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*EQUAL POLICIES, RULES, AND WITNESSES IMPLEMENTED  
TO ADDRESS THE CHALLENGES OF SEXUAL HARASSMENT  
IN THE WORKPLACE*

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**ABSTRACT**

*This study examines the persistent issue of workplace sexual harassment across nations, despite existing laws and regulations. Utilizing a qualitative, normative juridical approach, it compares the policies and penalties in Indonesia, Malaysia, China, and the USA. Findings reveal that while all four countries enforce laws against sexual harassment, their approaches differ significantly. Indonesia primarily punishes offenders, lacking protections for victims, unlike Malaysia and the USA, which offer compensation and safeguard rights. The study underscores the necessity for global regulations that impose strict penalties on offenders and employers, ensure proper investigations, and protect victims' rights, promoting a unified stance against workplace harassment.*

**Keywords:** *sexual harassment; workplace; employee protection.*

**I. INTRODUCTION**

Workplace sexual harassment is a pervasive and severe global issue <sup>1</sup>. It is prevalent in many countries and affects individuals across various occupation <sup>2</sup>. More than half of employment relationship violations involve workplace sexual harassment <sup>3</sup>. A Chinese survey found that 63% of surgical department nurses experienced sexual harassment

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<sup>1</sup>Tatanya Ducran Valland, Tanja Nordberg, and Brita Bjørkelo, "Humour, Sexual Harassment, and Police Managers' Discretionary Practices," *Police Practice and Research* 25, no. 5 (2024): 640–56, <https://doi.org/10.1080/15614263.2024.2342632>.

<sup>2</sup>Sabine C. Jenner, Pia Djermeester, and Sabine Oertelt-Prigione, "Prevention Strategies for Sexual Harassment in Academic Medicine: A Qualitative Study," *Journal of Interpersonal Violence* 37, no. 5–6 (2022): NP2490–2515, <https://doi.org/10.1177/0886260520903130>.

<sup>3</sup>Consuelo Reguera and Antonio L. García-Izquierdo, "Women as Victims of Court Rulings: Consequences of Workplace Harassment in the Hospitality Industry in Spain (2000–2016)," *Sustainability (Switzerland)* 13, no. 14 (2021): 1–20, <https://doi.org/10.3390/su13147530>. In many cases the scope of these regulations and their interpretation by the courts remains unclear. The aim of this research is to conduct a qualitative, documentary, and descriptive study of the content of 61 rulings obtained from a search of 2335 rulings in the database of the Judicial Documentation Centre (CENDOJ)

in the previous 12 months <sup>4</sup>. In South Africa, sexual harassment is widespread, resulting in both physical and psychological harm to victims and damaging professional relationships <sup>5</sup>. Evidence also indicates that sexual harassment occurs across different work areas and positions. For example, 74 % of construction workers in Kolkata, India, primarily women, reported experiencing sexual harassment at work <sup>6</sup>. In Uganda, sexual harassment is particularly common in the medical field <sup>7</sup>. These findings demonstrate that workplace sexual harassment significantly disrupts work relations and undermines workers' well-being <sup>8</sup>.

Numerous policies and legal frameworks have been established to address workplace harassment. Leadership from institutions and companies is essential to ensure individuals can work without fear <sup>9</sup>. A recent study found that policies and regulations in 192 nations prompted many to update their laws to prevent workplace sexual harassment, although incidents still occur <sup>10</sup>. Companies with strong anti-harassment measures report lower rates of harassment, which supports a positive organizational climate and higher morale <sup>11</sup>.

Most countries have established policies, legal frameworks, and sanctions to address sexual harassment in the workplace. Despite these measures, incidents of victimization persist, and significant barriers to justice remain <sup>12</sup>. For example, research in Bulgaria indicates that labor law is designed to protect workers, including the prevention of

<sup>4</sup>Lingyu Tang et al., "Current Status and Factors Associated with Sexual Harassment among Operating Room Nurses: A Multi-Center Cross-Sectional Study," *BMC Nursing* 23, no. 1 (2024), <https://doi.org/10.1186/s12912-024-02606-4>. and to analyze the influencing factors. Background: Sexual harassment in the healthcare field has a high incidence and nurses are the main victims; sexual harassment not only leads to physical and mental problems, but also undermines nurses' performance and affects the quality of medical care. Methods: A multi-center cross-sectional study was conducted using an online survey to investigate the sexual harassment experiences of 483 operating room nurses. The survey included demographic information, personality traits (Ten-Item Personality Inventory

<sup>5</sup>Khomotso Rosina Malatjie and Grace Mbajiorgu, "Sexual Harassment as a Gender Inequality and a Form of Workplace Discrimination: A South African Perspective," *International Journal of Discrimination and the Law* 24, no. 1-2 (2024): 106-35, <https://doi.org/10.1177/13582291241247734>.

<sup>6</sup>Jody Heymann et al., "Progress Towards Ending Sexual Harassment at Work? A Comparison of Sexual Harassment Policy in 192 Countries," *Journal of Comparative Policy Analysis: Research and Practice* 25, no. 2 (2023): 172-93, <https://doi.org/10.1080/13876988.2022.2100698>.

<sup>7</sup>Constance Newman et al., "Uganda's Response to Sexual Harassment in the Public Health Sector: From 'Dying Silently' to Gender-Transformational HRH Policy," *Human Resources for Health* 19, no. 1 (2021): 1-19, <https://doi.org/10.1186/s12960-021-00569-0>.

<sup>8</sup>Rahima Akter, Julian Teicher, and Quamrul Alam, "Gender-Based Violence and Harassment in Bangladesh's Ready-Made Garments (RMG) Industry: Exploring Workplace Well-Being Issues in Policy and Practice," *Sustainability (Switzerland)* 16, no. 5 (2024), <https://doi.org/10.3390/su16052132>.

<sup>9</sup>Elaina Behounek, "The Safety of Women and Girls in Educational Settings: A Global Overview and Suggestions for Policy Change," *International Journal for Crime, Justice and Social Democracy* 9, no. 1 (2020): 31-41, <https://doi.org/10.5204/ijcjsd.v9i1.1450>.

<sup>10</sup>Heymann et al., "Progress Towards Ending Sexual Harassment at Work? A Comparison of Sexual Harassment Policy in 192 Countries." during which global momentum to address sexual harassment increased. The analysis finds that an additional 13 countries now prohibit sexual harassment. Yet in 22 per cent of high-income, 26 per cent of middle-income, and 34 per cent of low-income countries, sexual harassment in the workplace remains legal.

<sup>11</sup>Kanami Tsuno et al., "Enterprise Countermeasures against Workplace Bullying and Harassment and Their Association with Prevalence of Bullying and Harassment, Organizational Climate, and Employee Perception of Change," *SANGYO EISEIGAKU ZASSHI* 64, no. 6 (November 2022): 2021-036-E, <https://doi.org/10.1539/sangyoisei.2021-036-E>.

<sup>12</sup>Ahmad Asari Taufiqurrohman, Dwi Edi Wibowo, and Ong Victoria, "The Regulation on Sexual Harassment in ASEAN Workers: Evidence from Several Countries," *Journal of Human Rights, Culture and Legal System* 4, no. 2 (July 2024): 538-68, <https://doi.org/10.53955/jhcls.v4i2.198>.

harassment<sup>13</sup>. While approximately 75% of United Nations member states have enacted laws prohibiting sexual harassment, 25% lack such legislation, highlighting the ongoing need for comprehensive policies and legal regulations. The 2019 International Labour Organization (ILO) Convention was introduced to eliminate violence and harassment in the workplace<sup>14</sup>. Key stakeholders in industrial relations, including the state, employers, and employees, are expected to collaborate in preventing workplace harassment<sup>15</sup>. ILO Convention 190 recognizes domestic violence as a significant issue and urges member states to classify it as a workplace risk<sup>16</sup>. Organizations should also implement clear guidelines and procedures to prohibit sexual harassment<sup>17</sup>. Both domestic and international studies underscore the importance of robust legal frameworks to prevent sexual harassment, particularly in professional settings (Jenner et al., 2022). Furthermore, fostering an inclusive and supportive organizational culture can enhance productivity by ensuring employees feel secure and valued<sup>18</sup>.

To maintain organizational integrity, companies must enforce rigorous policies and legal penalties against workplace sexual harassment. Failing to uphold these standards carries severe ethical and legal consequences. As demonstrated in landmark cases like *Meritor v. Vinson* and *Faragher v. City of Boca Raton*, organizations that ignore allegations face significant financial liability and a culture of impunity<sup>19</sup>. Beyond legal sanctions and reputational damage<sup>20</sup>, inadequate enforcement erodes employee morale and productivity<sup>21</sup>. Furthermore, a lack of confidentiality in internal audits can destroy trust in leadership, ultimately discouraging victims from coming forward<sup>22</sup>. Therefore,

<sup>13</sup>Nikoleta Lazarova and Georgi Mihaylov, "Challenges To Preserving the Dignity of the Worker or Employee in the Republic of Bulgaria," *Balkan Social Science Review* 21, no. 21 (2023): 7–29, <https://doi.org/10.46763/BSSR2321071>.

<sup>14</sup> Kresno Adi Nugroho, Djumadi Djumadi, and Noor Hafidah, "Akibat Hukum Penolakan Penandatanganan Perjanjian Kerjasama (Non-Disclosure Agreement) Oleh Pekerja Yang Mengundurkan Diri," *Notary Law Journal* 1, no. 3 (2022): 227–46, <https://doi.org/10.32801/nolaj.v1i3.27>.

<sup>15</sup>Olena Sereda and Tetiana Kراسиuk, "Preventing and Combating Harassment in the Workplace Social Partnership," *Law and Innovations* 46, no. 2 (2024): 186–94, [https://doi.org/10.37772/2518-1718-2024-2\(46\)-28](https://doi.org/10.37772/2518-1718-2024-2(46)-28); Karolina Stanytė and Greta Latakaitė, "Preventing Violence and Harassment in Employment Relationships," *Vilnius University Open Series*, October 2024, 204–26, <https://doi.org/10.15388/TMP.2024.10.2022>.

<sup>16</sup>Sarah Copey, "O-381 BUILDING SAFE SPACES: DOMESTIC VIOLENCE AND THE WORKPLACE – RECOMMENDATIONS ACTIONS AND WORKPLACE PRACTICES IN RESPONSE TO ILO CONVENTION 190 (ON ELIMINATING VIOLENCE AND HARASSMENT IN THE WORLD OF WORK)," *Occupational Medicine* 74, no. Supplement\_1 (July 2024): 0–0, <https://doi.org/10.1093/occmed/kqae023.1382>.

<sup>17</sup>Kathleen M. Rospenda et al., "Effects of Chronic Workplace Harassment on Mental Health and Alcohol Misuse: A Long-Term Follow-Up," *BMC Public Health* 23, no. 1 (2023): 1–12, <https://doi.org/10.1186/s12889-023-16219-0>.

<sup>18</sup>Dr. Trinley Paldon, "Impact of Workplace Inclusivity on Employee Morale and Performance," *INTERNATIONAL JOURNAL OF SCIENTIFIC RESEARCH IN ENGINEERING AND MANAGEMENT* 08, no. 03 (March 2024): 1–5, <https://doi.org/10.55041/IJSREM29839>.

<sup>19</sup>B. George, "Legal Aspects of Ethical Decision-Making in the Event of Sexual Harassment and Discrimination in the Workplace," *Business Ethics and Leadership* 3, no. 4 (2019): 34–42, [https://doi.org/10.21272/bel.3\(4\).34-42.2019](https://doi.org/10.21272/bel.3(4).34-42.2019).

<sup>20</sup>Preeti Agrawat, Deshani Swati Haridas, and Raghavendra G., "Sexual Harassment at Workplace: A Study on The Policies and Preventive Measures," *Russian Law Journal* 11, no. 2s (March 2023), <https://doi.org/10.52783/rj.v11i2s.586>.

<sup>21</sup>Verus Lawrence, "Policies Implementation to Address Harassment in Workplace," *Journal of Science, Technology and Innovation Policy* 8, no. 2 (March 2023): 12–18, <https://doi.org/10.11113/jostip.v8n2.118>.

<sup>22</sup>Lauren A. Turner and Michael C. Beers, "When the Process Fails," 2021, 96–117, <https://doi.org/10.4018/978-1-7998-5820-1.ch005>.

implementing proactive anti-harassment policies is not just a legal requirement, but a strategic necessity<sup>23</sup>.

Many victims do not consider current sexual harassment prevention measures to be effective. Studies have shown that addressing sexual harassment in the workplace is crucial, as even bystanders can suffer negative experiences<sup>24</sup>. Quantitative research indicates that victims often do not believe workplace policies against sexual harassment are truly effective. For example, one study found that 29% of female employees experienced sexual harassment, even though 61.67% were aware of relevant policies. This led to a decline in morale<sup>25</sup>. Additionally, those who experienced harassment reported a 25.71% decrease in job effectiveness, and some even left their jobs due to the negative impact<sup>26</sup>. A study from several African countries, including Botswana, Kenya, and Malawi, showed no significant difference in the number of reported harassment cases between companies with and without formal policies. These findings suggest that regulations are only effective when they are supported by clear procedures, reporting systems, and accessible complaint channels<sup>27</sup>.

Despite the existence of regulations and penalties, workplace sexual harassment continues to occur frequently. In reality, the penalties imposed often fall short of expectations<sup>28</sup>. Research suggests that sanctions can have broader effects, influencing not just individuals but also overall workplace culture<sup>29</sup>. Changes in national regulations can impact employee behavior, job performance, and even the progress of organizations<sup>30</sup>. There are significant differences in laws and penalties for workplace sexual harassment across different countries. The 2019 International Labour Organisation Convention aims to eliminate workplace violence and harassment, but a strong legal framework is still needed. While almost two-thirds of UN member states have enacted prohibitive laws, a third have not. In countries like Nigeria and Ghana, legal provisions often focus more on definitions rather than on victim support and law enforcement. This lack of

<sup>23</sup>Ana Vidu, Gema Tomás, and Ramon Flecha, "Pioneer Legislation on Second Order of Sexual Harassment: Sociolegal Innovation in Addressing Sexual Harassment," *Sexuality Research and Social Policy* 19, no. 2 (2022): 562–73, <https://doi.org/10.1007/s13178-021-00571-0>.and for the first time in history, the second order of sexual harassment (SOSH)

<sup>24</sup>Daniela Acquadro Maran, Antonella Varetto, and Cristina Civilotti, "Sexual Harassment in the Workplace: Consequences and Perceived Self-Efficacy in Women and Men Witnesses and Non-Witnesses," *Behavioral Sciences* 12, no. 9 (2022), <https://doi.org/10.3390/bs12090326>.

<sup>25</sup>Lalan Jha et al., "Sexual Harassment and Its Impact in Females at Workplace in Dhanusha District, Madhesh Province, Nepal," *MedS Alliance Journal of Medicine and Medical Sciences* 3, no. 5 (June 2023): 64–67, <https://doi.org/10.3126/mjmmms.v3i5.60089>.

<sup>26</sup>Jha et al.

<sup>27</sup>Paldon, "Impact of Workplace Inclusivity on Employee Morale and Performance."

<sup>28</sup>Sharon Wright and Peter Dwyer, "In-Work Universal Credit: Claimant Experiences of Conditionality Mismatches and Counterproductive Benefit Sanctions," *Journal of Social Policy* 51, no. 1 (2022): 20–38, <https://doi.org/10.1017/S0047279420000562>.

<sup>29</sup>Serena Pattaro et al., "The Impacts of Benefit Sanctions: A Scoping Review of the Quantitative Research Evidence," *Journal of Social Policy* 51, no. 3 (2022): 611–53, <https://doi.org/10.1017/S0047279421001069>.

<sup>30</sup>Mike W. Peng et al., "Toward an Institution-Based Paradigm," *Asia Pacific Journal of Management* 40, no. 2 (2023): 353–82, <https://doi.org/10.1007/s10490-022-09861-6>.

comprehensive legislation contributes to the persistence of workplace sexual harassment<sup>31</sup>.

Most countries have established rules against workplace sexual harassment, but these laws are often not effectively enforced. For example, 34 % of low-income countries and 22 % of high-income countries still lack adequate legislation<sup>32</sup>. In Malaysia, employment laws have existed since 1955, yet reports of sexual harassment continue to rise, suggesting that existing protections for victims are not being enforced effectively<sup>33</sup>. In Singapore, although the Protection and Harassment Act is in place, there are insufficient remedies and safeguards to prevent workplace harassment. In Indonesia, the lack of relevant laws makes it even harder for victims to seek justice, leading to greater concern about harassment cases. These examples demonstrate the urgent need to review and strengthen current laws and procedures regarding workplace sexual harassment<sup>34</sup>.

Nations address workplace sexual harassment through varying sanctions and legal measures. While most countries, including India and Pakistan, have laws aligned with international standards such as CEDAW, their enforcement methods differ. Pakistan relies on the Ombudsman, who holds significant authority, whereas India uses investigative committees within the civil court system<sup>35</sup>. International organizations like the ILO advocate for comprehensive anti-harassment laws, and countries such as Sweden have enacted specific legislation and policies<sup>36</sup>. Research shows that some forms of sexual harassment, such as mocking police, persist due to inadequate police

<sup>31</sup>Evgeni Aizenberg and Jeroen van den Hoven, "Designing for Human Rights in AI," *Big Data and Society* 7, no. 2 (2020), <https://doi.org/10.1177/2053951720949566>.

<sup>32</sup>Heymann et al., "Progress Towards Ending Sexual Harassment at Work? A Comparison of Sexual Harassment Policy in 192 Countries." during which global momentum to address sexual harassment increased. The analysis finds that an additional 13 countries now prohibit sexual harassment. Yet in 22 per cent of high-income, 26 per cent of middle-income, and 34 per cent of low-income countries, sexual harassment in the workplace remains legal.

<sup>33</sup>Taufiqurrohman, Wibowo, and Victoria, "The Regulation on Sexual Harassment in ASEAN Workers: Evidence from Several Countries." victims still lack access to justice. This research examines the rules governing the management of sexual harassment cases in the workplace, with a particular emphasis on ASEAN member countries. This research employs normative juridical methods, which include statutory, conceptual, and comparative approaches. The research results show that, despite the existence of the 1955 Employment Law and Criminal Code in Malaysia, the incidence of sexual harassment continues to rise. To address this issue, it is critical to involve all employees in the development, execution, and oversight of workplace policies. Second, Singapore's primary law for dealing with sexual harassment, the Protection from Harassment Act, is accompanied by an employment law. Nevertheless, there are apprehensions regarding the inadequate remedies, uncertainty, and statutory protections against harassment, particularly in the workplace. Third, Indonesia has implemented numerous laws and regulations to manage sexual harassment cases. However, the government still faces challenges, such as an incomplete and insufficient legal framework, which results in victims being denied justice. Fourth, the effective implementation and protection of women's rights necessitate a comprehensive approach that considers cultural sensitivities, regional dynamics, and international norms to reconstruct sexual harassment regulations in ASEAN countries. As a result, it is critical to establish an anti-sexual harassment organizational culture and restructure sexual harassment regulations to protect victims' rights.

<sup>34</sup>Kalijunjung Hasibuan and Muhamad Romdoni, "The Impact of the Legal Framework and Reporting Mechanisms in Eradicating Sexual Harassment in the Workplace in Indonesia," *The Easta Journal Law and Human Rights* 2, no. 01 (October 2023): 9–16, <https://doi.org/10.58812/eslhr.v2i01.148>.

<sup>35</sup>Johar Wajahat, Rafia Naz Ali, and Mohammad Jan, "SEXUAL HARASSMENT IN THE WORKPLACE: A PROPORTIONAL EXAMINATION OF RELEVANT LEGISLATION, WITH COMPARISONS TO TWO MAJOR ASIAN COUNTRIES: INDIA AND PAKISTAN," *Pakistan Journal of Social Research* 04, no. 03 (September 2022): 10–16, <https://doi.org/10.52567/pjsr.v4i03.681>.

<sup>36</sup>Manusha Paudel and Prabha Khanal, "Perceptions and Legal Outlooks on Workplace Sexual Harassment in Global Setting: A Review Based Study," *Historical Journal* 14, no. 1 (March 2023): 69–79, <https://doi.org/10.3126/hj.v14i1.52961>.

responses, which must be addressed<sup>37</sup>. Cultural values strongly influence how sexual harassment is defined and assessed, leading to different interpretations across nations<sup>38</sup>. Although many countries have enacted laws and continue to combat sexual harassment, cultural factors remain decisive in shaping these efforts<sup>39</sup>. Effectively addressing sexual harassment requires evaluating the prevailing culture to inform law enforcement strategies<sup>40</sup>.

The effectiveness of anti-harassment programs is often weakened by poor enforcement and unclear penalties that fail to deter bad behavior<sup>41</sup>. This problem is made worse by confusing reporting systems that discourage victims from speaking up for their rights. Furthermore, when companies lack strict disciplinary rules and training, a “gap” forms between what the policy says and what actually happens at work<sup>42</sup>. This leaves employees with a poor understanding of what sexual harassment is and what the consequences are. The success of these policies depends heavily on local culture. For example, in Ethiopia, success is driven by involving all stakeholders and providing regular training. On the other hand, the situation in Vietnam shows that even with clear laws and strict penalties, stopping repeated incidents remains a major challenge. This highlights how difficult it is to turn legal rules into a truly safe workplace.

## II. METHODS

This study employs a qualitative legal research approach known as a normative juridical study. It involves analyzing legal regulations, reviewing relevant literature, examining various cases, and making cross-country comparisons to draw meaningful conclusions<sup>43</sup>. The research focuses on comparing the policies, laws, and sanctions related to workplace sexual harassment in Indonesia, Malaysia, China, and the United States, aiming to identify strengths and gaps in each country’s legal framework.

<sup>37</sup>Valland, Nordberg, and Bjørkelo, “Humour, Sexual Harassment, and Police Managers’ Discretionary Practices.”

<sup>38</sup>Vipanchi Mishra et al., “Gender Related Inclusiveness in the Organizational Context: The Challenge of Sexual Harassment,” in *Towards Inclusive Societies* (London: Routledge India, 2023), 199–210, <https://doi.org/10.4324/9781003402213-20>.

<sup>39</sup>Olena Kniazeva, Lilia Leonidova, and Olena Fostachuk, “SEXUAL HARASSMENT AT WORK: THE TOPICALITY AND THE INSTITUTIONAL RESPONSES (Based on the Results of Empirical Research),” *Bulletin of Taras Shevchenko National University of Kyiv. Public Administration* 19, no. 1 (2024): 80–91, <https://doi.org/10.17721/2616-9193.2024/19-14/22.2022>

<sup>40</sup>Hasibuan and Romdoni, “The Impact of the Legal Framework and Reporting Mechanisms in Eradicating Sexual Harassment in the Workplace in Indonesia.”sexual harassment is still a common occurrence, so a thorough review of the legal system is required. This study identifies important legislative provisions, evaluates their efficacy, and investigates the difficulties faced by victims using a mixed-methods methodology that includes legal analysis, questionnaires, and interviews. The results provide insights from both global and regional viewpoints, point out the advantages and disadvantages of the legislative framework, and clarify the subtleties of reporting procedures. Suggestions for focused changes and enhanced reporting procedures are meant to support Indonesia’s continuous endeavors to establish more secure and welcoming work environments.

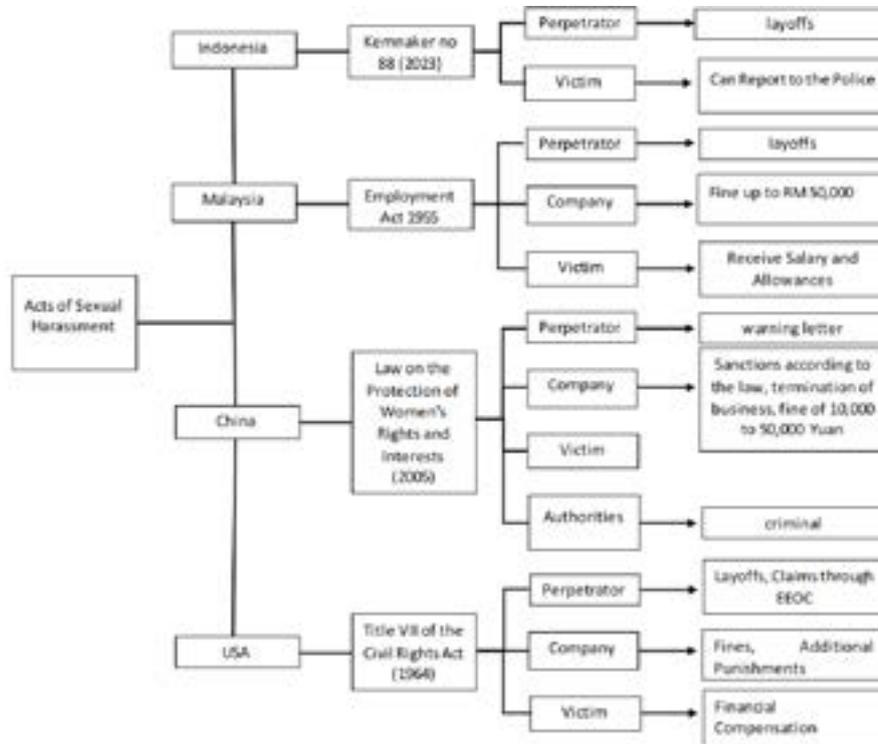
<sup>41</sup>Desy Natalia Salabay, Ismi Dwi Astuti Nurhaeni, and Rutiana Dwi Wahyunengseh, “Development of Policies for Preventing and Handling Workplace Sexual Harassment: A Systematic Literature Review,” ed. M. Aziz et al., *E3S Web of Conferences* 593 (November 2024): 01004, <https://doi.org/10.1051/e3sconf/202459301004>.

<sup>42</sup>Bonita Meyersfeld, “Sexual Harassment and Disciplinary Procedures: Never the Twain Shall Meet,” *Constitutional Court Review* 10, no. 1 (January 2020): 301–30, <https://doi.org/10.2989/CCR.2020.0011>.

<sup>43</sup>Sukhebi Mofea, Beggy Tamara, and Ardinal Apriyanto, “Juridical Analysis of Electronic Transaction Information Crime Against Gambling,” *The International Journal of Law Review and State Administration* 1, no. 1 (July 2023): 30–38, <https://doi.org/10.58818/ijlr.sa.v1i1.47>;

### III. DISCUSSION

The figure below provides a thorough description of the laws that underpin the fight against sexual harassment in the workplace, the parties involved, and the penalties and repercussions applicable in China, Malaysia, Indonesia, and the United States.



**Figure I.** Laws That Serve as The Foundation for The Battle Against Sexual Harassment in The Workplace in Several Countries.

This paper's legal analysis focuses on several nations with laws pertaining to sexual harassment in the workplace, including China, Malaysia, Indonesia, and the United States. The findings indicate that in these nations, different people are responsible for sexual harassment incidents. Additionally, the nations under study have varying laws against sexual harassment in the workplace. In Indonesia, Malaysia, and the USA, a perpetrator is penalized for terminating employment without severance pay. Employers and/or entrepreneurs are sanctioned under the laws in Malaysia, China, and the USA, while in Indonesia, there are no provisions for sanctions against employers.

In Indonesia, victims of sexual harassment at work are free to report the incident to the authorities, but there are no laws governing victim compensation. China, as in Indonesia, does not regulate compensation. In the United States, China, and Malaysia, employers will face fines; in Indonesia, however, there are no regulations about employer penalties for workplace sexual harassment. China also controls punishments for company terminations for organizations that fail to address workplace sexual harassment.

According to the survey, some obstacles, such as worries about one's social reputation, lack of support, and fear of reprisals, prevent many victims of sexual harassment at work from reporting such incidents. The victim is afraid that if she reports the incident she experienced, it will have a destructive impact on her, namely losing her job, and also behaving more than the perpetrator of sexual harassment. In some countries, there are customary laws that prevent victims of harassment, especially women, from reporting the incident, and people tend to blame the victim more <sup>44</sup>.

Additionally, studies reveal that the current regulations and penalties for sexual harassment of employees are less precise and severe. Indonesia regulates sexual harassment in Law Number 12 of 2022, which is expected to provide comprehensive protection against sexual violence, including sanctions and rules for victims. Still, this Law does not explicitly regulate sexual harassment in the workplace <sup>45</sup>. Victims of sexual harassment will encounter serious obstacles if they report the sexual harassment they have experienced, including insufficient social assessment and legal constraints <sup>46</sup>. The Decree of the Minister of Manpower Number 88 of 2023, which addresses sexual harassment in the workplace and lays out guidelines and penalties to safeguard victims and hold offenders accountable, is a more detailed regulation in Indonesia <sup>47</sup>.

The Ministerial Decree includes physical and non-physical harassment, but non-physical harassment is not regulated separately <sup>48</sup>. The regulation of sexual harassment in China is regulated under the Law on the Protection of Women's Rights and Interests of 2005 <sup>49</sup>. China has specific rules concerning sexual harassment in the workplace, along with a continued emphasis on this issue within state policy, even though sexual harassment remains underreported in the country <sup>50</sup>. Sexual harassment is a complex subject from both a cultural and legal standpoint, especially when it comes to China's workplace <sup>51</sup>. In the United States, the regulation of sexual harassment, including sexual

<sup>44</sup>Abdul Hadi, "Workplace Sexual Harassment and Its Underreporting in Pakistan," *European Journal of Interdisciplinary Studies* 8, no. 2 (October 2022): 126–36, <https://doi.org/10.26417/ejis.v10i1.p148-153>.

<sup>45</sup>Zulkham Sadat Zuwanda and Andri Triyantoro, "The Role of Law of the Republic of Indonesia Number 12 of 2022 Concerning Sexual Violence Crimes in Handling Cases of Gender-Based Violence in Indonesia," *West Science Law and Human Rights* 2, no. 04 (October 2024): 412–20, <https://doi.org/10.58812/wslhr.v2i04.1365>.

<sup>46</sup>Zuwanda and Triyantoro. the study explores the effectiveness of the law in protecting victims, prosecuting offenders, and preventing future incidents of sexual violence in a sector characterized by informal employment and unique workplace dynamics. Case studies of sexual violence incidents in the creative economy reveal challenges in reporting, barriers in legal processes, and the critical role of industry stakeholders in mitigating or enabling GBV. While the law offers comprehensive protections, including victim support and criminal sanctions, its effective implementation requires enhanced law enforcement training, workplace safety policies, and accessible reporting mechanisms. The study concludes with recommendations to strengthen the application of Law Number 12 of 2022, ensuring greater protection for creative industry workers from gender-based violence.

<sup>47</sup>Kementrian Tenaga Kerja Republik Indonesia, "Keputusan Menteri Tenaga Kerja Nomor 88 Tahun 2023" (Kementrian Tenaga Kerja, 2023).

<sup>48</sup>Ani Purwati et al., "Analisis Penegakan Hukum Terhadap Aksi Pelecehan Seksual Non Fisik Di Indonesia," *Jurnal Hukum Sasana* 9, no. 1 (April 2024), <https://doi.org/10.31599/sasana.v9i1.1356>.

<sup>49</sup>China Legal System Publishing House, "Law on the Protection of Women's Rights and Interests [Bill Page]," 中华人民共和国 妇女权益保障法(修订草案) § (2018).

<sup>50</sup>Jiahui Duan, "Workplace Sexual Harassment in China: A Comparative Inquiry into the Personality-Based Paradigm," *The Chinese Journal of Comparative Law* 11, no. 2 (August 2023), <https://doi.org/10.1093/cjcl/cxad008>.

<sup>51</sup>Zhang Lining, "Sexual Harassment: Stepping Outside the Shadow of Chinese Law and Policy," in *Equality and Anti-Discrimination* (Brill | Nijhoff, 2021), 183–214, [https://doi.org/10.1163/9789004421011\\_010](https://doi.org/10.1163/9789004421011_010).

harassment in the workplace, is regulated in *Title VII of the Civil Rights Act* of 1964<sup>52</sup>. Under Title IX of the Education Amendments Act of 1972, male workers dominate acts of sexual harassment<sup>53</sup>.

Laws vary by nation, which affects initiatives to prevent sexual harassment at work. Regulations vary in Indonesia, Malaysia, China, and the USA. Indonesia bases its efforts to prevent sexual harassment in the workplace on the Decree of the Minister of Manpower Number 88 of 2023, Malaysia regulates through the Labour Law of 1955 (Employment Act 1955), China regulates in the Law on the Protection of Women's Rights and Interests in 2005<sup>54</sup> and the USA regulates it under *Title VII of the Civil Rights Act* of 1964. Meanwhile, countries such as India and Pakistan have laws to deal with sexual harassment, but the procedures for redress use different mechanisms. India uses committees, while Pakistan uses civil and judicial force to enforce<sup>55</sup>. Globally, progress is evident: 22% of high-income countries, 26% of middle-income countries, and 34% of low-income countries still lack rules to address sexual harassment in the workplace. This study covers 192 countries, and it turns out that low-income countries still consider sexual harassment to be a common act<sup>56</sup>.

Study shows that because there is no uniform perspective on policies, rules, and strict sanctions against acts of sexual harassment in the workplace, acts of sexual harassment in the workplace are rarely reported. A country's culture influences the perception of sexual harassment in the workplace and how the incident is resolved. Behavioural values and social standards are diverse, affecting the Law<sup>57</sup>. China, which already has a law, has also been criticized because its regulation is general and ineffective, so strong legal protection, clarity, and a more focused enforcement strategy are needed<sup>58</sup>. Through the 2021 Civil Law, the Chinese government defined sexual harassment in the workplace and assigned employers to investigate sexual harassment allegations<sup>59</sup>. In this view, the mere codification of harassment remains insufficient; unless legal definitions are synergized with a fundamental cultural shift that prioritizes victim protection over institutional reputation, the law will function as a symbolic gesture rather than a transformative

<sup>52</sup>USA, "Title VII of the Civil Rights Act of 1964" (1964).

<sup>53</sup>Brian Hofman, "Sexual Harassment," in *Encyclopedia of Sport Management* (Edward Elgar Publishing, 2024), 865–67, <https://doi.org/10.4337/9781035317189.ch507>.

<sup>54</sup>China Legal System Publishing House, Law on the Protection of Women's Rights and Interests [bill page].

<sup>55</sup>Wajahat, Ali, and Jan, "SEXUAL HARASSMENT IN THE WORKPLACE: A PROPORTIONAL EXAMINATION OF RELEVANT LEGISLATION, WITH COMPARISONS TO TWO MAJOR ASIAN COUNTRIES: INDIA AND PAKISTAN."

<sup>56</sup>Heymann et al., "Progress Towards Ending Sexual Harassment at Work? A Comparison of Sexual Harassment Policy in 192 Countries." during which global momentum to address sexual harassment increased. The analysis finds that an additional 13 countries now prohibit sexual harassment. Yet in 22 per cent of high-income, 26 per cent of middle-income, and 34 per cent of low-income countries, sexual harassment in the workplace remains legal. Closing these policy gaps and establishing stronger accountability mechanisms around both prohibition and prevention must be a priority.

<sup>57</sup>Mishra et al., "Gender Related Inclusiveness in the Organizational Context: The Challenge of Sexual Harassment."

<sup>58</sup>Mengyang Gui, "Protection of Women's Rights in Workplace Sexual Harassment," *Interdisciplinary Humanities and Communication Studies* 1, no. 9 (October 2024), <https://doi.org/10.61173/4rykcb54>.

<sup>59</sup>Hao Wang, "Legislative and Judicial Responses to Workplace Sexual Harassment in Mainland China: Progress and Drawbacks," *Frontiers in Public Health* 10 (September 2022), <https://doi.org/10.3389/fpubh.2022.1000488>.

tool for justice. Consequently, the global standards established in the ILO Violence and Harassment Convention, 2019 (No. 190) serve as a critical framework that must be reformulated into detailed domestic protocols and subjected to continuous, transparent monitoring to ensure meaningful implementation across all jurisdictions.

## **IV. CONCLUSION**

### **4.1. Conclusion**

The findings of this study highlight significant disparities in the legal frameworks and enforcement mechanisms used to address workplace sexual harassment across Indonesia, Malaysia, China, and the United States. While all four nations have established regulations, their approaches to accountability and victim support vary. Indonesia's current legal landscape primarily focuses on punishing individual offenders, yet it notably lacks provisions for employer sanctions or guaranteed victim compensation. In contrast, Malaysia and the United States provide more comprehensive protections by holding both perpetrators and employers accountable and offering financial compensation to victims. China occupies a middle ground, imposing fines on employers and even penalizing authorities who fail to act on reports, though it, like Indonesia, does not formally regulate victim compensation. These inconsistencies, coupled with cultural barriers and fear of professional retaliation, create a persistent environment of underreporting and inadequate justice. Ultimately, the study concludes that the mere existence of law is insufficient; without clear, inclusive, and strictly enforced protocols, victims will continue to lack the security necessary to defend their rights effectively.

### **4.2. Recommendation**

To bridge the gap between policy and practice, there is an urgent need for the development of a more unified, globally applicable regulatory framework that prioritizes both prevention and recovery. Legal systems must evolve beyond simple definitions to include rigorous enforcement strategies that hold all stakeholders accountable, including harsh penalties for offenders, mandatory fines for negligent employers, and sanctions for authorities who fail to investigate complaints. Furthermore, nations like Indonesia should explicitly integrate workplace-specific protections into their national laws to ensure that victim rights and compensation are legally guaranteed rather than left to the discretion of individual organizations. Organizations should also implement transparent, confidential reporting protocols and regular awareness training to dismantle the culture of impunity and reduce the fear of reprisal. By synchronizing legal standards with robust internal company policies, the international community can foster a safer, more equitable professional environment where organizational integrity and worker well-being are fundamentally protected.

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