



Malaysian Perspectives on Discrimination in the Workplace

How the amendments to
the Employment Act can
enhance gender equality

27th October 2020



About the survey

This report presents results from the survey “**Voices of Malaysian Women on Discrimination & Harasent in the Workplace**”, undertaken by the Women’s Aid Organisation (WAO) in collaboration with research agency Vase.ai.

The survey was administered by Vase.ai, a leading digital consumer research company in Malaysia.

1,010 Respondents aged between 24 to 55 years old were **quota sampled** according to census statistics on race and region by gender. These respondents were required to be active in the workforce within the last five years to participate in the survey.

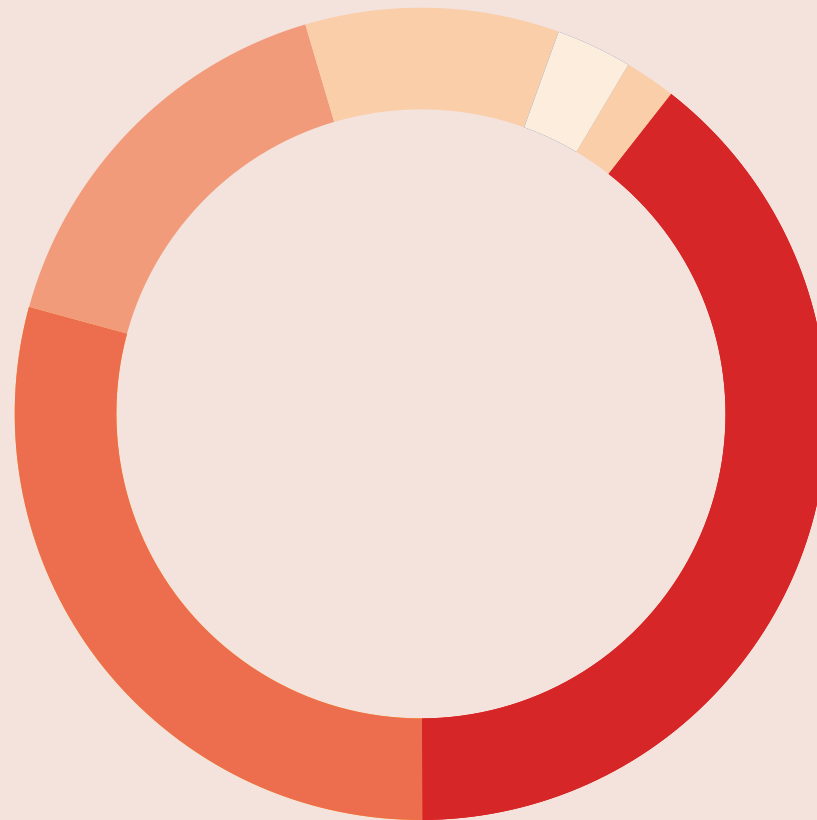
Our Recommendations

Introducing seven days of Paid Paternity Leave	3
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How much paid paternity leave was the child's father given when you had a child/adopted?

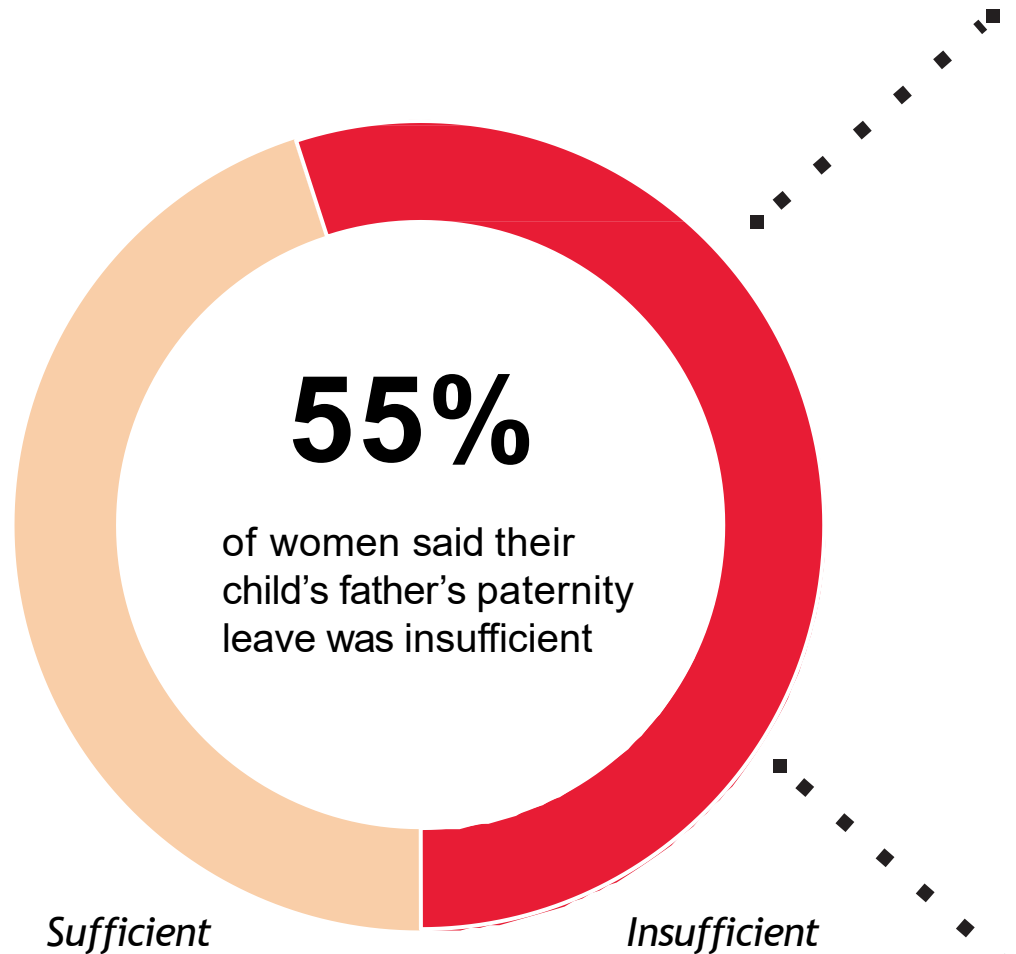
16%
of women said their child's father was given **no paternity leave**

29%
29% reported enjoying **1-2 weeks** of paternity leave



39%
of women said their child's father enjoyed **less than one week** of paternity leave

Was the paternity leave for your child's father sufficient?



of these 55% ...

63% said their child's father's insufficient paternity leave had a negative effect on their mental / emotional health.

39% said it had a negative effect on their physical health.

65% said it affected their child/family as their partner was unable to help out as much as he/they would like.

31% said it led to stress and arguments between them and their partner.

Our Recommendations

Introducing Paid Paternity Leave

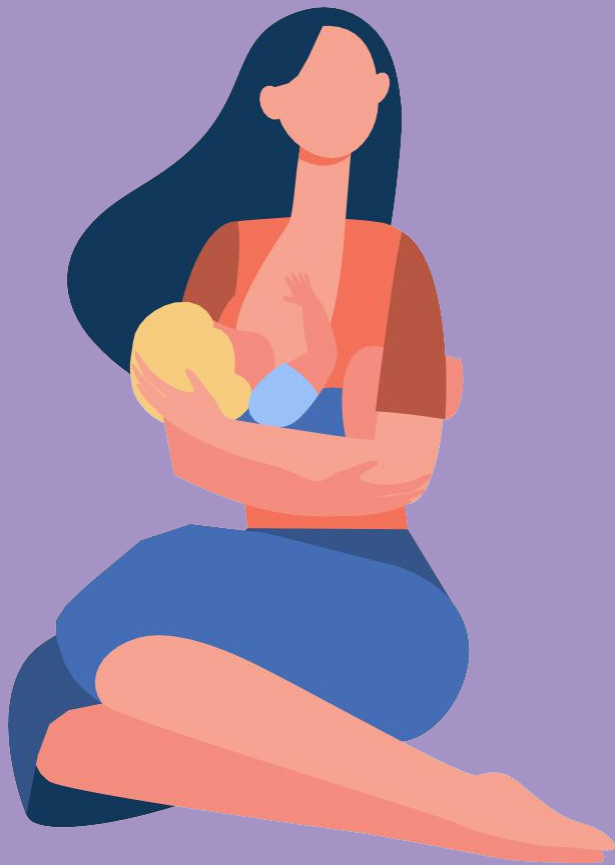
Currently, Government employees are entitled to 7 days of paid paternity leave, while private sector employees are currently not entitled to any paternity leave. The proposed amendments to the Act provide for 3 days.

WAO proposes 7 days paternity leave for the private sector.

Why does it matter? Introducing 7 days paternity leave sends the clear message that caregiving is a shared responsibility, helps decrease the gender pay gap within households, and enables fathers to play a more active role when their child is born.

Our Recommendations

Extending Maternity Leave



23%

of women who have children do not feel they were given adequate paid maternity leave.

Currently, government employees are entitled to 90 days of paid paternity leave, while private sector employees get 60 days of paid leave. The draft amendments propose extending this to 90 days.

WAO proposes 98 days of paid maternity leave for workers in the private sector.

Why does it matter?

Extending paid maternity leave to 90 days would bring Malaysia in line with the ILO's minimum standard, ensure better health outcomes for mothers, and help keep women in the workforce.

Women workers with children face the double burden of work and family but employers empathise poorly ...

27% of women who currently have children say they received comments/questions about their ability to perform certain tasks while they were pregnant.

23% of women say that after having a child and returning to work, they received negative comments/questions about leaving work on time to get home to their child

31% were overlooked for new projects or opportunities upon returning from maternity leave.

56% of working women have experienced one or more forms of workplace gender discrimination, *including ...*

- 1** Comments/questions about their marital status and/or plans to start a family;
- 2** Being passed up for promotion although they were more qualified than the other candidates;
- 3** Being asked to perform certain tasks that are not asked of men;
- 4** Receiving comments/questions about their ability to perform certain tasks;
- 5** And being asked to do more work than men of a similar job description.

Women *employees* also face other forms of discrimination ...

22% of whom experienced **racial or religious** discrimination during the course of their employment.

19% of women **with a permanent disability** were not considered for a promotion due to their disability.

Women *jobseekers* also face other forms of discrimination ...

47% of women say they were asked about their marital status during a job interview.

22% of women experienced **racial or religious** discrimination during a recruitment process for employment.

20% of women who have a permanent disability were told by their interviewer/recruiter that they should consider freelancing instead as their disability was an issue.

Our Recommendations

Prohibiting discrimination based on protected characteristics

Currently, there are no protections against discrimination in the Act, but MOHR is proposing protections for employees on the basis of gender, race, and religion. There is no protection against pregnancy-based discrimination in the Act, but MOHR is proposing protection against termination based on pregnancy.

What is WAO proposing? Protections for both job seekers and employees on the basis of gender, race, religion, and

disability status.

Why does it matter? Many individuals face discrimination during the recruitment process or interview stage and are barred from employment opportunities altogether.

Protections against discrimination based on gender for both job seekers and employees, this would also serve to address discrimination against women on the basis of pregnancy both during the recruitment and interview stage, and during the course of employment.

Individuals with disabilities must also be protected from discrimination to have the same opportunities as everyone else.

**Mother's
workplace
policies and
facilities are
inadequate ...**

30%

of women who have children share that their workplace do/did not have policies that adequately support them currently or previously.

83%

of women wish their current or former employer had policies in place to better support them, whether with career advancement, balancing personal and professional responsibilities.

48%

of women who have children share that their current or previous workplace do/did not have adequate facilities in place.

**Father's
workplace
policies and
facilities are
inadequate ...**

36%

of women say their child's father's workplace did not have **policies** that adequately supported him when they had a child.

66%

of women say their child's father's workplace did not have **adequate facilities** that supported them when they had a child.

38%

of mothers who felt their child's father's workplace had inadequate facilities or policies say that it had a negative effect on their mental or emotional health.

Our Recommendations

Introducing the right to request flexible working hours to make the workplace more family-friendly

Currently, there is no specific provision providing for flexible working hours. The right to request flexible working hours is in the proposed amendments.

What is WAO proposing? Employees should not only have the right to request flexible working hours, but should be explicitly protected from being discriminated against for making such requests or for working flexible hours once approved.

Why does it matter? Many individuals have personal responsibilities in addition to professional ones, whether related to childcare or caring for an elderly family member. Flexible working hours have been shown to increase employee well-being and reduce staff turnover.

Sexual harassment in the workplace is rampant

62%

of women say they have experienced some form of sexual harassment in the workplace

71%

women think sexual harassment is an issue.



Our Recommendations

Protecting workers from workplace sexual harassment

Currently, the Employment Act defines and prohibits sexual harassment, making it a statutory obligation for an employer to enquire into a complaint of sexual harassment by an employee within 30 days upon receipt of such complaint, although ultimate discretion over such enquiry rests with the employer. MOHR has proposed additional protections against sexual harassment, including the requirement for employers to have a sexual harassment policy.

What is WAO proposing? In addition to the proposed additional provisions on

sexual harassment in the Employment Act, the government must enact an independent Sexual Harassment Act.

Why does it matter? An independent Sexual Harassment Act is necessary to address sexual harassment in any context, including for individuals in the workplace context who are not covered under the Act (eg interns, volunteers, clients). The Act must also be comprehensive in the way it defines sexual harassment, including all forms of conduct across a variety of mediums and platforms, from text, to Whatsapp, to social media, to video-conferencing technologies. It must also establish a Sexual Harassment Tribunal to allow survivors to bring complaints of sexual harassment in a way that is inexpensive, fast, and not burdensome.



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About WAO

Since 1982, Women's Aid Organisation has provided free shelter, counselling, and crisis support to women and children who experience abuse. We help women and their children rebuild their lives, after surviving domestic violence, rape, trafficking, and other atrocities. Learning from women's experiences, we advocate to improve public policies and shift public mindsets. Together, we change lives. For enquiries, you may contact us at info@wao.org.my.

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About YSD

YSD is the philanthropic arm of Sime Darby Berhad, Sime Darby Plantation and Sime Darby Property. Established in 1982, the foundation revolves around five pillars which are Education, Environment, Community & Health, Sports, and Arts & Culture. Led by an independent Governing Council, the foundation is managed by a dedicated team who works closely with the 3 Sime Darby companies in areas of mutual interest. Since its inception, the foundation has expanded its wings from offering scholarships to outstanding and deserving individuals to funding impactful conservation, outreach and development programmes. For more information, visit www.yayasansimedarby.com.