



Guidance

Making Compliance Simple

Guidance Note Proclamation of the Employment Sexual Harassment (Prevention) Act 2017

Reports in the local media indicate that the Employment Sexual Harassment (Prevention) Act 2017 was proclaimed on December 15, 2017. In seeking to confirm the reports, it was confirmed that the proclamation was carried in the Official Gazette of December 15, 2017 which is at present being distributed.

What is sexual harassment?

As is stated on page 7 of the Bill, "For the purposes of this Act, sexual harassment includes the use of:

- Sexually suggestive words, comments, jokes, gestures or actions that annoy, alarm or abuse a person;
- The initiation of uninvited physical contact with a person;
- The initiation of unwelcome sexual advances or the requests of sexual favours from a person;
- Asking a person intrusive questions that are of a sexual nature that pertain to that person's private life;
- Transmitting sexually offensive writing or material of any kind;
- Making sexually offensive telephone calls to a person;
- Any other sexually suggestive conduct of an offensive nature."

Advice from the acting CLO to employers...

"Under the Act, every employer:

- must ensure that within six months of its commencement, a clear written policy statement against sexual harassment within the workplace is prepared and presented to each employee.
- must also ensure that procedures are put in place to assist every employee in understanding the policy statement. In addition, the statement must be presented to each employee at the commencement of employment."

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Recommendations

- Members of the BEC, we encourage you to consult with your Labour Management Advisor for guidance on your policy in addition to your employees in an effort to establish your policy statement.
- According to the acting CLO your company's policy statement may be inclusive of "any term that is consistent with the Act"
- According to the acting CLO the terms in the Schedule to the Act must be included in your policy statement.
- The BEC wishes to advise that all parties make a concerted effort to take note of the provisions of the Act and be guided accordingly

Source: Thursday 18th January Edition Nation Newspaper

<http://www.nationnews.com/nationnews/news/121325/employment-sexual-harassment-act-proclaimed>

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