Experiences, Effects and Combating Sexual Harassment at Workplace: A Malaysian Case*

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Abstract

Sexual harassment is a misconduct that affects the wellbeing and productivity of an organization. This paper intends to give an overview of the perception of public administrators regarding sexual harassment at workplace, adverse effects of the misconduct, and the ways used by employees to complain, reason for not complaining and managing sexual harassment in the Malaysian context. The article is based on an exploratory study, survey among public administrators. Results showed that respondent perceive visually related behaviors as the most harassing, followed by physical, non-verbal and verbal form of behaviors, and it does effect the wellbeing of the victims. Findings also indicated that individuals working in organizations that have stricter complaint mechanisms against sexually harassing behavior have a tendency to perceive inappropriate behaviors as sexual

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harassment. Finally, the paper outlines the strategies that could help to ameliorate sexual harassment towards creating a harmonious and healthy workplace.

**Keywords:** sexual harassment, complaint mechanisms, public administrators, perception, and wellbeing.

**Meaning of Sexual Harassment Behavior**

Sexual harassment issue in Malaysia started to catch the eye of the public in 1997. A great deal of the new found interest in sexual harassment can be attributed to the uproar created in January, 1997, when Lillian Therera de Costa alleged Jennico Associates Sdn. Bhd that she was constructively dismissed or forced to resign from her company due to sexual harassment. The Industrial Court’s decision in Jenico Associates Sdn. Bhd. v Lillian was regarded sexual harassment in the workplace as an offence for the first time in Malaysia. In doing so, it affirmed convictions long held by proponents of gender equality that sexual harassment needs to be taken seriously. It was an occasion of much joy for women’s groups and those engaged in the fight for social justice in Malaysia. This case was considered as a landmark decision in Malaysia’s legal history.

According to the Malaysian Ministry of Human Resources, under the Code of practice on the Prevention and Eradication of Sexual Harassment in the Workplace, sexual harassment can be divided into two categories, which are sexual coercion and sexual annoyance. The first looks at the harassing behavior in purely contractual terms known as sexual coercion, whereas in the Western literature it is referred to as “quid pro quo” harassment. It means in order to obtain a job, win promotion, or gain access to training opportunities or other benefits that granting of sexual favors becomes a contractual term, either explicitly or implicitly.
Failure to comply may lead to non-employment, denial of training and promotional opportunities, demotion, poor work assignments, or dismissal.

The second is related to the creation of hostile working environment that is sexual annoyance where there might be no direct contractual dimensions involved. It is where there may be no clear contractual gain or penalty, but where a pattern of behavior based on sex develops and creates an uncomfortable and hostile work situation for the victim. Such behavior has the purpose or effect of unreasonably interfering with a person’s performance on the job or creating an intimidating, hostile or offensive working environment. On the overall the definition of sexual harassment in Malaysia and the West are quite similar, only known with different names.

**Effects of Sexual Harassment**

Sexual harassment is an important problem in the workplace (Sheffey & Tindale, 1992). Not only it is a problem that has an impact on individuals (Bingham et al., 1993), but also a problem that can affect organizations both directly and indirectly (Fitzgerald & Shullman, 1993). Effects of sexual harassment can effect not only the victim but also the rest of the workforce that has to deal with the counterproductive hostile behaviour. Hostile behaviors are problematic because the perpetrators and targets are likely to be in frequent contact with each other (Andersson and Pearson, 1999; Hornstein, 1996; Mitchell and Ambrose, 2007; Namie, 2003, 2007; Pearson et al., 2000).

Findings in the past also indicate that companies that tolerate sexual harassment tend to have personnel problems in general (Sandroff, 1992). This is because sexual harassment has been found to cause employees to feel uncomfortable and to engage in adaptive behaviors that have costly consequences to organizations. Stockdale (1996) states that individuals who are
sexually harassed are exposed to and undergo multiple abnormal stressors. Exposure to such hostile behavior in long-term by the perpetrator (Namie, 2003, 2007) will effect the well being of the victims (Burton and Hoobler, 2006; Lutgen-Sandvik et al., 2007) and will result in lost performance of the worker and the organization as a whole (Lim, et al., 2008, Lutgen – Sandvik, 2006; Rospenda ; 2002)

One of the most disturbing consequences of sexual harassment is the human impact, with devastating short and long term physical and psychological consequences (Sabitha, 1999). Many victims suffer `detrimental physical and psychosocial effects ranging from sickness, anger, anxiety, tiredness, fear, sleep problems, weight loss, relationship problems, depression and loss of confidence, to nervous breakdown (Bjorkqvist et al., 1994; Levy & Paludy, 1997; Namie, 2003; 2007). There may be hidden costs associated with increased stress, that is decreased work effectiveness, absenteeism, and turnovers, lowered motivation, decreased job satisfaction, lowered confidence to do the job and lowered organizational commitment (Jensen & Gutek, 1982; Loy & Stewart, 1984; Sabitha, 2009)

Moreover organizations, which have high rates of sexual harassment, were found to have high rates of racial harassment, discrimination, and other forms of unfair treatment (Sandroff, 1992). In addition, apart from the obvious cost related to the payment of damage awards springing from sexual harassment, unwanted publicity may accompany sexual harassment charges will have an immeasurable impact on an organization’s ability to attract and retain valued employees. Thus unchecked sexual harassment can deter organization from achieving its targeted goal nationally or globally.
Objectives of the Study

The objectives of this study are to measure the perception of sexual harassment and the complain mechanism in the organization. This study is deemed imperative at this juncture since there has not been any specific act, statute or law on sexual harassment in this country. It is hoped that the data provided in this study can act as a guideline for policy makers to understand basic issues on sexual harassment. As for public managers, it will increase their awareness and understanding of what constitutes sexual harassment at workplace, in order to deal with the matter more effectively, and to work towards a healthier and productive workplace.

Method

This exploratory study was carried out in 60 public sector departments. A total of 1100 questionnaires were mailed to all the public administrators in the 60 departments, and 586 managers mailed back the questionnaires.

In this study, perception of sexual harassment was measured using Utara Sexual Harassment Perception Questionnaire (Sabitha, 2001). The instrument was based on instruments reviewed from the Western literature and adapted to the Malaysian culture using Focus Group. The 40-item questionnaire consists of verbal, non-verbal, visual and physical forms of sexual harassment behaviors. Meanwhile the whistle blowing mechanism towards sexual harassment was measured using Organizational Tolerance for Sexual Harassment Scale developed by Hulin and friends (Hulin, Fitzgerald & Drasgow, 1996). The tolerance scale refers to employee’s perception of risk when they complain about harassment, likelihood that complains will be taken seriously, and consequences for the harasser. Additional questions were also included to obtain understanding of the complaint mechanism in the organization.
Findings

The following are the results obtained regarding the perception and sexual harassment complaints and its effects among public administrators.

What is sexual harassment in Malaysia

The respondents were asked to rate the four types of sexual harassment behaviors, which are the physical (touching-body private, touching-body not private, patting, kisses, hugs, pinching, brushing, standing too close for comfort, give intimate gifts (example lingerie), attempts for sexual favor or intercourse), visual (Pinups of sexually suggestive materials, sexual letters, sexual pictures in computer), verbal (Pressure for date, simply asked to stay late after work, sexual jokes, sexual remarks about body, sexual remarks about sexual practices, implied reward for sexual co-operation, sexual telephone calls, requesting for sexual intercourse, sexual innuendo's, using words patronizing, promotion for sexual cooperation and non verbal form of sexual behavior) and non verbal behavior (Acting in over familiar behavior, suggestive looks, ogling, whistling, using revealing clothes to office, making sexually suggestive gestures) that they perceive as most harassing. In terms of severity, Malaysian respondents perceived visually related behaviors as the most harassing, followed by physical, non-verbal and verbal form of behaviors.

Perception of sexual harassment from the perceiver’s point of view were analyzed. Majority of the respondents perceived behaviors as sexual harassment if the men do it to women. Only 66% of the respondent perceived the behavior as sexual harassment if women do it to men. Meanwhile more than 70% of the respondents do not regard sexual harassment behaviors between the same sexes as a sexual harassment act. On the contrary, in the West sexually harassing behaviors between the same genders are also considered as sexual harassment.
In terms of awareness on sexual harassment behaviors, respondents in the study feel that it is important for the organization to offer training programs to enhance their awareness on sexual harassment behaviors at the workplace. This is particularly important considering that majority of the victims (73.3%) who have experienced various sexual harassment behaviors fail to label them as sexual harassment experience. In fact 15.8% of the managers perceived that sexual harassment did not happen in their organization. This might pose problems to victims who approach such managers that have little awareness on this issue.

Insofar as the definitions of sexual harassment depend on individual’s perceptions, there are potentials for misunderstandings, miscommunications, and interpersonal conflicts, resulting in workplace complaints. As found in this study slightly more that 70% of the acts arose out of ignorance or were unintentional. The harasser believed that what they did was funny, cute or complementary and did not realize that the act can constitute sexual harassment. Thus the role of training becomes inevitable, that is apart from helping the workers, and no one falls into the trap of what one usually calls sexual harassment as the crime of perception.

**Sexual harassment experience**

In this study, victims are referred to as individuals who have faced at least one form of sexual harassment behavior as listed in the sexual harassment questionnaire. Findings in this study showed that, although 73.3% of the respondent has experienced sexual harassment behaviors but only 6.8% or the respondents label their experience as sexual harassment. That is, offensive behaviors to which respondents have reported being exposed have not consistently been recognized as sexual harassment. For example, although an individual reported feeling offended and disturbed by a supervisor’s sexual comments, when asked if they were sexually harassed, the individual answered no. Hence majority of the victims fail to label their experience as sexual harassment as found in other studies (Fitzgerald, et al., 1988).
Repercussions due to sexual harassment complaint

Complaint or whistleblowing is an act of reporting of unethical behavior in the workplace by the present or previous employees (Dozier & Micelli, 1985; Pamerlee, Near & Johnson, 1982). Analysis between complaint mechanism and perception of sexual harassment showed that the respondents have a higher tendency to perceive sexual harassment items as disturbing when respondents view that organizations take sexual harassment complaints seriously. This indicates that perception of sexual harassment is related to complain mechanism in the organization.

The results from the study also revealed that there are a number of reasons why the victims decided not to complain. Among the reasons are that they afraid of facing the following consequences such as their services will be terminated (5.6), no action taken (52.8), will be laughed at (50%), may get into more problems (47.2%), peers (33.3 %), supervisor (5.6%) or top management may not be pleased with their action (30.6 %), they might be blamed back for the incidence (25 %), labeled as a person causing the disturbance (25%), the harasser will be told to stop harassing (19.4%), may be transferred to avoid seeing the harasser (19.4%), may be transferred because someone disagree with their action (13.9%). Only 2.8% of the respondents believed that action would be taken to reimburse their losses.

There are also victims who did not complain due to lack of confidence in the system and belief that an answer will not be received (16.7%). Some victims of harassment have no faith in their organization’s professed commitment to equal opportunities. They do not trust the organization as being able or willing to deal effectively with harassers. Other victims who share this view report that they were “put off” by the fact that previous cases reported to management were not taken seriously. Results also showed that 4% of the respondents are actually on the verge of leaving their job because sexual harassment at their workplace.
Further, interviews conducted with women victims also showed evidences that they were afraid to go to work because they were being harassed and afraid to complain for fear that no one would believe them. Thus they suffered in silence and this affected their work. As related by one of the victims “I cannot do my work well, and always looking at the clock to go back”

Victims who did complain to the management found that their complaints were not taken seriously (61.9%) and faced various forms of retaliations and consequences from colleagues and the management (31.8%). In fact 7.8% of the victims were ridiculed for complaining the behavior. Findings indicated that the victims were hesitant to use the official channels, and would rather tell a colleague or friend. One female respondent even said that she felt that management would not believe her experiences.

Fear, embarrassment and uncertainty were also some of the main reasons why, women have put off reporting sexual harassment cases to formal channels, which are prepared to assist them. Partly is also because the women usually risk losing opportunities for career advancement when they report instances of sexual harassment, especially if male superiors in their work place perpetrated them. They have also been made to suffer ill treatment by their senior male colleagues if they complained about the harassment.

In short, the fate of the victim who complained the behavior in this study is similar to many other studies in the past (Benson & Thompson, 1982; Gruber & Smith, 1995; Pryor, Giedd & Williams, 1995; Pryor, La Vite & Stoller, 1993). This has to be addressed by the organizations as it could depict a gross under-reporting of such incidents in the workplace.
Managers as role model

Correspondingly, the research on complaint mechanism or knows as whistle blowing indicated that if observers of wrongdoing do not expect members of the top management to be willing to correct the wrongdoing, than those observers are unlikely to view whistle blowing as a feasible action (Dossier & Micelli, 1985; Pamerlee, Near & Jensen, 1982). Thus, the manner in which organizations behave when sexual harassment complaints are made may have an effect on the future behavior of individuals and the climate of the work group in general (Fitzgerald, & Shullman, 1993).

In fact research also had shown that if the management condones such behavior in the workplace, the victims would less likely label such experiences as sexual harassment behaviors (Kremer & Marks, 1992). Hence based on the consequences faced by the victims in this study, it is not surprising to find out that out of 73.3% victims in this study, only 6.8% of the victims label their experience as sexual harassment. This implies that a proper whistle blowing mechanism is important in order to encourage victim to come forward and make complaints of sexual harassment. This would show that management recognizes the value of the employee’s dignity, the importance of his/her professional contribution to the organization that is leading by example.

The findings in this study also confirm that managers can influence the social work norm at workplace (Pryor, et al., 1993). Similarly other research also showed that sexual harassment may be more likely to occur in situations where it is perceived as socially permissible (Gutek, 1985; Haavio-Mannila, Kaupinen-Toraopaonen & Kandolin, 1988; Sabitha, 2002). Potential harassers may perceive that they are free to harass if management tolerates or condones such behavior. So, the perceived attitudes of local work group leaders may provide an important index of local norms (Larwood, Szwajkowski & Rose, 1988; 1989) in the organization.
Hence it is assumed that exposure to a harassing model could influence organizational norms – “everybody’s doing it and it’s okay to do it”.

**In-house mechanisms in overcoming sexual harassment at workplace**

In terms of improving the existing procedure in the organization, more than half of the respondents (55.4%) perceived that a strict work procedure and organizational guidelines could help the organization to curb sexual harassment behaviors at workplace. Since there are few mechanisms that encourage victims to come forward, therefore one of the major ways to eradicate sexual harassment at the workplace is through effective sexual harassment policy. The code of practice in preventing and handling sexual harassment should aim to provide an in-house preventive and redress mechanisms for dealing with the problems at the organizational level without having to seek redress through other channels such as the Industrial Court, to save costs, time and avoid embarrassment.

In fact many studies in the past suggested that, a clear definition of sexual harassment at the organizational level (Dozier & Micelli, 1985; Gutek, 1985; Hulin, Fitzgerald & Drasgow, 1996; Knapp et al., 1997), and a clear policy on sexual harassment for the workers can prevent incidences of sexual harassment in the future (Dozier & Micelli, 1985). Thus this creates a need for the employees to go beyond the guidelines to fine tune policies or procedures so it reflects the specific circumstances within the organization. The policy must be explicit and it must define and give various examples of behaviors that constitute sexual harassment. Explicitness is particularly important for the hostile work environment form of harassment. For example, many employees are probably aware that making promotional decisions contingent on the granting of sexual favors is harassment but they may not recognize that jokes, postures, gestures, or computer pornography are also forms of sexual harassment.
Thus every employer should adopt preventive methods. The first step would of course be the acceptance and implementing the in-house mechanisms or policy. The policy also should outline complain procedure, including the role that management will take in investigating complaints and discipline procedures for those who are found guilty of sexual harassment. The policy should also serve as a means of defense for individuals who are faced with a lawsuit over sexual harassment charges. Any sexual harassment policy that is formulated within an organization, emphasis should be placed on prevention. The costs to an organization are much less if an environment of sexual harassment can be avoided, rather than resulting in lost of productivity, low morale, employee turnover and litigation.

Another point that should be emphasized is that, respondents in this study, who are aware of sexual harassment incidences (85.4%) perceived that it’s occurrence are more rampant and have a higher tendency to support that there should be a specific law on sexual harassment (91.7%). Although The Ministry of Human Resource in 1999 has come up with a Code of practice on the Prevention and Eradication of Sexual Harassment in the Workplace to prevent this problem, yet many complained that it is not effective, because no one is being punished if the code is not enforced. This is mainly because it is only a voluntary code and not legally binding. Thus the importance of formulating the specific law should not be disregarded.

The findings implies that before sexual harassment can be addressed and eliminated, the managers themselves must be aware of the meanings of sexual harassment and have proper internal whistle blowing mechanism with their support and commitment to it. Management can play a major role in managing sexual harassment at the workplace, by acting as a role model, providing appropriate training and various avenues for victims to complain and controlling the negative effects from flourishing at the workplace.
Hence within workplace, organizations should have resources to deal with sexual harassment, but if there are not official avenues of complaint in the workplace yet, the victims can try approaching their boss if the harasser is a colleague, or the company counselor or human resources personnel to ask them what they should do.

Meanwhile employees cannot just rely on the societal consciousness of individual managers whom are faced with conflicting priorities, to meet their needs for a safe and respectful work environment. Hence a social engineering approach should also be taken into account, rather than just depending on legislative enforcement in fighting sexual harassment. It is in keeping with the changing times, society should learn self-governing and not rely on policing by the authorities only.

**Conclusion**

In an effort to create zero tolerance towards sexual harassment, apart from efforts by the management at workplace other parties such as individuals, women’s groups, the government, political parties, educational institutions and unions need to be aware that they have a shared responsibility towards the elimination of sexual harassment at the workplace. This is to create a national atmosphere where it becomes acceptable to speak out against sexual harassment and will not be treated as private or as an individual matter. In sum a smart partnership between, employee, employer and also the whole community at large should play a role in the eradication of sexual harassment at workplace for the benefit of the employees and the productivity of the organization in the long run.
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