6. Sexual harassment

(1) An employee is sexually harassed if the employer of that employee or a representative of that employer or a co-worker—
   (a) directly or indirectly requests that employee for sexual intercourse, sexual contact or any other form of sexual activity that contains an implied or express—
      (i) promise of preferential treatment in employment;
      (ii) threat of detrimental treatment in employment; or
      (iii) threat about the present or future employment status of the employee;
   (b) uses language whether written or spoken of a sexual nature;
   (c) uses visual material of a sexual nature; or
   (d) shows physical behaviour of a sexual nature which directly or indirectly subjects the employee to behaviour that is unwelcome or offensive to that employee and that by its nature has a detrimental effect on that employee’s employment, job performance, or job satisfaction.

(2) An employer who employs twenty or more employees shall, after consulting with the employees or their representatives if any, issue a policy statement on sexual harassment.

(3) The policy statement required under subsection (2) may contain any term the employer considers appropriate for the purposes of this section and shall contain:-
   (a) the definition of sexual harassment as specified in subsection (1);
   (b) a statement:-
      (i) that every employee is entitled to employment that is free of sexual harassment;
      (ii) that the employer shall take steps to ensure that no employee is subjected to sexual harassment;
(iii) that the employer shall take such disciplinary measures as the employer deems appropriate against any person under the employer’s direction, who subjects any employee to sexual harassment;

(iv) explaining how complaints of sexual harassment may be brought to the attention of the employer; and

(v) that the employer will not disclose the name of a complainant or the circumstances related to the complaint to any person except where disclosure is necessary for the purpose of investigating the complaint or taking disciplinary measures in relation thereto.

(4) An employer shall bring to the attention of each person under the employer’s direction the policy statement required under subsection (2).