
EMPLOYMENT LAW

ANTI-SEXUAL HARASSMENT BILL: UPDATE

Published on 3rd August 2022

INTRODUCTION

Earlier this year, we celebrated the tabling of the *Anti-Sexual Harassment Bill 2021* (the "Bill") for its first reading in the Dewan Rakyat on 15 December 2021. (Read our previous article [here](#)).

On 20 July 2022, the Bill was tabled for its second reading in the Dewan Rakyat and was successfully passed with very minor amendments from the first draft despite indications that the first draft would be significantly reviewed following strong feedback received from various parties. This article seeks to provide commentary on the amendments in the updated version of the Bill.

JURISDICTION OF THE TRIBUNAL FOR ANTI-SEXUAL HARASSMENT

The Tribunal for Anti-Sexual Harassment (the "Tribunal") may only be referred complaints of sexual harassment which occurs after the coming into operation of the Bill. Any such complaint to the Tribunal is also subject to any applicable limitation period set out in the Limitation Act 1953 [Act 254].

Commentary

The rationale for the prospective element of the Bill and the application of the Limitation Act 1953 is to avoid the backlog of cases for the Tribunal to hear.¹ The limitation period of 6 years is not only more than sufficient but, is far more favourable than the periods provided under the Singaporean Protection from Harassment Act 2014 (POHA), and the Indian Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013. The former provides a 2 years limitation period from when any cause of action accrues;² whereas the latter only allows a complaint to be made within a period of 3 months from the date of the incident.³

¹ Hansard, House of Representatives. 20 July 2022.

² Clause 3(2)(d) of the Singaporean Supreme Court of Judicature (Protection from Harassment) Rules 2021 [S 359/2021].

³ Clause 9 of the Indian Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013 [Act No. 14 of 2013].

LEGAL REPRESENTATION

A party may be allowed legal representation if, in the opinion of the Tribunal, the matter in question involves complex issues of law. Further, if one party is allowed to be represented by an advocate and solicitor, the other party shall also be entitled.

Commentary

This is a laudable amendment to the Bill, and a positive step forward as previously legal representation was prohibited under the Bill. However, the general prohibition against legal representation may still deter complaints of sexual harassment from being lodged with the Tribunal for fear of having to personally face the harasser or of having to comply with procedural requirements.

CONCLUSION

The passing of the Bill is certainly welcomed. However, given the limited amendments made to the first draft, only time can tell if the new long-awaited law will be sufficiently comprehensive to safeguard the rights and wellbeing of victims of sexual harassment.

Authors



Thavaselvi Pararajasingam
(Partner)



Farah Nabihah Sofian
(Pupil-in-Chambers)

Disclaimer: The contents do not constitute legal advice, are not intended to be a substitute for legal advice and should not be relied upon as such.