

Tripartite Advisory on Managing Workplace Harassment

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Foreword

Workplaces should be safe and free from harassment so that employees can carry out their work productively. Harassment can, however, occur in different forms and to different extent.

The tripartite partners have come together to develop this Advisory, which serves as a practical guide for employers and employees to better prevent and manage harassment at the workplace. It emphasises the importance of proactive management and focuses on preventive measures to ensure a safe and conducive workplace. It also suggests key steps and remedial actions that employers and affected persons can take in responding to harassment when it occurs.

Workplace harassment prevention is one facet of the broader Protection from Harassment Act which protects persons from a range of harassing behaviours through criminal sanctions and self-help measures for victims of harassment to protect themselves.

Both employers and employees have an interest and responsibility in preventing harassment at the workplace and managing it properly if it happens. Let us work together to provide a safe and conducive environment for employers and employees to carry out their work without fear of being harassed.

What is Workplace Harassment?



Workplace harassment can occur when one party at the workplace demonstrates behaviour that causes or is likely to cause harassment, alarm or distress to another party. Such behaviour can violate a person's dignity or create an unfavourable work environment for him/her, which poses a risk to the person's safety and health.

Workplace harassment can take different forms. Examples of behaviour that may be considered harassment include but are not limited to:

- Threatening, abusive, or insulting language, comments or other non-verbal gestures
- Cyber bullying
- Sexual harassment
- Stalking

Workplace harassment can also take place through different modes of communications, such as by email, text messaging or social media. It can occur outside of the office space, such as on business trips, clients' premises or other work-related occasions.

Workplace harassment can be directed at and/or carried out by:

- Co-workers
- Managers and workers
- Other people at the workplace e.g. customers, contractors, interns and volunteers

Workplace harassment can violate a person's dignity or create an unfavourable work environment for him/her, which poses a risk to the person's safety and health.



Protection from Harassment Act

The Protection from Harassment Act protects persons against harassment and unlawful stalking. Under the Act, a range of civil remedies and criminal sanctions is available to better protect people from harassment and related anti-social behaviour. Whether or not a course of conduct is harassment for the purpose of the Act depends on the circumstances of each case.

Below are two examples of harassing behaviour adapted from the Act.

Illustration 1 - Acts associated with stalking
Y repeatedly sends emails to Y's subordinate (X) with suggestive comments about X's body.

In this illustration, Y may be guilty of an offence under Section 7 of the Act. X may also apply for a Protection Order against Y under section 12(1) of the Act to stop Y from harassing X.

Illustration 2 - Harassment, alarm or distress
X and Y are colleagues. X posts a vulgar tirade against Y on a website accessible to all of their colleagues. One of Y's colleagues shows the message on the website to Y, and Y is distressed.

In this illustration, X may be guilty of an offence under Section 4 of the Act. Y may also apply for a Protection Order against X under section 12(1) of the Act for an order that X take down the vulgar tirade from the website.



Common Myths about Workplace Harassment and Why It Should be Addressed

▶ **Myth 1: Workplace harassment is a matter of personal relationships; and not for employers to intervene.**

Harassment may directly or indirectly cause anxiety to employees at the workplace, affecting the morale and productivity of the organisation. Such behaviour, if not discouraged, may also affect the reputation of the organisation.

Employers therefore have an interest to create a positive and safe culture where all employees can perform their best at work.

▶ **Myth 2: Prevention of harassment measures are costly and of little economic value.**

Affected persons who do not have access to recourse and assistance may suffer distress, underperform or even resign abruptly. Harassment cases that are poorly managed may also lead to conflicts that undermine the cohesion of the workplace.

Prevention of harassment measures would minimise such costs and ensure a more harmonious workplace.

▶ **Myth 3: Prevention of harassment measures create more tensions and an unfriendly workplace.**

Prevention of harassment measures empower affected persons to clarify and resolve potential misunderstandings before they intensify. A transparent policy and framework to manage such conflicts will send a clear signal to all individuals in the workplace and lead to better engagement.

Core Values



Everyone in the organisation has a role to play in ensuring that work is conducive, safe and free from harassment. Individuals are responsible for their own conduct at work, and should be respectful towards other persons at the workplace.

The employer plays an important role in determining the culture of the organisation. It is useful for employers to establish a set of common values to guide the way that their employees work with clients, with each other and within the organisation. Employers could consider adopting the following core values, both with and between employees, to foster a conducive and safe organisational culture:

- Mutual respect – respecting individuals' personal values and beliefs.
- People-centredness – putting people at the heart of what we do, and ensuring that they do not feel intimidated at work.
- Empathy – standing up against workplace harassment and providing support for fellow colleagues.
- Cultural understanding – building awareness of the cultural norms and understanding cultural sensitivities in an increasingly diverse workplace.

Principles to Guide Employers in Managing Workplace Harassment



Employers are encouraged to develop and implement measures to manage harassment at the workplace. Recognising the need to adapt to particular companies' circumstances, the following principles can be adopted to ensure that the measures are effective and practical.

- a. Zero tolerance – The organisation should make it clear that harassment would not be tolerated and would be dealt with seriously.
- b. Leadership commitment – The senior management should demonstrate their commitment in establishing a workplace free of harassment by leading the effort and providing the resources.
- c. Everyone plays a part - Employers, employees and customers should recognise that they are responsible for promoting a workplace free from harassment.
- d. Holistic management - Harassment and other psychosocial risks should be included in the overall workplace safety and health (WSH) risk management of the organisation.
- e. Early prevention - Focus should be placed on preventive measures and the early recognition of signs of harassment, so as to manage the issue at the onset.
- f. Confidentiality – Confidentiality of the identities of the alleged harasser, affected persons as well as the informant should be ensured unless the organisation assesses that disclosure is necessary for safety reasons.
- g. Neutrality – Any harassment case should be handled impartially and independently by neutral parties who are not directly involved and have no conflict of interest in the case.
- h. Non-retaliation – The reporting informant must not be 'victimised' by the employer following the making of such a report.
- i. Accountability – There should be clear documentation of each step of the investigation process and thorough records should be kept.

Employers should proactively identify, evaluate and control the risk of harassment at the workplace to ensure a safe, healthy and harmonious workplace.

What Employers Can Do

Employers should proactively identify, evaluate and control the risk of harassment at the workplace to ensure a safe, healthy and harmonious workplace.

They can do so as part of the organisation's existing WSH risk management process¹. Risk management provides a systematic approach for employers to minimise the potential for harassment occurrence at the workplace. It involves evaluating the potential of the harassment risk, implementing appropriate preventive and control measures, and communicating these measures to staff.

Employers are strongly encouraged to consider the following good practices to prevent and respond to harassment at the workplace:

- a. **Develop a harassment prevention policy**
- b. **Provide information and training on workplace harassment**
- c. **Implement reporting and response procedures**

These practices are further elaborated in the subsequent sections to help employers in their implementation. Employers with more resources are encouraged to be more comprehensive in their implementation.

a. **Develop a harassment prevention policy**

Develop the policy

Employers should develop a formal policy² which prohibits harassment and also ensures recourse in the case of harassment at the workplace. The policy should be developed in consultation with workers in the organisation/the unions (if any).

¹ For more details on WSH risk management, please refer to the WSH Council's Approved Code of Practice on WSH Risk Management.

² The harassment prevention policy can be standalone or incorporated into a broader company safety and health policy.



An effective policy could include the following:

- A clear position statement on zero tolerance for harassment
- Management commitment to prevent and respond to harassment
- Illustrations and examples of workplace harassment
- Avenues for recourse and assistance
- Information on investigation and grievance handling processes
- Actions to be taken against harasser

Annex A provides a sample of a harassment prevention policy.

Communicate the policy

The harassment prevention policy should be communicated clearly to all levels of the organisation. Employers can consider raising awareness of the policy through the corporate website or common work areas to ensure that all internal and external stakeholders are well informed of such a policy. It should also be communicated through multiple platforms, such as staff induction programmes, company intranet, HR handbooks, notices or posters, and employee briefings.

It is also important for the management to discuss and reinforce the messages regularly at staff meetings to demonstrate their commitment to it. The policy should be reviewed regularly and when an incident happens to ensure its relevance to the workplace.

b. Provide information and training on workplace harassment

It is important to ensure that harassment is taken seriously at all levels of the organisation. This is only possible if everyone in the organisation is familiar with the issue, and plays an active role in preventing and reporting harassment cases when they occur.

Employers are encouraged to train their employees, especially the HR, line managers and supervisors to handle harassment cases. Employers can also consider establishing a support group or engaging professionals to provide counselling services and support to affected persons.

The following table provides suggestions on the skills and knowledge that may be helpful to certain organisational roles in managing harassment at the workplace.

ROLE	SKILL/ KNOWLEDGE
Managers, Supervisors, HR personnel	<ul style="list-style-type: none"> • Awareness of work risk factors that may result in harassment • Awareness of behaviours that may constitute harassment • Potential signs of harassment (e.g. trouble focusing on work, less friendly, absenteeism) • Procedures and measures to prevent harassment, and consequences of not addressing harassment • Grievance handling procedures and conflict management • Investigation and handling of cases • Counselling (support and therapy) for harasser and affected individuals
All Employees	<ul style="list-style-type: none"> • Awareness of work risk factors that may result in harassment • Awareness of behaviours that may constitute harassment • Potential signs of harassment (e.g. trouble focusing on work, less friendly, high absentee rate) • Information on how to proceed if faced with a situation of potential harassment

Measures to prevent harassment by external customers/clients

Employers can consider implementing the following measures to reduce the potential risk of harassment faced by customer-facing staff.

- Put up clear and prominent signs at suitable locations to promote observance of respectful behaviour
- Display notification that harassment is unacceptable behaviour on corporate website and plasma/LCD displays in premises
- Increase lighting in and around the workplace
- Install close-circuit television (CCTV)
- Increase site security inside and outside the building
- Control access to the building or certain places e.g. access cards, keys



c. Implement reporting and response procedures

Employers should develop the following procedures, where practicable, to handle any potential workplace harassment issues:

- Harassment reporting line to ensure timely reporting.
- Investigation procedures to ensure fair treatment of workplace harassment issues.
- Closure to prevent recurrence of incident.

Employers should ensure that employees are aware of these procedures, and are able to utilise them easily.

Harassment reporting line

A harassment reporting line could be established to allow reporting of harassment cases. Employers should create a safe environment for reporting and ensure that whistle-blowers will not be penalised.

It can include the following features:

- Multiple reporting channels which can include a higher authority or a neutral party within the organisation if the harasser happens to be his/her immediate supervisor/manager.
- Anonymous “whistle-blowing” mechanisms, so that employees can surface their grievances if they do not wish to be identified, such as setting up an external hotline as an additional channel for employees to report workplace harassment.
- Safe environment for employees to speak up about their discomfort and concerns. This allows for early intervention.

Employers should follow up on all harassment complaints promptly, and if necessary, assist the employee to file a police report and/or magistrate’s report.

Investigation procedures

Employers could put in place investigation procedures to handle and investigate workplace harassment complaints.

It can include the following features:

- Appoint trained neutral parties to inquire into the case
- Establish a timeline for investigation and communicate this to all parties involved
- Carry out investigation (interviews with affected parties and witnesses, review of documented evidence) in a sensitive way with due regard to the confidentiality of the matter for the complainant and alleged person
- Evaluate the case based on available evidence and determine whether alleged behaviour constitutes workplace harassment
- Update progress and discuss findings/outcome of the investigation to the complainant and alleged person
- Take corrective actions e.g. update harassment prevention policy, remind supervisors and staff on their duties regarding workplace harassment
- Provide avenue for appeals
- Document the investigation process and keep a record of findings e.g. complaint details, details of specific harassing behaviours, summary of interviews with affected parties

Closure

Proper closure of the harassment incident can help to prevent recurrence. It is especially important to ensure that the harasser will not repeat his/her misconduct if he/she continues to work in the organisation. Employers can:

- Educate the harasser that his/her behaviour or conduct is unacceptable and has detrimental effects on others and may be an offence under the law
- Monitor the harasser after the incident to ensure that he/she does not repeat the act
- Re-deploy or relocate the harasser to avoid future conflicts
- Inform the harasser of the consequences for repeated conduct
- Assist the victims in filing a report to the authorities, if necessary
- Provide support for affected persons e.g. counselling and interim options such as additional leave or flexibility to work from home during the investigation and/or recovery period

What Affected Persons Can Do



Taking Charge of Yourself

Everyone is reminded to take charge of their personal safety, health and wellbeing at the workplace. You should take all reasonable steps to protect yourself and keep away from potential harassment situations.

Some tips for you to protect yourself from harassment:

- Keep a distance from persons who exhibit unacceptable social behaviour, where reasonably possible
- Be familiar with workplace harassment-related procedures in the organisation
- Adopt a buddy system in situations where personal safety may be compromised
- Summon help using pre-arranged distress signal or other appropriate means such as the personal duress system, in situations where personal safety may be compromised
- Escalate or report potential cases to the appropriate parties promptly

Responding to Harassment

There are different ways to deal with harassment. Depending on the situation, the individual can consider pursuing one or more of the following options in no particular order.

Dealing with harassment yourself

Affected persons upon recognising that they are caught in harassment situations, can consider defusing the situation or resolving it on their own, only when it is considered safe and reasonable to do so. If the affected person is unable to deal with the harassment alone, he/she is strongly advised to seek formal and/or informal help immediately.

Everyone is reminded to take charge of their personal safety, health and wellbeing at the workplace.

Some suggested measures include:

- Adopting effective body language (e.g. stand firm on the ground), staying alert and looking for escape routes.
- Telling the harasser assertively to stop his/her unreasonable behaviour.
- Warning the harasser that stern action will be taken if harassment persists e.g. escalation to management or authority.
- Documenting and keeping a record of evidence e.g. photographs, screenshots, messages, audio recordings.

Getting informal help

The affected person can:

- Approach the harasser with a trusted person e.g. colleague or friend, if he/she is uncomfortable to confront the harasser personally.
- Seek guidance from someone who is trained or knowledgeable in defusing difficult situations.

Getting formal help

The affected person is advised to report the harassment encounter to his/her supervisor, manager, HR or delegated neutral party, when organisational intervention is required. The organisation should intervene promptly upon receipt of such reports and take all appropriate action necessary.

If external parties are preferred, the affected person can also consider approaching associations, unions, or professional organisations for advice on dealing with harassment.

See **Annex B** for resources.



Going to the Court or Police

In certain cases, victims of harassment may wish to consider the remedies available to them. A police report may be made if a person is believed to have committed an offence under the Protection from Harassment Act. These include causing harassment, alarm or distress (whether intentional or otherwise), causing fear or provoking violence, threatening, abusing or insulting public servant or public service worker, and unlawful stalking.

The victim may also seek civil remedies against the harasser, such as a Protection Order (PO) and Expedited Protection Order (EPO). A PO may be granted for contraventions of the Protection from Harassment Act provisions, in situations where the harassment is likely to continue or a fresh contravention is likely to be committed. In situations where the harassment is additionally likely to occur imminently, and have substantial adverse effects on the victim, or the victim's day-to-day activities, an EPO may also be sought.

It is possible to initiate both criminal and civil actions at the same time. If the matter proceeds to court, the victim is likely to be asked to provide evidence to prove the harassment, so it is important to keep any records and evidence of the harassment, where possible.

More information on the consequences of and remedies available for harassment can be found on the State Courts website at

<https://www.statecourts.gov.sg/FilingForHarassment/Pages/Filing-for-Protection-from-Harassment---at-a-glance.aspx>

Closing Remarks

Whenever a case of harassment occurs, employers should make the effort to review existing policies and procedures, and revise them where necessary. Employers are responsible to provide employees with a safe and healthy workplace, and one that is free from harassment. Employees, on their part, should make every effort to cooperate with their employers to ensure a conducive and productive work environment.

Acknowledgements

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Association of Small and Medium Enterprises

Association of Women for Action and Research

Changi General Hospital

Health Promotion Board

Institute of Mental Health

Ministry of Home Affairs

Ministry of Law

Migrant Workers' Centre

Singapore Council of Women's Organisations

Singapore Human Resources Institute

Tripartite Alliance for Fair and Progressive Employment Practices

All photographs used in this advisory are for illustration purposes only.

Annex A – Sample Harassment Prevention Policy

Huanhe Pte Ltd

Anti-Harassment Policy

Commitment to harassment-free workplace

Huanhe Pte Ltd seeks to provide a harassment-free workplace that promotes the confidence to perform without the fear of harassment. The Company believes that every individual should be treated with dignity and respect. The Company will not tolerate any harassment and will take immediate action upon becoming aware of such cases.

Illustrations of workplace harassment

Workplace harassment can include unwanted physical contact, bullying, intimidation or offensive jokes, and may relate to a form of discrimination.

Reporting incidents of harassment

Individuals are encouraged to report incidents of workplace harassment. Informants will not be subject to any retaliation on the part of the Management (or other employees). The Management will investigate, and deal with all concerns, complaints and incidents of workplace harassment in a fair and timely manner.

Action against harassers

Any individual, who is found guilty of acts of harassment, shall be subject to corrective or disciplinary action, which may include termination from service.

Tan Huat Heng (Mr), CEO

13th March 2015

Annex B – Resources

Contact	Who can approach us
<p>i. Association of Women for Action and Research (AWARE) AWARE Training Institute (ATI) Phone: 6779 7137 (Mon-Fri, 10am-6pm) Email: ati@aware.org.sg • Resources and corporate training programmes on workplace sexual harassment, diversity and discrimination</p> <p>Sexual Assault Care Centre (SACC) at AWARE Hotline: 6779 0282 (Mon-Fri, 10am-midnight) Email: sacc@aware.org.sg • Legal information, counselling, befriending (assistance at courts, police stations)</p> <p>Helpline for women in crisis: 1800 774 5935 (Mon-Fri, 3pm-9.30pm) Email: helpline@aware.org.sg • Confidential and private consultation services • Referrals to professional counsellors or experts</p>	<p>Employers, HR and employees</p> <p>Women needing help on sexual harassment or wanting to find out more</p>

<p>ii. Changi General Hospital, Trauma Recovery and Corporate Solutions (TraCS) Phone: 6850 4481 (Mon-Fri, 9am-5pm) Email: tracs@cgh.com.sg • Resources and corporate training programmes on peer support and crisis intervention; employee counselling services</p>	Employers, HR and employees
<p>iii. Community Justice Centre (CJC) Phone: 6557 4100 (Mon-Fri, 8.30am-5.30pm) Email: help@cjcc.org.sg • Legal advice at the legal clinics • Practical and emotional support to Litigants in Person (LIPs)</p>	Individuals needing help on legal services
<p>iv. Health Promotion Board (HPB) Talk2Us Helpline: 1800 8255 287 (Mon-Fri, 8.30am-5pm and Sat, 8.30am-12.30pm) • Telephone support for personal or work related difficulties.</p>	Working adults and their immediate family members
<p>v. Ministry of Manpower (MOM) MOM Contact Centre Phone: 6438 5122 (Mon-Fri, 8.30am-5.30pm and Sat, 8.30am-1pm) Online enquiry: www.mom.gov.sg/feedback</p>	Individuals needing more information on workplace harassment
<p>vi. National Trades Union Congress (NTUC) Phone: 6213 8008 (Mon-Fri, 9am - 6pm and Sat, 9am - 1pm) Email: membership@ntuc.org.sg • Workplace Advisory Services</p>	Members of unions and organisations affiliated to or associated with the NTUC
<p>vii. Singapore National Employers Federation (SNEF) Phone: 6290 7692 (Mon-Fri, 8.30am-5.30pm) Email: ir@snef.org.sg • Advisory services Phone: 6827 6927 (Mon-Fri, 8.30am-5.30pm) • Corporate training programmes on workplace harassment</p>	Employers and HR
<p>viii. The Legal Aid Bureau (LAB) 45 Maxwell Road, #07-11 The URA Centre (East Wing), S(069118) Phone: 1800 2255 529 Fax: 6325 1402 Email: OneMinLaw@mlaw.gov.sg <u>Counter Operating Hours</u> Mon-Fri, 8.30am-5.00pm and Sat, 8.30am-12.00pm • Legal advice, aid and assistance</p>	Singapore citizens or Singapore permanent residents, who cannot afford legal services and who seek a civil remedy (i.e. Protection Order, Expedited Protection Order or monetary damages).
<p>ix. Tripartite Alliance for Fair and Progressive Employment Practices (TAFEP) Online enquiry: www.tafep.sg/contact-us • Advisory services on topics that include grievance handling • <i>Grievance Handling Workshops</i></p>	Employers and HR

All resources are non-payable (free) unless italicised.

The resources in this Annex are non-exhaustive. Stakeholders are encouraged to look for other available resources that may be relevant to their needs, where necessary.

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