will it take to complete it, etc.

Practical Steps to Resolving Harassment Issues:

Practical Steps

5. If the matter is unresolved...

- If you are not satisfied with the process followed by your employer, or they do not take steps, which are, in your opinion reasonable and appropriate to protecting your safety and welfare in the workplace, then you are entitled to lodge a complaint to the Township Conciliation Body (established under the Labour Dispute Settlement Act).
- The Conciliation Body is tasked to resolve the dispute within 3 days. If they are unable to resolve the dispute, they may refer the dispute to the Arbitration Body or to a relevant Court.
- If you believe that a penal offence has been committed against you, you can also lodge a complaint with the relevant police office in the township where your office is located.

Practical Steps to Resolving Harassment Issues:

Where to get help

Organisations in Myanmar

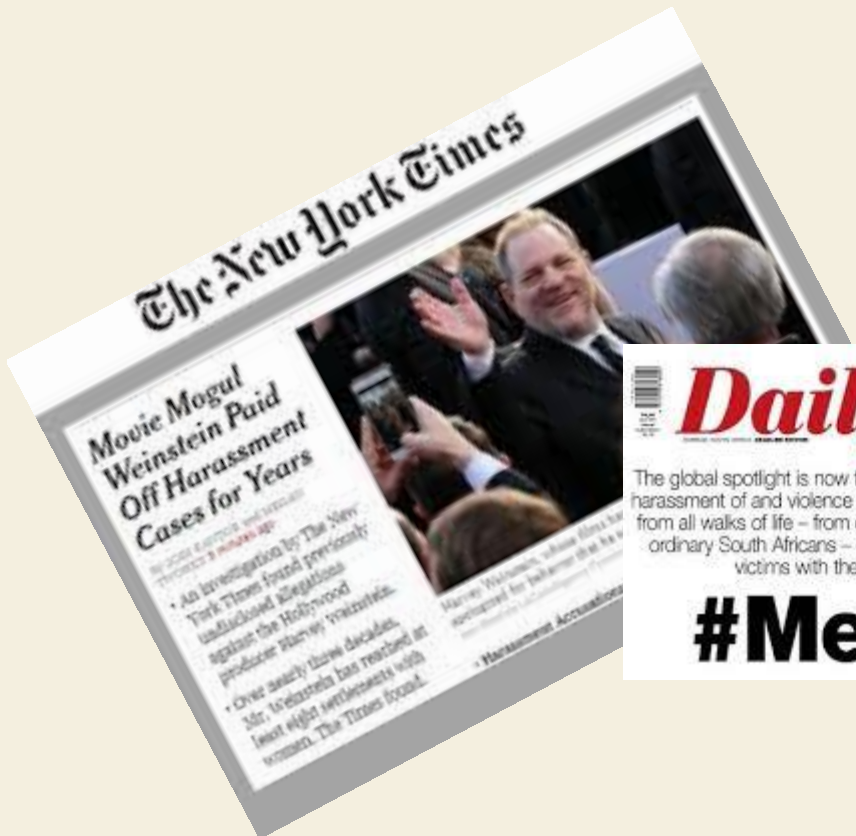
- Legal Aid Network
- Women's League Burma, Shan Women's Action Network, Burmese Women's Union, Kachin Women's Association – Thailand, Karen Women's Organization, Palaung Women's Organization (PWO) etc.
- Specific legal aid groups in different cities and townships e.g. Christian Lawyers Association, Muslim Lawyers Group
- Legal Clinic Myanmar - works in four townships in Mon State and six townships in Yangon Region; Mandalay Justice Centre
- One Stop Women Support Center – set up by the Department of Social Welfare to support women suffering from abuse

Adeana Greenlee: Shared Experiences

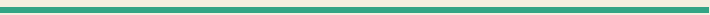
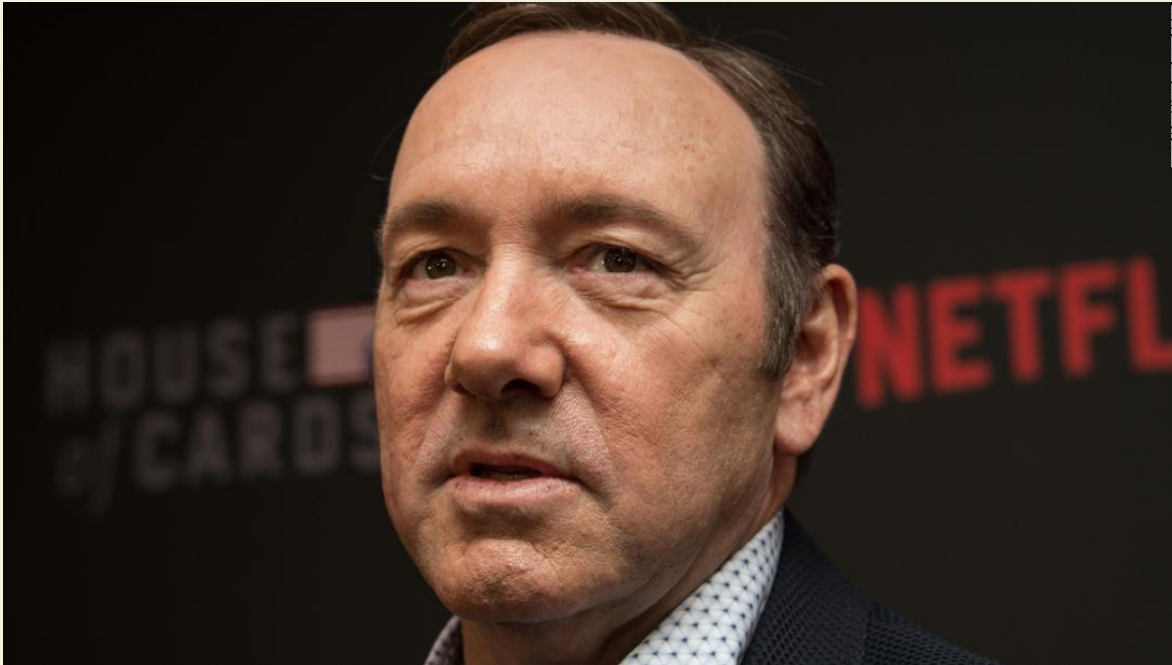


HARASSMENT & GENDER IN THE WORKPLACE

Shared Experiences









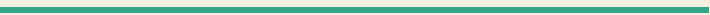


*Five
common
types of
harassment*











Unconscious Bias



#womanifesto



#womanifesto

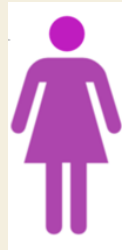
Be Real

Be Simple

Be Brave

Be Curious

Be Playful



- *Anti-harassment policy*
 - *Train workforce*
 - *Live by the golden rule*
-



“When someone is cruel or acts like a bully, you don’t stoop to their level. No, our motto is, when they go low, we go high.”



Panel Discussion and Q&A

“I am glad that we have a chance to talk about this topic publicly. We want our fellow women to understand that we should not fear nor feel ashamed to speak up. I believe this event will make our women stronger and braver”.

Rose Swe, Co-Founder
Mango Group, Myanmar

The logo for Professional Women's Network Myanmar is enclosed in a thin black square border. It features the acronym 'PWN' in a large, bold, black, sans-serif font. Below the acronym, the words 'Professional', 'Women's', and 'Network' are stacked vertically in a smaller, black, sans-serif font.

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