



RESEARCH ARTICLE

No 'sayang', its Sexual Harassment among Civil Servants: Law in Malaysia, To Prevent, Handle and Eradicate

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ABSTRACT

The paper explores the many levels of linguistic subtleties, with a focus on the widespread use of endearment words like "sayang" as well as "dear" in social conversation. Despite their perceived benignity, these expressions frequently act as covert tools to uphold patriarchal structures of authority and worsen disparities between sexes. The present research examines how language, irrespective of spoken or textualised, affects women's everyday lives along with how it adds to the normalization of harassment and prejudice against women in different circumstances by using an intersectional perspective. This research emphasizes how the usage of endearments produces a climate that consistently minimizes women's contributions, perpetuating existing authority differentials. This is done by drawing on feminist ideas and empirical evidence that supports the opinions and general direction of this paper. Moreover, it clarifies how these language patterns support a harassing culture in which women are made to feel inferior and devalued, consequently impeding their autonomy and sustaining cycles of abuse against women. Through a critical analysis of linguistic sociocultural foundations, this research pushes for an evolutionary communication strategy that questions established gender norms and fosters equality, diversity, and compassion. It offers practical methods to demolish patriarchal patterns of language via artificial intelligent (AI) approach, education efforts and institutional changes, promoting a more equal and powerful discourse for all people, regardless of gender identification.

1. INTRODUCTION

In the modern workplace, cultivating a culture of respect, equality, and professionalism is a priority for organisations aiming to create an inclusive and thriving environment. The dynamics of interpersonal connections within the workplace are a complicated tapestry that can greatly impact the overall mood. Although it is essential to have excellent relationships at work, there is a fine line between professional and personal behaviour. This fine balance comes into play when considering the significance of endearments, affectionate remarks, compliments, or cordial gestures between coworkers.

Endearments at work, in all its forms, can be expressions of solidarity, respect for one another, and unity within the team. The problem, though, comes when these expressions are not properly controlled, which can have unforeseen repercussions and exacerbate problems like sexual harassment and gender inequity. This investigation aims to disentangle the complex relationship between workplace slang and the possible threats it poses to a just and equitable workplace.

Interactions at work that lack clear limits can aggravate cases of sexual harassment, which are frequently caused by power disparities and inappropriate behaviour. Similarly, women may feel undervalued or encounter obstacles to career growth in a setting where gender stereotypes are unintentionally reinforced by seemingly innocuous endearments. Understanding the possible

repercussions of unbridled workplace endearments, companies need to consciously cultivate a culture of awareness, tact, and open communication. By tackling these problems head-on, companies can endeavour to establish a work environment that actively fosters equality and respect for all workers in addition to valuing professional connections.

This analysis explores how seemingly benign workplace endearments can create an environment where people, especially women, may feel uncomfortable, marginalised, or even threatened if they are not handled sensitively and mindful of power dynamics. It is critical to consider how these encounters affect the culture of the workplace as a whole and to acknowledge the importance of polite communication and well-defined boundaries. Organisations can take proactive measures to provide a secure, welcoming, and fair work environment for all staff members by tackling these problems.

BACKGROUND & LITERATURE REVIEW

This section will involve reviewing a variety of scholarly papers as well as journals to identify pertinent problems pertaining to the issue of sexual harassment and gender inequality in workplace. We aim to examine the issues on the very root of this conundrum, the torment that follows women who had to faced through these problems on a daily basis, along with the patriarchal-benefitting system itself that allows for such heinous and inappropriate behaviour to be allowed to run rampant in public workforce area for decades. In layman's term, this paper is a thorough analysis of workplace endearments as potential contributors to sexual harassment and gender inequality.

It is without a doubt that gender discrimination among women especially in their workplace not only discourages their intentions to excel at their jobs but creates an environment that merely undervalues their hard work and perseverance in doing so. As suggested under our abstract, terms such as "dear", "sayang" and other vulgar motives indirectly imply that women are set to be peered down on among other employees of the opposite gender. This tone also creates a demeanour that women are unworthy of conducting, leading, or carrying out a task when compared with other male employees. There are various sources generated through articles, dissenting opinions of judges, legal articles, thesis providers, lecturers, and professors who have shared their opinions about gender discrimination and sexual harassment among women. The following discussion will enlighten on what these articles had documented through their thesis.

A legal case **Beatrice A/P AT Fernandez v Sistem Penerbangan Malaysia & Ors (2004)** involving a flight stewardess who faced termination of employment due to a pregnancy clause in the collective agreement between the MAS Employees Union (MASEU) and the national carrier, Malaysia Airlines (MAS) had raised the important issue of how far Article 8 of the Federal Constitution guarantees gender equality in our country. This case also emphasised the impact of gender discrimination in employment. The court emphasised that the right to equality under Article 8 deals with contraventions of individual rights by a public authority and does not extend to infringements by other parties. Another perspective which is the Aristotelian Classification Doctrine was acknowledged by stating that equality under Article 8 is based on recognizing differences between individuals and treating them separately but equally. For instance, the flight stewardess's right to equality was measured with other flight stewardesses in the same category (Grade B) rather than comparing her to administrative staff or other seniors on the job. Pregnancy rights recognized by labour laws include paid maternity leave, protection from dismissal due to pregnancy, and medical insurance during pregnancy. The European Pregnancy Directive is an example of legislation providing specific protection for pregnant workers. The Malaysian perspective as for this case had been amended and the view of Article 8 of the Federal Constitution tends to be more approachable after pregnancy rights were raised.

A comparative legal framework on gender equality in the workplace between Malaysia and India by Chin Simone (2023) of the University Tunku Abdul Rahman was analysed. As for the recent developments in Malaysia, the gender equality movement has grown, with government measures addressing gender discrimination, introducing legislation, and enhancing sexual harassment protection. To prove this stance it can be seen that initiatives to increase female participation in the labour force have increased to a surge of 30% female representation in senior management and statistics indicate a positive trend with 40% of women in senior management teams and team leadership. A comparison between the legal framework of gender equality in Malaysia and India was

detected whereby in Malaysia, the law for gender equality is supported under Section 12 of the Employment Act 1955, ensuring workplace non-discrimination and equal remuneration under Convention 100. To support, programs like BizWanita Financing aid women entrepreneurs, and collaborations raise awareness of harassment under gender inequality. The 2018 budget allocates RM280.25 billion for women's empowerment, covering healthcare and entrepreneurship. In India, legal measures include the Vishaka Guidelines and Sexual Harassment Act, along with the Indecent Representation of Women Act. "Mission Shakti" empowers women through sub-schemes.

Next, Zaiton Othamn & Nooraini (2015) through a joint study on a literature review contended that there are various forms as to how discrimination under gender equality might emerge, one of it would be promotions. In Malaysia, women face under-representation at all management levels due to discriminatory practices despite their high performance. The social norms where a "masculine managerial model" results in unequal opportunities for women in executive roles. Studies globally indicate resistance to women's career advancement, which is directly influenced by gender stereotypes. In Australia particularly, gender stereotyping affects women's attitudes toward higher management positions such as in teaching, doctors, engineering, economics, and other areas. Similar patterns emerge in Japan, Pakistan, and Greece, where women encounter discrimination in male-dominated jobs, limited advancement in higher-paying positions, and persistent gender stereotypes. These factors collectively contribute to the under-representation of women in higher managerial ranks, reflecting the need to address discriminatory practices and gender biases in organisational cultures globally. Suggestions to combat this issue have been provided, whereby comprehensive educational initiatives starting at the primary school level and extending through higher education, to raise awareness about gender discrimination shall be emphasised. Employers are encouraged to actively combat gender discrimination through policies, training programs, and fostering a culture that supports internal reporting of discriminatory practices.

Yvonne Prillerman (2023) on Gender inequality in the workplace: A qualitative study inserted statistics from the Center for American Progress (CAP) indicating low representation of women in executive officer and CEO positions which amounted 23% in the year 2018-2019. The theoretical framework employs the "glass ceiling" theory to describe invisible obstacles preventing women's progression into top management positions. The research questions aim to explore the real life experiences of women in senior positions, particularly concerning job promotion opportunities and the influence of barriers, challenges, and support on their success. The study focuses on exploring the lived experiences of women in senior levels of employment, utilising Moustakas's phenomenological approach. Eight career professional women participated in one-on-one interviews, employing a semi-structured format to investigate their perceptions of barriers within the work environment, specifically concerning growth, development, and promotion in terms of leadership and job advancement. Thematic coding, following Braun and Clarke's method, was used to analyze participants' responses and identify common themes. In short, it was shown that these women were hindered from advancement due to their gender and ability to potentially lift the company.

Consequently, a law journal on Discrimination against women in the workplace: The need to move forward which was asserted by lecturers from Multimedia University Malaysia (MMU) (2016) discussed how a persistent gender wage gap exists as male employees earn higher average monthly salaries and wages compared to their female counterparts. This income prevails across various professions and is more pronounced in male-dominated job scopes. Research, such as that by Koshal et al. (1998), highlights the under-representation of women in all management layers, despite their high workplace performance. The discriminatory attitudes persist, creating a lopsided scenario where men outnumber women in senior ranks. The other part of the article proceeds to criticise the court's decision for not considering constitutional and CEDAW provisions, emphasising the need for a more progressive interpretation of laws to ensure equal protection and non-discrimination in employment.

Essentially, discrimination strips people from enjoying their inherent rights to equal treatment. It makes it harder for individuals to find job opportunities and jeopardizes their ability to participate fully in their place of employment. In an article titled "Defining Employment Discrimination in Malaysian Legal Context" by Harlida Abdul Wahab and Nik Ahmad Kamal Nik Mahmud (2020), it provides that discrimination in work environments is a frequent event that can take place at any stage of an employee's career, encompassing recruitment, hiring, assessments, employment

contracts, along with advertisements, education, transfers, and dismissals. In Malaysia, for example, instances of racial prejudice in the workplace often involve language used, ethnicity, gender, as well as faith. A research investigation that looked into racial discrimination in the hiring of recent college graduates in Malaysia revealed that race weighed far more than resume quality. The article also referred to the case of *Integrated Forwarding & Shipping Bhd v Rozia Abdullah* (2000). In this particular case, a worker filed a lawsuit against her company, alleging that she was treated unjustly by other staff members who were eligible for pensions. The employer's actions were judged by the court to be unlawful labor standards because they contributed to discriminatory practices. It so serves as evidence of the pervasiveness of gender-based job discrimination in Malaysia and the necessity of strict adherence to the law in order to shield these women from unjust treatment at work.

It is also important to remember that discrimination based on gender occurs when women, for instance, receive unjustifiably distinct treatment from men in the job environment, leading to less favourable treatment or negative treatment. This is mentioned in an article titled 'Headscarf (Hijab) at Work and Dismissal: Whether A Workplace Discrimination?' by Professor Dato' Sri Dr Ashgar Ali Ali Mohamed and Dr Muhamad Hassan Ahmad (2021). It is noted that there are not many instances in Malaysia whereby women find themselves forbidden from donning headscarves while at work, which is a breach of their constitutional right to exercise their faith. These incidents usually involve front-line employees, for example, hotel receptionists or customer service representatives. The importance of protecting one's purity from infidelity is paramount in Islam. Numerous verses in the holy Al-Quran that advises humanity to maintain their innocence. In Surah Al-Mu'meenun, verses five until seven, according to Allah, the believers who protect their chastity, apart from their spouses whom their right hands hold, will be regarded as accomplished.

They have no responsibility for their actions. But those who look farther than that are the ones who have transgressed. As a result, Malaysia needs strong anti-discrimination regulations to guard against prejudice in places of employment and, as this article explains, on the basis of one's faith clothing. Given that a Muslim woman's attire when interacting with non-mahram relatives and unfamiliar men is prescribed by divine decree, employers have no right to interfere with their religious customs by enforcing prohibitions or constraints, particularly in Malaysia where Muslims make up the vast majority of the population.

The impacts of sexual harassment in the eyes of Islam are further discussed in another article titled 'The Islamic Approach towards the Issue of Sexual Harassment in the Workplace' by Dr Muzaffar Syah B Mallow (2011). In Islam, sexual harassment at place of employment is regarded as a sin that defies personal or other respect, however, it also paves the way for numerous other problems. In addition to contaminating the workplace, sexual harassment can have a severe negative impact on a victim's self-assurance, efficiency, wellness, along with motivation. The tension and nervousness that sexual harassment causes often force persons who are harassed to take sick days, perform less productively, or quit their jobs in order to find other employment. In addition to both immediate and future harm to their work prospects, employees frequently experience the negative effects of the harassment themselves. Workers who encounter inappropriate sexual behavior or who are aware of the inappropriate behavior yet are not the primary targets of it may still suffer negative effects from sexual harassment within their place of employment. Consequently, it is evident how sexual harassment will negatively impact the victims' well-being, the majority of whom are vulnerable women.

Next, it is equally vital to discuss the types and examples of the kinds of discrimination suffered by women at their respective place of employment. This can be observed in an article titled 'Gender Discrimination in Employment Practices: A Case Study of the Malaysian Civil Service' by Syaza Shukri, Rabi'ah Aminudin, Norhaslinda Jamaudin and Nur Azzura Mohamad Diah (2021). Although the percentage of women in positions of authority and managers increased, from 4.8 percent in 2000 to 5.4 percent in 2005, it is nevertheless quite low. The rationale offered for this sluggish progress is that women face discrimination in the workplace, preventing them from advancing because of their gender. Under the male management system, which is prevalent in Malaysian enterprises, men are given preference for leadership positions. The gender disparity in wages in the nation can also be explained by this unfair practice. The scenario is less optimistic when one looks more closely at Malaysia's female board of directors. The paper also makes use of a sample of 250 publicly traded

firms that Abd-Mutalib, Yahya, and Shaari (2018) used to look at the qualifications and representation of women in boardrooms. It was discovered that 38.4% of publicly traded firms still lack a single female member in their boardroom, even though the government's proclamation that private businesses must have at least 30% female representation in the boardroom. Therefore, it is evident that gender discrimination persists in the workplace despite recent advancements in fostering equality in the workplace. The figures cited above paint a clear picture of how awful the situation is in Malaysia right now.

Any unsolicited or prohibited sexual conduct that has an impact of either verbal or nonverbal, graphical, mental in nature, or physical assault is referred to as sexual harassment. This is extensively discussed in an article titled 'Sexual Harassment and Gender Discrimination' by Ashgar Ali Ali Mohamed and Farheen Baig Sardar Baig (2015). When it comes to work-related assignments, sexual harassment typically happens among workers of the opposing sex, either inside the workplace or outside. Sexual harassment can be directed towards the company's administrators, peers, or customers. It can also be done by outside parties. Typically, it is carried out by someone in a higher position, for instance, a senior male employee harassing a female employee. Sexual harassment has been disclosed in relation to a number of incidents, including touching parts of the staff physically, peering into the women's restroom, suggesting inappropriate or sexual conduct in exchange for a position or advancement, requesting female staff to join them in a hotel suite, as well as employing rude language to make fun of the self-respect of female staff. Hence, this further widens the scope of sexual harassment to not just solely using terms such as "dear" and "sayang". In addition to being free of risky and harmful materials, the place of employment ought to be devoid of sexually inappropriate conduct along with all sorts of sexual harassment.

RESEARCH METHODOLOGIES

i. Survey

In our research paper, we utilised numerous methodologies in collecting accurate information that aligns with the trajectory of our vision for this paper. One of the methodologies used was via quantitative research. Quantitative research is utilised, such as surveys on women's protection in the workplace, to evaluate and comprehend the dynamics and prevalence of women's protection in the workplace in Malaysia. A survey is a type of data collection where questions are used to elicit information from a population or sample. In many different industries, surveys are used extensively to gather information on demographics and people's opinions. The purpose of these surveys is to collect vital data that can be used to enhance policies, raise awareness, and create efficient interventions to stop workplace gender inequity and sexual harassment.

We use surveys with written sets of questions given to respondents who record their own responses in order to collect data. These can be disseminated online, through email, or on paper. For this survey, a Google Form has been utilised. When it comes to research methods, surveys have many benefits, including efficiency. Surveys are a rapid and effective means of gathering information from a large number of participants, which makes them appropriate for a wide range of research projects. Additionally, using predefined questions guarantees consistency in data gathering, minimising bias and simplifying result analysis. In addition to producing quantitative data that can be statistically analysed and used to numerically reflect trends, patterns, and correlations, surveys also allow participants to remain anonymous, which encourages more candid and open responses—particularly when it comes to delicate subjects.

By applying the survey research approach, we can have a clear and accurate understanding of the ways that workplace endearments could contribute to gender inequity and sexual harassment.

ii. Case studies

A case study research method is a qualitative research approach that prioritises a comprehensive investigation and scrutiny of a particular legal case, or cases within a case study. It entails examining a case or event in the real world within its natural environment in order to fully understand the legal concerns, processes, and results involved. Gaining knowledge of the intricacies and nuances of the legal system, the relationships between legal actors, the implementation of laws, and the outcomes of legal proceedings is the aim.

In addition, the case study research approach has some advantages that make it a useful technique for examining legal phenomena. Firstly, the creation of comprehensive and in-depth accounts of court cases is made possible by case study research. It makes it possible for researchers to fully depict the legal issues, procedures, and results while also capturing the intricacies and nuances of the case. This level of descriptive detail strengthens the case's understanding and the validity of the study's conclusions. It also allows for flexibility with regard to the sources and methods of data collecting. One way that researchers might get data is through the use of archive materials, legal documents, court records, observations, and interviews. Because of its flexibility, researchers can gather a wide range of comprehensive data, which leads to a more thorough analysis.

Thus, we can have a precise and lucid understanding of the ways in which workplace endearments might fuel sexual harassment and gender inequality by utilising the case study research approach.

FINDINGS AND ANALYSIS

i. Gender discrimination at workplace

Gender discrimination and inequity are widely discussed at all levels of society, including households, school, and government institutions. This study aims to identify gender discrimination in the workplace, while acknowledging other important factors. The authors believe that a healthy workplace leads to healthier employees, a more balanced household, and a stronger nation.

Discrimination based on gender might result in unequal labour arrangements, disproportionately affecting specific individuals. This study aimed to identify gender discrimination and also the rise in sexual harassment in employment practices in Malaysia's public sector. The issue of gender equality has gained popularity and attention over the years. Part of the argument has revolved around the need to close the gender gap at work. In more concrete terms, it is argued that since women account for half of the population, they should also account for half of the workforce. Emphasis should be placed on recruiting women into the workforce and, more significantly, retaining them there by offering opportunities for women to advance up the proverbial ladder.

With that being said, in order to go in depth for our assignment, and the research that we have gained, we will be talking about the outcomes of our research from gender discrimination and sexual harassment of workplace in Malaysia. Firstly, let us look into our findings for gender discrimination. The issue of gender equality has garnered increased attention and discussion over the years. Part of the debate has focused on the need to close the gender gap at work. In more concrete terms, it is maintained that as women make up half of the population, they should likewise make up half of the workforce. The emphasis should be on bringing women into the office and, more crucially, retaining them there by offering opportunities for women to advance up the figurative ladder.

Based on data from 2019, Malaysia has been making an encouraging stride in the representation of women in top positions in the corporate world (Ho, 2020). Malaysia is the best among Asian countries in terms of women's ratio in the top 100 public listed companies at 26.4 percent. Moreover, at 33 percent, Malaysia also has a higher-than-average ratio of women in senior management teams. However, when it comes to the decision-makers, female board members among public listed companies in Malaysia only account for 16.6 percent (Saieed, 2019). It shows that while women are relatively active in the workforce, they are still underrepresented where it matters most.

With that statistics that we have found, we also refer to an article published by Women's Aid Organisation entitled "More Than 50% of Malaysian Women Experienced Gender Discrimination in the Workplace" (2020), this article stated that according to the Women's Aid Organisation's (WAO) "Voices of Malaysian Women On Discrimination & Harassment in the Workplace" survey, 56% of Malaysian women had encountered some sort of gender discrimination at work. The poll, which included 1,010 Malaysian women, intended to better understand the frequency of workplace harassment and discrimination, as well as women's experiences with it.

In Malaysia, Othman and Othman (2015) analyse the types of women experiencing discrimination in work. While the proportion of women in senior positions and management increased from 4.8 percent in 2000 to 5.4 percent in 2005, it remains relatively low. The reason offered for this delayed development is that women face discrimination in promotions because of their gender.

Malaysian organisations follow a "male managerial model," in which males are selected for leadership positions. This discriminatory practice also accounts for the country's gender pay gap. Finally, Kadiresan and Javed (2015) asked respondents in private. Organisations in Kuala Lumpur are working to identify demographic characteristics that lead to workplace discrimination. They used SPSS analysis to uncover a correlation between gender and discrimination. While this is a moderate outcome, it demonstrates that gender discrimination continues in Malaysian workplaces.

All the possible scenarios mentioned earlier may explain females' preference to work in the public sector due to perceived gender equality, which is better guaranteed by government policies that ensure equal wages and promotion (Musa, Maulad Abdul Razak, Haris, & Ab. Rahman, 2018; Noor & Mohd Mahudin, 2015). Musa et al. conducted a survey of female civil servants at the Ministry of Natural Resources and Environment and discovered a link between respondents' career choices and their perception of gender equality.

With that being said, we shall also look into an article published by The Star entitled "Malaysia Long Way from Achieving Gender Equality, says SDG 5.1.1 report" (2023), it was stated that in 2021, domestic abuse cases increased by 42% over 2020, and Malaysia still lacks specific legislation on marital rape. Non-citizen husbands of Malaysian women must seek citizenship through naturalisation, whereas non-citizen wives can obtain citizenship through registration. Additionally, an average of 1,500 child marriages occur each year as of 2018, with 90% of the children married in 2018 being girls, according to the report.

With all this being said, we will be looking into how this problem of gender discrimination shall be overcome in the discussion part.

ii. Sexual harassment relating woman in workplace

Now, let us move on onto the sexual harassment and our own findings on sexual harassment which relates to women when it comes to working woman in Malaysia. Before diving into in depth, we shall look into Section 2 (g) of the Employment Act (Amendment) 2022 ("the Act") that defines sexual harassment as "Any unwanted conduct of sexual nature, whether verbal or non-verbal, visual, gestural or physical, directed at a person which is offensive or humiliating or is a threat to his well-being, arising out of and during their employment."

With that being said, when it comes to sexual harassment in workplace, we can categorise it as two which goes as sexual coercion which is defined as sexual harassment that has an impact on the victim's career, such as when a superior attempts to persuade an employee into sexual favours in exchange for job benefits such as promotions or salary hikes.

Also, sexual annoyance, this type of sexual harassment includes sexually connected behaviour that is offensive or unpleasant to the victim but unrelated to the employee's employment, just like how it is mentioned in our question as well, for example making the workplace not a safe place for the employee.

Moving on, we shall look into the examples of sexual harassment in Malaysia's workplace, which includes inappropriate and unwanted touching, vulgar and lewd comments on someone's appearance, sharing and telling obscene jokes, repeatedly asking someone out for dates or sexual favour, promised gifts, good assessment and promotion if you accept sexual favour requests. Also, just like how is mentioned in our question the usage of terms like "dear" "sayang" is a form of sexual harassment which brings in an uncomfortable environment for the woman employees. In our findings thru case studies, we found real life cases in Malaysia which relates to sexual harassment in the Malaysian workforce.

In *Mohd Ridzwan Bin Abdul Razak v Asmah Bt Hj Mohd Nor* (2016), a male manager (Appellant) sued his female subordinate (Respondent) for defamation after she accused him of sexual harassment. A workplace committee found insufficient evidence to support her concerns. The management then filed a defamation claim against the subordinate. She sued for sexual harassment and defended herself in the High Court. The court ruled against the manager's allegation and awarded the victim RM120,000 in damages.

Among the non-verbal sexual misconduct that the Appellant communicated to the Respondent were the followings; "Fuck you"; "Kalau cari husband cari yang beragama, bertanggungjawab, Macam I"

("If you want to find a husband, find one who is religious and responsible, just like who I am"); "Would you prefer a married man?"; "Another sob, typical homebred"; and "You nak kahwin dengan I tak, I banyak duit tau" ("Would you like to marry me, I have lots of money"). The federal court considered whether there was a genuine cause of action for sexual harassment under Malaysian law. At this point, the court concluded that the Respondent's complaint concerning vulgar and sexually explicit statements constituted verbal sexual harassment in accordance with the Code of Practice on Prevention and Eradication of Sexual Harassment. As a result, there was enough evidence to establish a harassment tort.

In our research, we also found that by virtue of an article published by News Straits Times entitled "1,213 reports of sexual harassment received since May" (2023). This article further illustrate that During the 12 series of the KPWKM@Advocacy Anti-Sexual Harassment Roadshow, which began in May, 1,213 people reported sexual harassment to Yayasan Kebajikan Negara's (YKN) Social Support Centre (PSSS).

Another Malaysia case that illustrate sexual harassment is the case of Md Salehuddin bin Othman lwn New Straits Times Sdn Bhd (2013). The claimant began working for the respondent in July 1976. The claimant was promoted five times over his 29-year career before being dismissed, with his most recent post being group editor and director of publication. The respondent charged the claimant with 18 counts of sexual harassment involving four complainants who worked for the same employer. There were also some words that constituted as sexual harassment that was sent by the defendant. The court held that as per the charges pertaining to the words allegedly uttered by the claimant against the 'Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace'. Even the misconduct of sending messages by SMS had no proof to indicate that the message contained characteristics of sexual harassment, but based on the confessions of the company's witnesses, the claimant had actually committed sexual harassment.

When it comes to sexual harassment in workplace, there are also consequences of overlooking the sexual harassment complaints given by employee, one of it is illustrated in the case of Sitt Tatt v Flora A/P Gnanapragasam & Anor (2006) (Flora's case), whereby it was decided that it would be an offence if the employer failed to do their duty to inquire about the complaint made by the employee. In that case, the company's management was found guilty of neglecting their duty to act upon the employee's complaint of sexual harassment.

Now that we have seen our findings from Malaysian cases and articles, from the survey that we have conducted as explained in methodology above, we also collected data from society's point of view on the comfortness of women's workplace. In that survey, we asked a question 'do you think the workplace is safe for women?', around 54.5% answered no. Attached below are the queries asked in the survey as well as pie charts used to visualise the data we collected.

DO YOU THINK THE WORK PLACES IN MALAYSIA ARE SAFE FOR WOMEN ?
22 responses

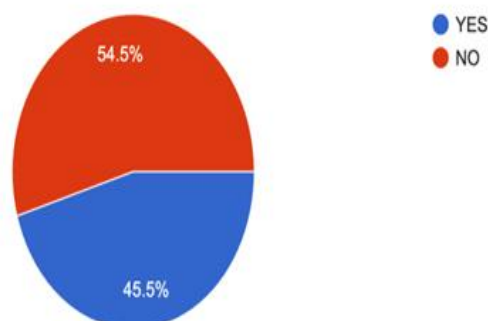
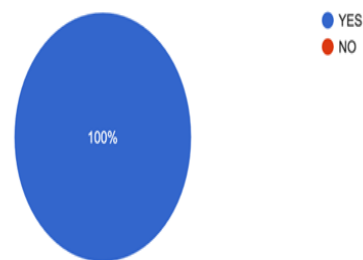


Figure 1.0

Next off, as we asked the question on "do you think sexual harassment is still undergoing in Malaysia?", all the people who answered the survey answered yes, which we totally agree with as it is totally in line with our findings through case studies and articles.

DO YOU THINK WOMEN ARE STILL UNDERGOING SEXUAL HARASSMENT IN MALAYSIA ?

22 responses

**Figure 2.0**

As a subsequent question, as we raised that “how would you recommend to prevent sexual harassment in workplace”, some of the answers that we have gained are as follows:

Laws and regulation. Installation of CCTV. Designated workplace for women.

The government can establish a website for female victims to express their complaint upon their sexual harassment by their higher authorities. Besides, the government may also hire a female officer to take down a complaint by the victims, so that the victims would be comfortable to express their situation. The government should amend the law by enacting women rights in the Labour law for women's safety in any working space.

Have surveillance camera more and make sure it works. Do collect data of your employees' previous histories

By developing a positive attitude and workplace. Employers should create a safe environment esp women.

Hr management should be strong

Ensure that women has its own private hotline to report about suspicious engagement of male employees

Report it immediately to the higher authorities and if still no action then make a police report against them.

Figure 3.0

With that being said, that concludes on our part of sexual harassment and the findings on the research that we have done. All in all, the case study of sexual harassment in the workplace in Malaysia highlights the critical necessity for organisations to confront and avoid such instances.

The findings indicate a significant gap in awareness, reporting methods, and organisational culture. To effectively prevent sexual harassment, firms must develop extensive training programmes, foster a zero-tolerance culture, and establish solid reporting procedures.

CURRENT AVAILABLE LEGAL PROTECTION AGAINST DISCRIMINATION AND SEXUAL HARASSMENT IN WORKPLACE

Now, let us look into the current legal protection that can be raised when it comes to gender discrimination and sexual harassment. With that being said, we shall first look into the legal protection that is available against gender discrimination. According to Article 8 (1) of the Federal Constitution, it is stated that “All persons are equal before the law and entitled to the equal protection of the law”.

Moving on, there are also provisions available under Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). On December 18, 1979, the United Nations General Assembly enacted the Convention on the Elimination of All Forms of Discrimination Against Women. It came into existence as an international treaty on September 3, 1981, when the twentieth country approved it. By the Convention's tenth anniversary in 1989, about one hundred nations had committed to abide by its provisions. Specifically, under Section 11 of CEDAW which states that States Parties shall take all relevant steps to eliminate discrimination against women in the workplace in order to secure, on the basis of gender equality, the same rights, in particular, under the right to labour is an inalienable right of all humans and the right to equal employment opportunities, including the adoption of the same selection criteria in terms of employment.

Next off, under Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace 1999, Employment Act 1955 and Penal Code. This said legislations also include protections for sexual harassment in Malaysia. Firstly, let us look into Article 5 of the Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace 1999.

Also, under Penal Code, we shall look into Section 509 of Penal Code which states that word or gesture intended to insult the modesty of any person under sexual harassment and they should be punished with imprisonment maximum five years or fine or both.

On the other hand, under the Employment Act 1955. Sexual harassment became a component of the XVA Employment Act of 1955 in 2012. Section 2 included a definition of sexual harassment. Sexual harassment is defined as any unwanted sexual action, whether verbal, nonverbal, visual, gestural, or physical, aimed at a person that is insulting or degrading, or poses a harm to his well-being, emerging from and in the course of employment. This solely applies to workplace sexual harassment. Meanwhile, Part XVA, Sections 81A-81G of Employment Act 1955, details how to file a complaint against sexual harassment at work, as well as the employer's mandatory duty to investigate sexual harassment allegations. It also outlines the appropriate procedures that the employer should take if sexual harassment is confirmed. Unfortunately, this Act has many limits.

Not only that, also under the amendment of Employment Act 1955 which was done on January 2022, under Section 81H of Employment Act 1955, an employer shall, at all times, exhibit conspicuously at the place of employment, a notice to raise awareness on sexual harassment, which is a new amendment that we would like to highlight.

Also, under Industrial Relations Act 1967, which states that if you are dismissed unfairly or resigned your job due to sexual harassment, Section 20 of the Industrial Relations Act 1967 can help you to get reinstatement or compensation in lieu through the Industrial Relations Department if it is proven unjust. Before concluding, one of the law that was recently enacted for sexual harassment is the long-awaited Anti-Sexual Harassment Act 2022 was enacted by the Dewan Rakyat in July 2022 and gazetted in October 2022. Among other things, the Act establishes redress rights for anybody who has been sexually harassed, as well as a Tribunal for Anti-Sexual Harassment to hear complaints, raise awareness, and prevent sexual harassment from occurring. The Act's provisions will be enforced gradually beginning in March 2023.

In conclusion, there are provisions which are available to protect woman from discrimination and sexual harassment in the workplace at Malaysia. However, we do still have to strengthen the laws by enacting stronger laws to fill in the lacuna.

DISCUSSION

This section will highlight the collective effort made by society at large in enhancing legal safeguards against gender discrimination and sexual harassment.

Governments worldwide have been staunch proponents of gender equality through various initiatives and strategies. Some countries have more robust legal protection systems and proactive measures in place, such as legislation promoting gender equality that guarantees equal access to the legal labour market for all individuals. Similarly, the Malaysian government is dedicated to eliminating all forms of employment discrimination, including gender discrimination. The proposed amendment to the Employment Act 1955, which seeks to comprehensively tackle employment discrimination, exemplifies this endeavour. This type of activity is crucial for safeguarding workers' rights in many employment scenarios.

Malaysia stands out as one of the few developing nations that has achieved substantial strides in advancing gender equality. The chronological demonstration of this may be depicted through the adoption of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1995. The Malaysian government is committed to enhancing women's rights in all aspects through various national and international platforms, declarations, and initiatives. Over the years, the Ministry of Women, Family, and Community Development (MWFCDD) has implemented several initiatives.

This aligns with the provision of Article 8 of the Federal Constitution, which explicitly prohibits gender-based discrimination. As an illustration, the government established a cabinet committee

dedicated to promoting gender equality in 2003. Following that, the government introduced a policy in 2004 which required women to be involved in decision-making in the public sector for a minimum of 30% of the time. In 2005, a programme was initiated to enhance the talents and competencies of women through financial initiatives. Subsequently, in 2006, gender budget projects were introduced.

The administration has embraced a modern reform paradigm that places the purpose of gender equality at its core. However, none of these projects were specifically intended to eradicate discrimination in the recruiting procedures. Recently, some non-governmental organisations (NGOs) have been actively advocating for the government to propose and implement legislation promoting gender equality. The Ministry of Human Resources has agreed to modify the Employment Act of 1955 in order to provide more comprehensive processes for addressing workplace discrimination. This is equally vital for those who are employed in both the public and commercial domains. Legislative change is crucial for promoting gender equality in the workplace and mitigating gender discrimination in both public and private employment practices.

The Public Service Department (PSD) is responsible for overseeing personnel administration within the public sector of Malaysia. Personnel-related matters are governed by central policy planning, which allows for limited latitude in distributing responsibilities within the state civil service. Merit-based systems are commonly employed to choose and recruit personnel, offer prospects for training and development, advance staff, and carry out evaluations. The Performance Management System (PMS) in public personnel practices prioritises performance, merit, knowledge, skills, and competency. Training and promotion opportunities are offered to eligible individuals based on the stipulated standards outlined in the service circulars.

Performance appraisals and remuneration increments are solely based on merit and job performance, as stated in the PSD service circulars No. 2, 2009 and No. 4, 2002. This has been the epitome of hiring, promotion, and performance evaluations. In order to minimise gender discrimination, it is crucial to prioritise an employee's qualifications over their gender while making decisions. However, actual circumstances can diverge. The examples provided in the previous section demonstrate that superiors' priorities during the decision-making process may have inadvertently led to instances of gender discrimination, unbeknownst to them.

The application of the rule regarding gender equality in recruiting processes in the public sector has been limited in its interpretation. While the administration has expressed support for the concept of gender equality, the actual situation presents a contrasting reality. The government, through MWFC, has initiated numerous programmes and activities throughout the years to address gender equality concerns, indicating the significant attention being given to this issue. However, these endeavours were not effectively integrated into employment strategies. Employers rarely hold workers responsible for engaging in discriminatory hiring practices.

None of the personnel practice circulars paid particular emphasis to gender equality in relation to public personnel policy. Gender discrimination is not the primary consideration in personnel operations; instead, an employee's performance and merit are the decisive criteria. However, as supervisors are required to authorise and authenticate each stage of the selection, promotion, and performance evaluation procedures, it is crucial for employees to possess adequate knowledge regarding matters associated with gender discrimination. The understanding of gender equality appears to be lacking in practical expertise. This elucidates the reason behind the increasing awareness of gender equality in the workplace, despite it not being the primary focus.

As per the study's results, participants believed that assigning tasks based on an individual's gender did not qualify as discrimination. Indeed, it is. Employees often fail to identify discriminatory activities based on the gender of individuals, specifically in relation to job assignments, taking into account factors such as the individual's type, credibility, or power. What measures may be implemented to mitigate future occurrences of gender discrimination in public employment practices? The following interventions are included:

- 1) It is imperative to organise workshops that focus on integrated gender awareness. This is intended for upper-level executives, specifically targeting persons in managerial and professional roles. In order to minimise unintentional discriminatory actions in employment

processes, it is imperative to enhance awareness and comprehension among the participating officers.

- 2) Annual gender-based audits should be conducted in the recruitment and promotion processes, specifically for professional and managerial positions, to enhance women's prospects in the workplace. This would facilitate the identification of gender discrepancy in recruitment and promotion processes. As a result, this will enhance transparency and ensure the absence of gender prejudices in public personnel processes.
- 3) It is necessary to implement gender-based policies that are incorporated into employment practices. Employment practices, such as hiring, career development, promotion, and performance review, should have explicit rules for gender equality that are adequately stressed. All pertinent facets of gender discrimination should receive equal focus, irrespective of their value.
- 4) To oversee the entire process and its implementation, gender equality bureaus should be established at both the federal and state levels. A gender equality bureau refers to an administrative division operating under the state's Civil Service Commission (CSC) or Public Service Department (PSD). Civil servants and job applicants have the right to lodge complaints about state personnel practices. This specific committee would be responsible for supervising matters related to gender and other forms of discrimination that may occur throughout the hiring process.

To put it all together, the usage of terms like "dear" or endearments such as "sayang" can indeed be contentious and context-dependent. As stated by J. Griffiths, "[As] long as the legislator does not march too far in advance of developments in social norms, legislation can help to articulate them, thus making the applicable norms clear and indisputable, at which point informal control can assume the task of enforcement." In a single statement, the law alone cannot effectively address social issues such as discrimination, yet it can be a valuable ally or vehicle for social change.

DISCUSSION ON THE ROLE OF AI IN PREVENTING SEXUAL HARASSMENT IN WORKPLACE

With the rapid globalisation of technology happening every second of the day, it is not an exaggeration to imagine a modern world where new up-and-coming innovations would play a significant part in establishing a safer and conducive work environment for the general public. Thus, it is equally vital to highlight the crucial role that Artificial Intelligence (AI) plays in mitigating the conundrum of sexual harassment at work places all over the world.

This can be observed in an article titled "#MeTooBots and the AI Workplace" (2021) by Leora Eisenstadt. In her article, she noted that businesses in North America, Europe, and Third World nations are starting to sell products that employ AI to identify harassment and discrimination in online interactions in reaction to the lately popular #MeToo campaign. AI will be used to monitor conversations and flag material regarded inappropriate to representatives of employers so that it may be looked into further. These AI-infused devices, dubbed "#MeTooBots," emphasize the issue of sexual harassment being underreported and suggest that many victims remain silent out of dread of reprisals. The idea is to eliminate the human element from reporting while instead rely on AI to identify and report inappropriate behavior before it pollutes the work environment more seriously. Basically, the automated system employs a machine learning algorithm that has been developed to detect potential abuse, which includes sexual harassment, in emails, chat messages, company papers, or any other type of interpersonal interaction that the AI deems to be possibly troubling. The program will then forward those messages to a Human Resources (HR) manager or attorney for further investigation.

In contrary, over the years, there has been plenty of forums and disagreements, debating on the many disadvantages and neglected nuances of the implementation of AI as a means to prevent sexual harassment in a work environment. It brings up a number of legal and moral queries about the technology's efficacy as well as how it modifies the framework that underpins anti-discrimination along with anti-harassment legislation. To put it alternatively, it begs the inquiry as to whether society's overall perspective on harassment and prejudice in the workplace needs to be reexamined in light of the removal of human reporting. Furthermore, a number of AI experts have expressed some caution, pointing out that although the concept was intriguing, its present-day potential may be

restricted. This objection focuses mainly on the idea that AI is still not capable of or prepared to comprehend the subtleties and complexity that accompany language that can be deemed as a sexual harassment, as well as the complex dynamics of human interaction.

Additionally, many academics have stated that, despite its allure, the use of AI to stop sexual misconduct in the workplace is a blunder that should be avoided by both employers as well as employees. Employers now face greater responsibility due to the usage of AI-based harassment monitoring, which transforms the formerly employer-friendly liability threshold into a regime more akin to rigid liability. Employees may find themselves without legal protection if they are the target of retaliation following harassment, as is frequently the case, due to the automatic reporting of possible harassment. There are ethical consequences associated with it as well, such as harm to victim agency, voice, and recovery. The irony is that it may have negative effects on the mental and physical wellness of staff members as well as their ability to work efficiently, all of which can be attributed to the monetary and managerial expenses of fostering an environment of mistrust, anxiety, and over-monitoring.

Taking into account this more complex reality, it begs the question of whether we should give up on AI-based remedies for workplace harassment. The short response is no. Considering how ingrained machine-based educational instruments have become along with the rapid pace at which technology is developing, it would be ridiculous to put forward such a proposal. However, it is critical to understand that not every work environment problem can be solved simply by using AI. Additionally, AI has both beneficial and hazardous applications in the workplace. To distinguish between the two, one must grasp the influence of machine learning technologies. AI can be used, for instance, to monitor workplace patterns along with demographic changes, as well as to assess staff attrition and promotion trends. These applications can provide administration with important insights that would not have been feasible or as accessible in the absence of innovation. Parallel to this, AI may be a very useful tool for improving working relationships between employers and employees. It can identify harassment and gently encourage both the sender and the recipient. It can also be used as a chatbot to give information to staff members or serve as an impartial, empathetic, and indifferent contact with HR.

To sum it all up, it is a no brainer that while we do acknowledge that the rise of the utilisation of AI has been skyrocketing in recent years and how it slowly becoming the new norm in the daily life of the modern society we are living in today, the debate of whether it should be implemented in our collective effort in demolishing sexual harassment in workplace has sound arguments from both sides of this debacle. Modern workplaces are plagued by serious issues with sexual harassment particularly its effects on employees, corporate culture, worker efficiency, and financial performance. The increasing advancements in machine learning appear to provide an enticingly simple remedy as a result. Regrettably, this strategy produces a far more complex reality with serious unexpected disadvantages.

CONCLUSION

In conclusion, this research paper takes a closer look at phrases like "sayang" and "dear" in the context of professional communication reveals a complex relationship between language, gender inequality, and power dynamics. Our research has shed light on the subtle ways that pleasant-sounding words might support a culture of sexual harassment and discrimination. These expressions foster an environment that minimises the contributions made by women in professional contexts by upholding patriarchal power structures and traditional gender standards. It is impossible to overstate the influence that language has on workplace culture. The widespread use of these phrases belies a more serious social problem, namely the persistence of deeply rooted gender stereotypes that affect daily interactions. As we analysed the nuances of meaning buried in these statements, it became clear that language is a potent tool for influencing attitudes, perceptions, and ultimately behaviours in work settings.

The significance of cultivating mindful communication techniques that advance diversity and gender parity is highlighted by our findings. To address this issue, we must all make a commitment to questioning and changing the language conventions that support an unfair and discriminatory work environment. In order to foster a work environment that recognises the unique contributions of each employee, organisations need to take the initiative to educate and train staff members about the

significance of language choices. This group effort, which is based on a dedication to overturning patriarchal systems, is essential for developing work environments that actively seek to eradicate harassment and discrimination while also recognising the value of each and every individual. We highlight the need for continued research, discussion, and practical interventions as we draw to a close our investigation in order to change linguistic norms and create environments that truly uphold the values of equality, respect, and dignity for everyone.

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