



HOW TO COMBAT WORKPLACE SEXUAL HARASSMENT

**A TOOLKIT FOR HUMAN RESOURCE DEPARTMENTS,
EMPLOYEES, AND RIGHTS ADVOCATES**

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ABOUT THIS TOOLKIT

This toolkit is designed as a basic reference guide for human resource departments, employees, gender-rights advocates, and anybody wishing to combat or learn more about workplace sexual harassment in the Maldives. It includes basic concepts, basic legal information, action points, and resources.

Your workplace may have specific policies in place, and it is advisable to look them up to understand the specifics.

This toolkit uses the term "survivor" to describe those who experience sexual harassment at the workplace to reflect the idea that an individual cannot be defined by what they have experienced, and that recovery is possible.

This toolkit cannot be used as a substitute for legal advice. If you or someone you know is dealing with a case of workplace sexual harassment, please contact us at info@familylegalclinic.org.mv, or call our hotline at 9977771. We provide legal advice and assistance, as well as court representation. Our services are free of charge.

While all the contact information in the kit is up to date at time of publication, it is advisable to double check this information before reaching out to these institutions.

This toolkit was created in partnership with UNDP Maldives.

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ABOUT FAMILY LEGAL CLINIC

Founded in 2014 and registered in 2017, Family Legal Clinic (FLC) is an NGO that provides pro-bono legal aid services in the areas of the Family Act, the Prevention of Domestic Violence Act, and the Prevention of Sexual Harassment and Abuse Act. Several other legislations intersect FLC's core legal service areas, including those on sexual offences, rights of the child, and gender equality.

As the first pro-bono legal aid NGO in the Maldives, FLC has assisted clients from every atoll, Maldivian residents residing abroad, as well as non-citizens residing in the Maldives who have need of legal aid services. FLC's core aims is to increase access to justice for everyone through the provision of pro-bono legal aid and by increasing public awareness on laws and rights to empower individuals and communities to advocate for themselves and each other. FLC also works closely with stakeholder partners in the government and corporate sectors to push for systemic change, and to lobby for better protections for all.

For more information on FLC's projects, please visit:



[FLCmv](#)



[flc.mv](#)



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www.familylegalclinic.org.mv

For legal aid, please call **9977771** or email info@familylegalclinic.org.mv

WORKPLACE SEXUAL HARASSMENT IN THE MALDIVES:

A Short Introduction

The issue of workplace sexual harassment is a prevalent one in the Maldives. Its frequency and normalisation makes it difficult to tackle, especially as 'less aggressive' forms such as the use of sexually suggestive language and discriminatory rhetoric are commonplace¹. Survivors of sexual harassment often hesitate to report due to a fear of not being believed, a fear of stigmatisation or negative consequences, or an inability to recognise the behaviour as inappropriate. While the issue affects both genders, a significantly larger proportion of women are affected by it.

Sexual harassment in the workplace can pose major challenges to the task of earning a living. When workplace environments become uncomfortable or hostile, people risk various negative impacts to their mental health, as well as the risk of temporary financial insecurity if they choose to leave the workplace or are forced out due to employer retaliation. Reporting may also bring about personal and professional risks, such as social ostracism, barriers to promotions, and further harassment. Continued harassment at the workplace also infringes on a person's right to work and the right to a safe working environment, making it a multi-dimensional human rights issue.

The Prevention of Sexual Harassment and Abuse Act (16/2014)² was ratified in May 2014, prohibiting sexual abuse and harassment at the workplace. The Prevention of Sexual Harassment and Abuse Regulation (377-R/2014) provides further guidelines in implementing the Act. Overall, the law mandates the creation of a workplace committee to investigate sexual harassment reports, as well as the sensitisation of employees to the issue. However, a lack of implementation and general awareness on the issue are still major obstacles.³ The impunity granted to perpetrators, particularly high-profile ones^{4 5}, have resulted in a loss of public faith in the system⁶ as well as difficulties in seeing the law implemented in full.

While legislators, lobbyists, and other institutions attempt to reform the system from the top, this toolkit serves as a resource to assist employees, human resource departments, and other advocates to bring change from the bottom. It aims to build awareness on the following:

- What workplace sexual harassment is
- Responsibilities of employers
- Legal rights of survivors
- How to report a case
- How to support someone experiencing sexual harassment

Everyone has a part to play in ensuring that we work towards a safer society for all. It is hoped that this toolkit can play a small role in aiding people who wish to create safer environments, but are unsure of the steps to take towards doing so.

PART ONE: WHAT IS SEXUAL HARASSMENT?

1.1 SEXUAL HARASSMENT IS:

ANY UNWELCOME SEXUAL ADVANCE REQUEST FOR SEXUAL FAVOUR

VERBAL OR PHYSICAL CONDUCT OR GESTURE OF A SEXUAL NATURE

ANY OTHER BEHAVIOUR OF A SEXUAL NATURE THAT MIGHT REASONABLY BE EXPECTED OR BE PERCEIVED TO CAUSE OFFENCE OR HUMILIATION TO ANOTHER PERSON.

THE LEGAL DEFINITION OF SEXUAL ABUSE AND HARASSMENT:

A SEXUAL ACT DONE AGAINST OR IN RELATION TO A PERSON, BY ANOTHER PERSON WITHOUT THE CONSENT OF THAT FIRST PERSON.

A SEXUAL ACT IS DEFINED AS SPEECH, WORDS, WRITINGS, DRAWINGS, IMAGE, SOUND, ACT, MOVEMENT, OR LOOK OR ANY OTHER ACT OF A PERSON FROM WHICH THE RECEIVER DEDUCES, COMPREHENDS, UNDERSTANDS, OR INTERPRETS A SEXUAL INTENT.

Sexual harassment at the workplace can create an intimidating, hostile and/or degrading environment.

Sexual harassment is a human-rights violation. It violates the survivor's right to work, as it can prevent them from feeling comfortable at the workplace, prevent them from getting promotions, other opportunities, or even another job, and make it difficult for them to earn a living.

SOME EXAMPLES:

- Sending inappropriate sexual messages and/or images (such as nude photos, sexual illustrations, etc.)
- Commenting on a colleague's body parts
- Commenting on a colleague's clothing in a sexual manner
- Unwanted touching
- Unwanted propositions (e.g. Asking someone repeatedly to go out with them when repeatedly rejected)

There are two types of sexual harassment:

1 QUID PRO QUO SEXUAL HARASSMENT

Quid pro quo sexual harassment ("this for that") is harassment that puts a sexual or sex-based condition on accessing employee rights or benefits. What does this look like?

- The job interviewer saying that you'll get your job if you go out on a date with her
- Your supervisor telling you that your promotion will be given only if you have sex with him
- Your department head threatening to fire you because you refused a sexual advance

- Your boss explicitly treating your colleague better because she performs sexual favours for him, and implying that you will be treated better if you do the same
- Your boss giving you training opportunities abroad if you are willing to travel and stay with him during the training

Your rights as an employee and the benefits that you must be granted at the workplace cannot be withheld from you under any condition.

2 HOSTILE ENVIRONMENT SEXUAL HARASSMENT

Hostile environment sexual harassment is when unwelcome conduct based on sex interferes with someone's working conditions to the point where the work environment becomes "hostile" or intimidating. You might find yourself anxious or unhappy about going to work because you feel that the environment is not safe or professional.

The unwelcome conduct could be **physical, verbal, digital**, and can include many types of behaviours.

WHAT MAKES THIS CONDUCT "UNWELCOME"?

If you do not want to be subjected to the behaviours, whether you say it out loud or not, it is unwelcome. For example, someone might make an inappropriate comment about a colleague's clothes, and she might feel nervous about saying anything even though she doesn't like it. Another colleague could be sending flirty and sexual messages to her desk mate, but he might be hesitant to say something against her in case no one believes him, even though it makes him really uncomfortable.

WHAT COULD A “HOSTILE ENVIRONMENT” LOOK LIKE?

- Someone who always makes really loud, sexual jokes that makes you and your colleagues uncomfortable, and it makes it hard to concentrate on work when you are sitting in your section.
- A senior colleague standing too close to you all the time and making inappropriate comments where no one else can hear, to the point where you are afraid of being alone in a room together.
- A group of people spreading rumours about someone’s sex life, sending rude texts about them in the office chat, and isolating them on the basis of these rumours, to the point where no one in the office wants to speak to the survivor because they’re afraid of becoming targeted too.



SOMETHING TO CONSIDER: Though speaking up might be scary, reporting the behaviour (to your boss, HR, the committee, etc.) early on could be one way to ensure that the harassment is stopped earlier and does not escalate into something worse. Reporting is also important to make sure there is a written trail of the harassment.

1.2 WHO MAY FACE SEXUAL HARASSMENT?

ANYONE MAY BECOME SEXUALLY HARASSED. YOU CAN BE ANY AGE, ANY GENDER, OR ANY BACKGROUND. YOU COULD BE AT ANY LEVEL OF YOUR CAREER, AND THE PERPETRATOR COULD BE AT THE SAME LEVEL, A HIGHER LEVEL, OR EVEN A LOWER LEVEL THAN YOU.

1.3 WHAT IS VICTIM BLAMING?

VICTIM BLAMING IS WHEN THE PERSON RECEIVING THE HARASSMENT IS HELD RESPONSIBLE FOR THE HARASSMENT THEY FACE.

WHAT MIGHT VICTIM BLAMING STATEMENTS LOOK LIKE?

- It was because of what she was wearing
- He's always in her cabin, no wonder she made a move on him like that
- She's always talking to him and laughing at his jokes, so why is she so offended that he kept asking her out?

People often blame the survivor's clothes or behaviour for the harassment, though this is a false understanding of how and why harassment occurs. Women are often subject to victim-blaming statements that keep them from reporting, as it gives the impression that no one takes the harassment seriously. When such statements are made by people in human resources or on investigative committees, this can severely impede investigations and prevent a just outcome in cases of workplace sexual harassment.

It must be understood by everyone that perpetrators will harass someone no matter their behaviour, age, or clothing. For as long as that behaviour is **unwanted by the recipient**, it is considered harassment.

1.4 DO MEN GET HARASSED?

Men can also get sexually harassed at the workplace, though this is less talked about, and statistics indicate that women get harassed more.

Men are often hesitant to report because they are shamed or not taken seriously, or even told that they should have enjoyed it or taken advantage of the situation. They may choose to laugh it off because they don't want to be shamed or invalidated. However, no person should have to put up with unwanted sexual behaviour in the workplace, regardless of their gender.

1.5 SEXUAL HARASSMENT: MYTHS AND FACTS

Below are some of the myths and misconceptions that shape society's attitudes and practices in responding to the issue⁶.

As an employer, it is important that you take adequate steps to increase factual awareness regarding this issue within your organization.

MYTH:
HARASSMENT IS JUST
DONE FOR FUN

FACT: HARASSMENT IS ABUSE. EVEN IF THE PERPETRATOR BELIEVES THEY ARE ONLY DOING IT FOR FUN, IT IS UNACCEPTABLE. IT MAKES PEOPLE FEEL DISEMPOWERED, INTIMIDATED, DEGRADED, AND UNCOMFORTABLE.

MYTH:
MEN SEXUALLY HARASS
OTHERS BECAUSE THEY
ARE SEXUALLY
FRUSTRATED OR CANNOT
CONTROL THEMSELVES.

FACT: THE MAJORITY OF SEXUAL HARASSMENT IS PLANNED AND DOES NOT INDICATE A LOSS OF CONTROL ON THE PERPETRATOR'S PART.

MYTH:

'NO' CAN SOMETIMES MEAN 'YES' – WOMEN ARE DIFFICULT TO UNDERSTAND

FACT: NO ALWAYS MEANS NO! A YES CAN ALSO TURN INTO A NO. WHEN SOMEONE SAYS NO, REGARDLESS OF WHAT THEY ARE WEARING, DOING OR WHETHER THEY SAID YES IN THE PAST, IT IS TO BE TAKEN AS A NO.

MYTH:

IF A WOMAN REALLY WANTED TO DISCOURAGE SEXUAL HARASSMENT, SHE COULD HAVE DONE SO.

FACT: OFTEN THE HARASSER IS IN A POSITION TO PUNISH THE WOMEN BY WITHHOLDING A PROMOTION/ BONUS OR BY GIVING A BAD EVALUATION, ETC., SO WOMEN ARE IN A POWER DYNAMIC WHERE THEY FIND IT DIFFICULT TO SPEAK UP. FURTHER, WOMEN ARE INGRAINED TO BE GENTLE, MILD AND PLEASE OTHERS, SO IT GOES AGAINST THEIR UPBRINGING TO EXPRESS THEIR DISCOMFORT WITH CERTAIN BEHAVIORS.

MYTH:

IF YOU IGNORE SEXUAL HARASSMENT, IT WILL GO AWAY

FACT: IGNORING ONLY

ENCOURAGES THE HARASSER TO MAKE FURTHER ADVANCES. TELLING THE PERSON CLEARLY TO STOP OR TAKING ACTION AGAINST THEM CAN HELP.

MYTH:

SEXUAL HARASSMENT IS INEVITABLE WHERE MEN AND WOMEN WORK TOGETHER

FACT: WHILE INTERACTION

BETWEEN THEM MIGHT BE INEVITABLE, UNWELCOME SEXUAL ADVANCEMENTS ARE NOT.

1.6 WHAT ARE THE IMPACTS OF SEXUAL HARASSMENT ON A SURVIVOR?

Impacts of sexual harassment may range from short-term to long-term impacts on the psychological, physical and economic well-being of an individual.

The American Psychological Association lists the following effects of sexual harassment:

PHYSIOLOGICAL	PSYCHOLOGICAL & EMOTIONAL	ECONOMIC
<ul style="list-style-type: none"> • Skin reactions • Weight fluctuation • Headaches • Lethargy • Sexual problems • Gastrointestinal distress 	<ul style="list-style-type: none"> • Confusion, feelings of being powerless • Shame, self-consciousness, low self-esteem, guilt, self-blame • Isolation • Phobias, panic reactions • Depression, anxiety, shock, denial • Anger, fear, frustration, irritability • Insecurity, embarrassment, feelings of betrayal • Sleep disturbances, nightmares 	<ul style="list-style-type: none"> • Change in career goals, jobs, educational programs, academic majors, etc. • Withdrawal from work or school, drop in academic/ work performance • Decreased job satisfaction • Unfavorable performance evaluations • Loss of job or promotion

PART TWO: SEXUAL HARASSMENT UNDER THE LAW

Workplace sexual harassment and abuse is prohibited by law in the Maldives. This matter is covered under the **Prevention of Sexual Harassment and Abuse Act (16/2014)**, and the **Prevention of Sexual Harassment and Abuse Regulation (377-R/2014)**.

The text of the Act can be found [here](#), and the Regulation can be found [here](#). An English translation of the Act can also be found [here](#).

2.1 WHAT MUST WORKPLACES DO TO PROTECT EMPLOYEES?

Employers have the responsibility of ensuring that employees and customers are protected from sexual harassment and abuse. Here are the things they are legally obligated to do.

- Workplaces must enact, develop and openly display its policy on preventing and prohibiting sexual harassment and abuse.
- Workplaces that consist of more than 30 employees **must** establish a committee to **investigate and address issues of sexual abuse and harassment**.
- Workplaces must make information regarding submitting a complaint of sexual harassment accessible to its employees and customers.

- Workplaces cannot indicate that employee rights or customer services will only be granted if an employee or a customer accepts acts or a culture of harassment (for example, being asked to perform a sexual act in exchange for getting a promotion that you have applied for). Your employee rights could include any of the following:

- A promotion
- A bonus
- Your salary
- A job offer
- A professional training opportunity

- Workplaces **cannot** indicate or imply that employees will face consequences for reporting a case of harassment. They also cannot retaliate against or impose consequences on anyone who gives evidence for harassment, or anyone who supports and assists the survivor.

IF YOU FACE DISCRIMINATION FROM YOUR WORKPLACE AFTER REPORTING, YOU CAN SUBMIT A COMPLAINT TO THE EMPLOYEE TRIBUNAL (SEE PART FOUR).

GUIDANCE TO DEVELOPING A POLICY ON PREVENTION OF SEXUAL ABUSE AND HARASSMENT IN WORKPLACE

- An effective workplace policy is key in preventing sexual abuse and harassment. A well drafted policy should ensure the following:

- Encourage employees to come forward with complaints provide a clear definition of sexual abuse and harassment in accordance with the law

- Include clear guidelines and steps for those who seek to making a complaint
- Provide detailed information about the process and timelines of complaints mechanism
- Provide legal remedies and redress available to successful complainants
- Provide information regarding committee for prevention of sexual abuse and harassment (such as the members that constitute the committee)
- Guarantee confidentiality of complaints and mechanisms set in place to ensure confidentiality
- Guarantee a fair and prompt response to anyone with a complaint of harassment

A policy on prevention of sexual abuse and harassment must also state the penalty actions that may be taken against a perpetrator. Under the Prevention of Sexual Abuse and Harassment Act, employers have a duty to **prevent** and **prohibit** sexual harassment in the workplace and to take adequate measures to stop sexual harassment⁷ and re-victimization⁸.

Section 22 of the Act provides a list of penalty actions that committees can take against perpetrators. It is important to bear in mind that this is not an exhaustive list. Employers can formulate effective penalties that ensure the survivor a healthy working environment instead of a hostile work environment.

To formulate effective penalty actions, it is important that employers carefully consider the following factors:

- Effectiveness of penalty actions in Section 22 alone in creating a meaningful redress and work environment for the survivor
- Necessity of creating temporary and permanent actions aimed at removing hostile work environments where perpetrator and survivor work together

Employers must also take adequate steps to address complaints of re-victimization in the workplace. Survivors are often subject to re-victimization when confidentiality of complaints of sexual harassment are not ensured.

Re-victimization can occur in many forms and include:

- Disclosure of nature of case or information of case by committee members or HR staff to other staff
- Verbal harassment from colleagues
- Sudden discrimination from superiors with respect to work assigned, training opportunities and other employment benefits
- Acts that affect morale and confidence of survivor such as sidelining from work meetings and discussions
- Threats and confrontation from superiors or colleagues

A policy on prevention of sexual abuse and harassment must designate a mechanism to submit complaints of such acts of re-victimization and steps that would be taken against those who engage in committing acts of re-victimization. It is important that employers give serious consideration to eliminate re-victimization that may occur while a survivor proceeds with an official complaint of sexual harassment and even after.

Failure of an employer to mitigate re-victimization can result in an action of claim of damages against the employer under Section 7(c) of the Act.

A FEW USEFUL POINTS FOR MANAGEMENT TO IMPROVE ORGANIZATIONAL CULTURE⁹

ISSUE	ACTION TO BE TAKEN BY MANAGEMENT
<p data-bbox="470 589 630 629">SILENCE</p> <p data-bbox="284 645 805 987">People may not report sexual harassment due to fear that the perpetrator will retaliate or because they worry they may lose their jobs. They may also be pressured by colleagues or managers not to report.</p> <p data-bbox="284 1048 821 1339">Observers and eyewitnesses may also not wish to get involved so they won't get into trouble. This is called "the culture of silence". There are two reasons for this behavior.</p> <ol data-bbox="284 1350 821 1641" style="list-style-type: none"> <li data-bbox="284 1350 821 1440">1. People expect that someone else might intervene. <li data-bbox="284 1503 821 1641">2. If no-one intervenes, it is felt as this situation is the status quo and shouldn't be challenged. 	<p data-bbox="943 645 1460 880">Management needs to provide training to the staff so that they have an understanding of the culture of silence and ways to handle it.</p> <p data-bbox="943 898 1396 936">This type of training should:</p> <ul data-bbox="943 999 1476 1895" style="list-style-type: none"> <li data-bbox="943 999 1476 1137">• Raise awareness on sexual harassment so staff know how to identify it. <li data-bbox="943 1200 1412 1339">• Increase accountability of observers, so they know they must extend assistance <li data-bbox="943 1402 1476 1585">• Educate staff members on how to intervene when they observe an instance of sexual harassment. <li data-bbox="943 1648 1476 1895">• Encourage males to stop tolerating sexual harassment as a critical way to reduce sexual harassment in the workplace and society at large.

ISSUE

ACTION TO BE TAKEN BY MANAGEMENT

TOXIC MASCULINITY

Some male staff members disempower women to prove their masculinity and establish “male supremacy”.

Some women might also want to be part of the high-status male group and trivialize sexual harassment not only for themselves but also for other women. They think that an action on their part might risk their upward mobility and affiliation with the seniors. They might become carrier of the same values as harassers to stay relevant and maintain their access to the “boys’ club”.

Men can use sexual harassment to keep women out.

Assess the work culture of the organization and address any issues especially with regard to male superiority, misogyny or toxic masculinity.

- Conduct confidential surveys to evaluate the culture and work environment of the workplace.
- Ensure that women have supportive supervisors and work groups. This reduces the risk of sexual harassment.
- Undertake periodic needs assessments and regular trainings.
- Display strong messages regarding zero tolerance for sexual harassment, especially from the senior management, which holds the greatest responsibility for creating a safe and conducive work environment.
- Ensure that perpetrators are held accountable

2.2 WHAT ARE THE RESPONSIBILITIES OF THE COMMITTEE FOR PREVENTION OF SEXUAL ABUSE AND HARASSMENT?

The committee for prevention of sexual abuse and harassment is the focal point for issues related to sexual harassment in the workplace. Every institution with more than 30 employees is mandated by law to have a committee for prevention of sexual abuse and harassment.

Forming the committee is the responsibility of the institution's human resource department. In the absence of an HR department, this responsibility falls to the most senior person within the workplace.

The committee has the following responsibilities:

- Display messages in the workplace stating that **sexual abuse and harassment is against the law**
- Conduct **awareness programmes** for employees about prevention of sexual abuse and harassment
- **Properly investigate complaints** of sexual abuse and harassment **within 60 days** of receiving the complaint
- If there is a criminal aspect of the case (e.g. sexual assault), the committee is obliged to inform the Maldives Police Service and assist the survivor to make a police report

All the committee members must be adequately sensitised to the issue of sexual harassment and gender-equality. The law also states that at least one member of the committee must be a woman.

No person that has been previously accused of a sexual harassment case can be on the committee.

2.3 WHAT ARE THE RIGHTS THAT THE COMMITTEE MUST ENSURE FOR BOTH PARTIES OF A COMPLAINT?

All the committee members must be adequately sensitised to the issue of sexual harassment and gender-equality. The law also states that at least one member of the committee must be a woman

Rights of the complainant:

- To state the complaint in detail
- To present witnesses of their choice

Rights of the respondent:

- The information regarding the detail of the complaint made
- To make submissions in their defense

2.4 WHAT HAPPENS IF YOUR WORKPLACE IS TOO SMALL FOR A COMMITTEE?

If your workplace is a sub-department, a sub-division, or a smaller part of a larger company or institution, you can report the matter to the committee of the main company or institution (e.g. if you work for a print shop that is owned by a large advertising company, you can report the matter to the committee within the advertising company).

You may also submit your case to the Employment Tribunal.

2.5 WHAT HAPPENS IF THE PERPETRATOR IS ON THE COMMITTEE FOR PREVENTION OF SEXUAL ABUSE AND HARASSMENT?

It is entirely possible that the perpetrator of your harassment also happens to be on the committee for prevention of sexual abuse and harassment. Here are some of the ways that the case can proceed if this happens:

- You may submit your complaint directly to the Employment Tribunal (more on this in Part Four)
- The committee should remove the perpetrator from the committee for the investigation and carry forward without their involvement
- An interim committee of new members may be formed **with your consent** to investigate the matter

2.6 HOW SHOULD THE COMMITTEE MAKE ITS DECISIONS?

The Committee must decide whether sexual harassment has occurred **based on the viewpoint of a reasonable person**. This means, whether a reasonable person would have understood or comprehended a sexual intent from the actions of the perpetrator.

The Prevention of Sexual Abuse and Harassment Act is a special law enacted to provide special legal rights and mechanisms to prevent and prohibit sexual harassment in the workplace. Therefore, it is important that the Committee reads and applies the law from a survivor-centric perspective (in favour of the survivor).

Taking a survivor-centric approach means that the Committee take consideration of the following factors:

- Most acts of sexual harassment are committed in secrecy
- There may not always be witnesses to incidents of sexual harassment
- A survivor's testimony of sexual harassment must be taken as a competent witness
- It may be the first time a sexual harassment incident is reported against the perpetrator, but the evidence submitted in relation to one case may bring forward other incidents that have happened against other workers which may evidence a pattern of sexual harassment from the perpetrator
- Whether penalty decided by the Committee against the perpetrator will have the result of creating a hostile working environment for the survivor (a hostile work environment will be created if the perpetrator and survivor have to work together despite the penalty action decided by the Committee)

PART THREE: WHAT TO DO WHEN FACING SEXUAL HARASSMENT AT THE WORKPLACE

3.1 WHAT CAN I DO IF I'VE BEEN SEXUALLY HARASSED AT THE WORKPLACE?

Tell the perpetrator that their behaviour is unwanted (either publicly or privately)

Tell others: your colleagues, supervisor, boss, friends, spouse, etc. Don't keep it to yourself.

Keep records of the incident. Write down what happened soon after the incident. Keep notes of dates, times, locations, and any witnesses if there was someone present during the incident. If you told someone else about the harassment via text, take screenshots.

If your harassment was digital (e.g. someone has sent you inappropriate messages), take screenshots of them and keep them safe (with multiple copies). You can also save screenshots of call logs this way.

Report the incident to the Prevention of Sexual Harassment Committee at your workplace OR the Employment Tribunal. You must submit your case within 12 months of the incident occurring.

3.2 HOW CAN I INTERVENE IF I SEE SOMEONE GETTING HARASSED AT WORK?

Make sure the situation is safe before intervening. If the perpetrator retaliates, it could have consequences for you and the survivor and your work environment could become hostile. If it's safe, step in and actively stop the perpetrator. You may say things like "that joke isn't funny" or "that's unprofessional."

If it's not safe to stop the perpetrator, try to move the survivor away from the situation. You could say something like "hey I need to talk to you about some work from yesterday, can you come with me?"

Always ensure the survivor's safety before you act.

3.3 HOW CAN I SUPPORT SOMEONE WHO HAS ENDURED SEXUAL HARASSMENT AT THE WORKPLACE?

Sexual harassment can be a frightening and difficult thing to face. Going through it alone can be very mentally taxing, especially if there is a lot of stigma and victim blaming.

The most helpful thing anyone can do is to vocally stand against such things in the workplace, and to make sure that people understand that you will not tolerate such behaviour, or stand for victim-blaming and shaming.

If someone you know tells you that they have been harassed, here are some things you can do for them:

- The most important thing you can do is to **believe them**. Don't try to justify the perpetrator's behaviour or offer an explanation.
- Do not joke about it
- Do not tell them they should have enjoyed it
- Do not tell them that it was their fault
- Do not tell them that they should have taken advantage of the situation
- Survivors often face a lot of shame when they have been harassed. Make sure you are a helpful and supportive presence, and don't make them feel worse.

- Men are often told to celebrate the harassment they receive and women are often blamed for getting harassed. All survivors should be taken seriously and supported.
- Maintain confidentiality: Do not tell other people about the incident. Remember that it is the survivor's right to tell the story, and not yours.
- Encourage them to seek mental health support such as counselling

Support them if they want to report. Accompany them, or help them figure out what to say.

Do not support the perpetrator. Hold them accountable.

3.4 THE PERSON I'M TRYING TO HELP DOESN'T WANT TO REPORT THE ISSUE. WHAT DO I DO?

If the person does not want to make a report, **don't force them.**

Though it is important to report and hold the perpetrators accountable, the process should not put the survivor at further risk, nor should it be forced upon them. There may be several reasons why they don't want to report the matter:

- They are afraid it will affect their dignity
- They fear repercussions from their family
- They worry that it could have consequences for their work or future career
- They have many other problems in their life and cannot handle this at the moment

Ultimately, how the person chooses to handle the situation is their choice, and you may not know what's best for them. Even if you encourage them to report, it is more important to ensure their safety. Make sure you support them in whatever decision they make

3.5 SEEKING COUNSELLING

Seeking mental health support after a difficult event such as sexual harassment can be daunting, but it may also help the process of recovery. In situations where the person who experienced the harassment is having major difficulties in coping with the incident, it may even be necessary to seek out mental health support.

Like reporting, the person who faced harassment should not be forced into counselling, as they may not be ready to discuss the incident or they may not feel comfortable disclosing the matter to a stranger. Encourage them to seek counselling, but do not force them into it.



● PART FOUR: REPORTING

Experiencing harassment can be frightening, and it can affect your work life, your self-esteem, and sense of safety. Reporting such a case can be scary, especially if the perpetrator is your superior or someone who is popular at work. Nonetheless, it is important that you report the case so you can seek justice for yourself.

If your workplace has a committee, submit your complaint there. If there is no committee, you will need to submit it to the Employment Tribunal.

HOW TO REPORT

1. The report you submit to your workplace or the Employment Tribunal will likely need to be submitted **through a form**. You may ask your HR department or a colleague to assist you with locating this form – it is likely to be accessible via your internal gazette or intranet (more on Employment Tribunal forms in Part Five).

The form is likely to ask you to submit details of the incident. Make sure you keep a written record of dates, times, locations, and any witnesses (if known). Keep screenshots and save any other evidence, and write down the facts of the incident to the best of your knowledge.

2. If your workplace has a committee, submit your complaint there via the form. If there is no committee, submit your complaint to the Employment Tribunal.

3. The form is likely to ask you to submit details of the incident. Make sure you keep a written record of **dates, times, locations, and any witnesses** (if known). Keep screenshots and save any other evidence, and write down the facts of the incident to the best of your knowledge.

4. Here is an example of some things you may need to provide:

a. **Dates, times, locations**

b. **What happened** (e.g. Was it physical? Were you touched or groped? Was it inappropriate texting or calling?)

c. **Frequency:** (e.g. Did it happen once or many times? When did it start? How long has it been going on for?)

d. Name **any witnesses** that could back up your story

e. **Any evidence** you have (e.g. screenshots of text messages, calls, emails, etc.

f. Do not worry if you do not have all of the above. Write down the facts of the incident to the best of your knowledge and ability.

5. Here are some other factors to consider when compiling your report:

a. Is this person known to make such comments/ behave in such a manner? Is there anyone that can confirm this for you?

b. Did you message someone about the incident? Take screenshots of that conversation with the date stamp.

c. Have you messaged someone about this person's behaviour or comments before you were personally harassed? Take screenshots of that conversation with the date stamp (e.g. two weeks after you first started at your new office, you might have felt uncomfortable by a colleague's comments and texted a friend: "this person keeps making sexual jokes and it sucks when I can hear it").

6. If your safety is a concern, you might consider going to the police first, or asking a fellow colleague to support you or accompany you while you file the report with the relevant department at your workplace.

REPORTING PATHWAY

INCIDENT OF SEXUAL HARASSMENT



If there is a criminal component to the case, the Committee will refer it to the police

! Case must be submitted within 12 months

MALDIVES POLICE SERVICE



PREVENTION OF SEXUAL HARASSMENT COMMITTEE



! Case must be investigated within 60 days

EMPLOYMENT TRIBUNAL



If you are not happy with the committee's decision, you may appeal within 120 days after the decision.

If the committee has decided that you will receive damages for the harassment, you can take your case to the tribunal to seek damages (also within 120 days of the decision)

PART FIVE: RESOURCES

EMPLOYMENT TRIBUNAL

You can submit a complaint to the Employment Tribunal in one of the following circumstances:

1. Your workplace does not have enough employees to have a Statutory Grievance Committee and thus there is no mechanism to oversee complaints about sexual harassment
2. You are unhappy with the decision made by the committee and wish to seek an appeal

If you are seeking an appeal, you must submit it **within 180 days** of the Committee's decision.

You may contact the Tribunal at info@employmenttribunal.gov.mv or 3308772 / 3308773 during office hours from 8 am – 2 pm every working day.

RELEVANT INFORMATION

[Document checklist English](#) (for Sexual Harassment, check under 2. Discrimination. If you were unlawfully terminated due to a complain, you can also check 5. Termination)

[Document checklist Dhivehi](#) (for Sexual Harassment, check under 2. Thafaathukurun. If you were unlawfully terminated due to a complain, you can also check 5. Vazeefaain Vakikurun)

[Guidelines regarding timelines to submit cases](#) (Dhivehi)

[Procedure chart for case investigation](#) (Dhivehi) (this will give you an overview of how your case will proceed once submitted)

[Procedure for investigating cases](#) (Dhivehi)

[Claim form](#) (this is the form you must fill to submit a case to the Tribunal)

HUMAN RIGHTS COMMISSION OF THE MALDIVES

The Human Rights Commission serves as a watchdog institution to monitor and investigate human rights violations in the country. If you feel that there are issues within your case investigation that warrants concern and accountability (e.g. there are delays in your case or irregularities in the investigation), you may send a letter of concern to them.

Phone number: 3336539

MALDIVES POLICE SERVICE

If the case has a criminal component, you are advised to contact

Maldives Police Service:

Emergency: 119

Phone number: 3000600

FAMILY LEGAL CLINIC

At Family Legal Clinic, we offer pro bono legal assistance for cases of workplace sexual harassment. If you feel as though you require legal advice, assistance with filling out a claim form, or court representation, please contact us at:

Hotline: 9977771 (SUNDAY - THURSDAY between 9am - 4 pm)

info@familylegalclinic.org.mv

COUNSELLING AND MENTAL HEALTH SERVICES

PUBLIC SERVICES

IGMH Centre for Mental Health: 3335245

Society for Health Education (SHE): 3318804

Maldives Red Crescent: 1425

PRIVATE SERVICES

Thibaa Psychology: 7567030

Institute for Mental Wellbeing: 7226667

Institute for Counselling and Psychotherapy: 7978802

SAMPLE COMPLAINT FORM

This is an example of a complaint form you will need to fill to report your case. This sample will give you an overview of the different sections you might need to fill and provide information for.

Please note that this form is only a generalized sample. The form at your workplace may differ. For further information, check the gazette or intranet or contact your Human Resources department.

SECTION 1 : COMPLAINANT INFORMATION	
Name:	
ID Card/ PP Number:	
Nationality:	
Address:	
Phone Number:	

The **Complainant** is the person submitting the case

SECTION 2: RESPONDENT'S INFORMATION	
Name:	
ID Card/ PP Number:	
Nationality:	
Place of work:	
Position:	
Relationship to the complainant (e.g. colleague, manager,	

The **Respondent** is the person the case is filed against

SECTION 3: DATE(S) AND PLACE(S) THE HARASSMENT OCCURRED

-
-
-
-
-
-
-

You may state the timeframe as far as you remember (e.g. the last week of August). Describe each incident of harassment separately.

SECTION 4: EXPLANATION OF EVENTS

Describe each incident of harassment separately. Be as detailed as you can remember. Indicate if the harassment is still ongoing or if it stopped

SECTION 5: WITNESSES

-
-
-
-
-
-
-

Here, list the names and contact details of any witnesses who can back up your complaint.

SECTION 6: EVIDENCE

-
-
-
-
-
-
-

Here, attach any evidence you have of the incident(s).

SECTION 7: DECLARATION

I declare that the information provided in this complaint is true to the best of my knowledge, and that I will comply with the investigation of my complaint and provide whatever evidence the committee deems relevant

Signature:

Date:

SECTION 8: FOR COMMITTEE USE ONLY

Complaint received by:

Signature:

Date:

FOOTNOTES

1. CEDAW Shadow Report, 2015. Human Rights Commission Maldives. CEDAW Shadow Report, 2015. Human Rights Commission Maldives. Accessed at <<http://hrcm.org.mv/publications/otherreports/HRCMCEDAWSHadowReport%2012January2015.pdf>>
2. Ibid.
3. Sexual Harassment Act Survey Report. 2018. Hope for Women. Accessed at <<http://hopeforwomen.org.mv/wp-content/uploads/2018/12/Sexual-Harrassment-Act-Survey-Report.pdf>>
4. See for eg: Workplace Sexual Harassment in the Maldives: The struggle for justice, 2017. Maldives Independent. Accessed at <<https://maldivesindependent.com/society/workplace-sexual-harassment-in-the-maldives-the-struggle-for-justice-133995>>; I Was Sexually Harassed by a Senior Advisor to the Maldives President. 2020. The Wire. Accessed at <<https://thewire.in/south-asia/i-was-sexually-harassed-by-a-senior-advisor-to-the-maldives-president-this-is-my-story>>
5. Reflecting 15 Years: The 'Rights' Side of Life, 2020. Human Rights Commission Maldives, Family Protection Authority, UNDP Maldives. Accessed at <<https://hrcm.org.mv/en/publications/reflecting-15-years-the-rightsside-of-life>>
6. Taken from Harassment at the Workplace Toolkit: Understanding Sexual Harassment, Legal Provisions, Roles of Duty Bearers & Rights Holders (2020). UN Women, Ombudsperson, Punjab Protection Against Harassment at Workplace, Government of Punjab, UK Aid. <<https://asiapacific.unwomen.org/sites/default/files/Field%20Office%20ESEAsia/Docs/Publications/2021/02/Final%20Toolkit%20SH%20Laws%20Punjab.pdf>>
7. Section 7(a), Prevention of Sexual Abuse and Harassment Act
8. Section 7(b), Prevention of Sexual Abuse and Harassment Act
9. Supra, n.6.