

## SEXUAL HARASSMENT AT WORKPLACE: AWARENESS AMONG EMPLOYERS AND EMPLOYEES IN PEKAN, PAHANG

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### ABSTRACT

Most sexual harassment cases in the workplace go unreported because the victims are unaware of what constitutes sexual harassment. They may have remained silent due to embarrassment and fear of losing their jobs and consequently suffered in silence. This qualitative study seeks to investigate the current issues of sexual harassment in the workplace in Pekan, Pahang, as well as the level of awareness among employers and employees. In addition to identifying the current policy used in the workplace, one of the specific objectives of this research is to identify the types of conduct that constitute sexual harassment and to propose solutions for sexual harassment in the workplace. Interviews, existing documents, and a questionnaire were analysed using a triangulation technique for the data collection. Thirty respondents from public and private companies in Pekan, Pahang, provided data. Six participants were invited to share their experiences with sexual harassment in the workplace. To ensure the reliability and validity of this qualitative research, the four criteria, which are credibility, transferability, conformability, and authenticity, are evaluated. The researcher transcribed the interview data before qualitative thematic coding analysis. The themes presented in the research are sexual perpetrators in the workplace, awareness, female victims from non-management and the victim's emotions and actions in response to sexual harassment. In the meantime, the subthemes are the victim's experience with sexual harassment and employer and employee awareness regarding sexual harassment in the workplace.

Keywords: Sexual Harassment, Workplace, Awareness, Qualitative Research, Malaysia

### INTRODUCTION

Employers play an essential role in providing a safe and healthy environment for employees, particularly in preventing sexual harassment in the workplace. Section 15(1) of the Occupational, Safety and Health Act of 1994 established the employer's duty to ensure the employee's safety and health at work to the greatest extent possible (P. Malaysia, 1994). In 1999, the government enacted the Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace (from now on referred to as "the Code"), which serves as a guide for private employers to handle sexual harassment cases in the workplace (M. of H. R. Malaysia, 1999). It is important to note that the Code is not mandatory and does not have the "force of law"; therefore, employers would have their policy on sexual harassment tailored to the Code, resulting in policy inconsistency between companies.

However, a recent amendment to the Employment Act 1955 (from now on referred to as "the EA") under Part XVA governs issues regarding sexual misconduct that constitutes sexual harassment between an employee and their employer. If an employer ignores or condones sexual harassment in violation of Section 81F (P. Malaysia, 2012), he is liable for a fine of up to RM10,000.00 upon conviction. Unquestionably, a sexual harassment victim in Malaysia has recourse under the existing laws, including the ability to file a complaint with the employer or the Labor Department, pursue criminal proceedings under the Penal Code, and file a tort action.

Unfortunately, these options are not exhaustive, as there are legal loopholes and variations between them. The public sector, for instance, is governed by Service Circular No. 22 of 2005, a guideline regulating sexual harassment in the workplace, in addition to the Public Officers (Conduct and Discipline) Regulations of 1993, in which Rule 4A prohibits sexual harassment among officers of civil servants. In the private sector, the existing grievance mechanism outlined in the Industrial Relations Act of 1967 is insufficient to deal with the complexities of sexual harassment cases, particularly when the complainant, the alleged harasser, and the management are involved (P. Malaysia, 2010). Dealing with sexual harassment cases is time-consuming, and the situation worsens when the victims cannot seek adequate remedies. However, the slightest glimmer of hope we have at this time is the court's recognition through previously decided cases, where in some instances, substantial damages may be awarded for discomfort, indignity, and inconvenience suffered. Additional damages may be granted due to the intent and conduct of the tortfeasor.

## **PROBLEM STATEMENT**

The rising trend of women's participation in traditionally male-dominated fields like medicine, management, and engineering in Malaysia has increased the need for employers and policymakers to pay close attention to sexual harassment issues. The Women's Section of the Malaysian Trades Union Congress (MTUC) conducted the first survey in 1987, which revealed that 11 to 90 per cent of female respondents had experienced sexual harassment (Suhakam, 2010). In the 1990s, a study of 586 public administrators in the northern states of Peninsular Malaysia found that 53.4% of women and 43.4% of men had experienced at least one sexual harassment (Jothy, 2013). According to Aggarwal (Aggarwal, 1992), women experienced a disproportionately higher rate of sexual harassment, with 40 to 80 per cent of women reporting that their supervisors or male co-workers engaged in such conduct. 35 to 53% of readily available local research documents frequently occur (Ng et al., 2003). Consequently, these figures indicate a higher likelihood that employees, particularly women, are sexually harassed in the workplace today.

Sexual harassment in the workplace is dangerous because it pollutes a healthy working environment, which negatively impacts the quality of working life, endangers the well-being of employees, and imposes costs on organisations and businesses. The victims of sexual harassment had to suffer in silence because they feared ridicule, job loss, embarrassment, and helplessness if they reported the incidents (Jothy, 2013). Typically, victims would be absent from work due to stress or pressure, be unproductive, or quit their jobs rather than bring the matter to the authority's attention. This results in a higher employee turnover due to rising training costs and production losses (Suhakam, 2010).

Employees' lack of self-awareness regarding the issue and the extent to which a particular action constitutes sexual harassment tends to exacerbate these situations. One distressing obstacle victims face is that their employers have not outlined established procedures. They may, however, file a complaint directly with the Director General of Labour (DGL) or their employer (P. Malaysia, 2012). The employer must then investigate the complaint unless it has been investigated, is frivolous, malicious, or made in bad faith. Several companies and organisations have established straightforward and comprehensive grievance procedures or redress mechanisms for employees who experience sexual harassment. This is worrisome because the victims could not seek adequate remedies proportional to the wrongdoings of the harasser against them; therefore, awareness may reduce the risk in the first place (Gao & Li, 2021).

## **RESEARCH OBJECTIVES**

This study investigates the current issues of sexual harassment in Malaysia and the level of awareness among employers and employees. In addition to identifying the current policy used in the workplace, another specific objective of this research is to identify the types of actions that constitute sexual harassment and to propose methods and better solutions for dealing with sexual harassment in the workplace.

## **RESEARCH QUESTION**

Research questions related to this study are derived from the problem statement.

RQ1: What are the most common forms of harassment in the workplace?

RQ2: What kind of policy regarding sexual harassment is currently in effect?

RQ3: What should be added to the proposed method and improved solution for dealing with sexual harassment?

## **SIGNIFICANCE OF STUDY**

This research aims to improve the understanding of sexual harassment in Malaysian workplaces. It identifies potential risk factors that could lead to sexual harassment behaviour and examines various acts that constitute sexual harassment. This includes understanding the fundamental concepts of sexual harassment so that people are aware of the problem and know what to do and where to file a complaint if they encounter it.

In addition, this study is one of the essential tools for educating employees about their rights and responsibilities and urging employers to fulfil their corporate and social responsibility by instituting policies and practices to prevent and eliminate sexual harassment in the workplace. Therefore, employers must know that failure to comply may result in legal consequences under Malaysian law.

A further significance of this study is to encourage and educate the public about sexual harassment so that preventative measures can be taken, and they may also contribute to the development of the existing legislation by expressing their thoughts and opinions on this matter to the proper authority. This may result in enacting a specific law as a more effective means of preventing sexual harassment.

Finally, the significance of this study is to emphasise that prevention is preferable to treatment in the fight against sexual harassment, for example, by transforming our society's belief system and sexist attitudes through education to instil and increase awareness among the public, including youths and working adults in both the public and private sectors.

## **LITERATURE REVIEW**

### **Sexual Harassment Definition**

Sexual harassment can be defined in various ways. Still, it generally refers to unwelcome and unwanted sexual conduct, which can be physical and verbal and has an "air of seediness" that can irritate and disturb the victims. Sexual innuendos, obscene, suggestive, or insulting sounds, remarks, comments, ogling, leering, and offensive images may be included (ILO, 2020). The International Labor Organization (ILO) defines sexual harassment as violating the employee's fundamental rights, a health and safety hazard, an intolerable working environment, or discrimination against female employees (ILO, 2020). The United Nations (UN) has recognised the severity of sexual harassment in its Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which aims to eliminate discrimination regarding sexual harassment in the workplace and educational institutions (UN, 2016). CEDAW also promotes the recognition and acceptance of society's principle of equality between men and women (UN, 2016).

The Malaysian Ministry of Human Resources defines sexual harassment as unwanted conduct of a sexual nature that can result in verbal, non-verbal, psychological, visual, and physical harassment:

“That could, on reasonable grounds, be perceived as placing a sexual condition on the recipient's employment; or that could, on reasonable grounds, be perceived as an offence, humiliation, or threat to the recipient's well-being but has no direct link to the recipient's employment” (M. of H. R. Malaysia, 1999).

Based on the above definition, there are two types of sexual harassment: sexual coercion and sexual annoyance. According to Zarizana & Cecilia Ng (Haspels et al., 2001), sexual coercion refers to sexual harassment that directly affects the employee and is typically caused by superior and subordinate positions. Sexual annoyance, meanwhile, refers to offensive, hostile, or intimidating sexual-related behaviour toward the victim that is not motivated by any job benefit and can occur between employees or in a client-to-employee relationship. Typically, coercion is used for favours such as recognition, reward, opportunity, or fear of job loss, known legally as "Quid Pro Quo" or "This for That." However, the Code is merely a recommendation for employers and is not binding because it lacks legal force. As of 2022, only 45 percent of registered and active companies were reported to have implemented the Code (Thestar, 2022).

Ashgar Ali (Ali Mohamed, 2007) defined sexual harassment in his book "Dismissal from Employment and Remedies" as unwanted or unrequited sexual conduct imposed on the victim, such as repeated sexual comments, looks, or physical touches. The erudite author explains further that sexual harassment typically occurs between individuals of the opposite sex but can also occur between those of the same sex. Peer or power relationships may also be involved. Sexual harassment is typically committed by a superior, such as a superior male employee who harasses a subordinate female employee. As the unwanted sexual conduct diminished their dignity, most victims felt anger, annoyance, and embarrassment. They may also experience depression, anxiety, nervousness, emotional trauma, and low self-esteem.

Ismail, Chan & Lee (Mohd Nazari et al., 2007), in their article, "Factors Influencing Sexual Harassment in The Malaysian Workplace", figured out that the four-factor model predictions focused on the complexity of the sexual harassment issue influenced by various factors. Firstly, Malaysian female employees experience harassment regardless of their educational background and job status—secondly, the factor on the existence of sexist attitudes of male colleagues and an unprofessional working environment. Lastly, the study also found a higher tendency for a female employee to be harassed when she dresses more sexually provocatively. Sexual harassment would significantly impact team spirit and cooperation among employees. In the long term, the company's competitive advantage will be affected due to the aggravating departure of competent employees.

Apart from creating a hostile and offensive working environment, sexual harassment opposed the standard behaviour expected in the workplace. Rizwana (Yousaf et al., 2016) opines that an employee who had been sexually harassed often opts to quit his job due to fear of losing it, thus having to suffer in silence as echoing the issue would tarnish the perpetrator's image. While the law remains unchanged, society's perception and expectations about sexual harassment in the workplace have. The renewed attention to this issue is a wake-up call for employers to curb any potential risks to the company's reputation, culture, and employee morale, as sexual harassment complaints are time-consuming and might cost companies.

### **Malaysian Law and Court's Recognition**

Before the Employment Act (EA) amendment, there were no specific statutory laws regarding sexual harassment in Malaysia (Ng et al., 2003). The recent amendment to the EA that went into effect on April 1, 2012 (P. Malaysia, 2012), satisfying the need for specific legislation to address the issue of sexual harassment, was a significant leap in legal reform. Before the amendment, the EA added a new Part XVA to address sexual harassment in the workplace. Sexual harassment was also defined as follows by Section 2(g) of the Employment (Amendment) Act of 2012:

"Sexual harassment is any unwanted conduct of a sexual nature, whether verbal, non-verbal, visual, gestural, or physical, that is offensive or humiliating or poses a threat to a person's well-being and occurs in the workplace." (P. Malaysia, 2012)

In the case of *Harold Fernandez Sebastian Wilfred Fernandez v. Syarikat Pendidikan Staffield Berhad* [2011] 2 LNS 1102, the Claimant/employee, a resident tutor at a residential college, was accused of committing sexual offences against two of his students. This case emphasised that many instances of sexual harassment may go unreported, with the victim suffering in silence due to fears and social stigma that the complainant may not be believed or taken seriously, in addition to the fear of retaliation, i.e.,

consequences. There is also a delay in reporting, where the complainant only dares to report to the authority after a colleague files a complaint of the same nature.

In addition, it cites the judgement by Suriyadi Halim Omar FCJ in the case of *Mohd Ridzwan Abdul Razak v. Asmah Hj Nor* [2016] 6 CLJ 346, in which the Federal Court decided to exercise judicial activism and agreed that it was time to import the tort of harassment into Malaysian law and jurisprudence, and he went on to state:

“(8) Sexual harassment is egregious misconduct and cannot be tolerated under any circumstances. In whatever form it takes, harassment diminishes the dignity and respect of the victim, not to mention their mental and emotional health. Unpunished offenders will continue to intimidate, humiliate, and traumatise the victims, resulting, at the very least, in an unhealthy working environment. Considering the recent incorporation of the tort of sexual harassment into our legal and judicial system, this court refrained from answering the leave question”.

Consistent with the initial decision, Bhatt (Bhatt, 2016) commented on the Appeal Court's decision to uphold the High Court's approach to awarding compensatory damages to sexual harassment victims in the workplace as a recognition of the emotional and psychological harm caused by sexual harassment. The case highlighted the susceptibility of victims of sexual harassment to counterclaims by their harassers that their complaint is baseless; thus, in this instance, the complaint constitutes defamation of the harasser. This case also exposed the harassers to the consequences of their actions, particularly those in positions of authority within an organisation who may have viewed the workplace as a sexual haven for their predatory behaviour.

Employers should hold themselves accountable and liable when handling complaints of sexual harassment to punish harassers proportionally for their wrongdoings. If not adequately addressed, this issue can fester between the parties, leading to future claims relating to Mohd Ridzwan. In addition, in the future, employees may consider suing their employers for providing sexually hostile workplaces or environments.

### **Awareness: Prevention is Better than Cure**

Prevention is always preferable to treatment, particularly in the case of sexual harassment in the workplace. Sexual harassment awareness among industry employees remains low today (Ali et al., 2015). According to the Royal Malaysian Police, between 2013 and 2017, 257 male employees were victims of sexual harassment on the job (Bernama, 2019). Sexual harassment may occur to anyone, regardless of gender; therefore, information on sexual harassment must be disseminated throughout society to raise awareness, with the hope that, once an individual understands what sexual harassment is, he will speak out against its perpetrators. This issue can only be effectively addressed if the company management is fully engaged and committed to developing a better solution. According to Stephanie and Elizabeth (Armstrong et al., 2020), the management team's commitment could result in more proactive and effective investigations that are more inclusive and encourage employees to report actual changes in workplace behaviour.

Engaging employees about this issue by enhancing awareness of the organisation's non-tolerance policy on sexual misconduct is essential as a preliminary step to combat sexual harassment. A good working environment would uphold tolerance among others, value differences, and be hostile-free, hence increasing productivity, and one might achieve a higher level of job satisfaction. No one could ever give the best out of them if they are being bullied or to be in a fear-working environment. Human Resource (HR) in organisations is crucial in building an inclusive and transparent working environment to promote workplace dignity and respect. This is the importance of awareness to prevent sexual harassment in the workplace through an effective policy statement strictly implemented and adhered to by every level of the organisation (Hejase, 2015).

On the other hand, induction is more effective for increasing awareness and establishing clear behaviour expectations from the outset of an employee's employment (Armstrong et al., 2020). Senior leaders and line managers must be persistently aware of the issue and take decisive action to set an exemplary example for fostering a safe working environment in which employees can perform their

duties without fear of retaliation if they raise concerns. Employers must be held accountable and liable for handling complaints of sexual harassment in the workplace, which must be addressed promptly and discreetly (Bhatt, 2016).

## METHODOLOGY

### Conceptual Framework

Sexual harassment is a common issue typically swept under the rug due to its potential to pollute the workplace. It is undeniable that the public and government have become more aware of sexual harassment in the workplace over the past few decades, as it has been recognised as a legitimate workplace issue. Regardless of the precise definition of sexual harassment, it is common knowledge that unwanted and unwelcome sexual conduct will create a hostile and intimidating workplace. This chapter describes the research methodology employed in this qualitative descriptive study. This study aimed to determine how employers and employees with diverse educational backgrounds experienced sexual harassment. This study aims to collect data regarding employers' and employees' awareness of their rights and responsibilities under Malaysian laws and policies and to highlight the significance of this knowledge in preventing sexual harassment in the workplace. This phenomenological study examined participants' knowledge of sexual harassment in the workplace and their understanding of their rights and responsibilities in such situations. As it is an authentic depiction of the realities that the participants had encountered in their lives, a phenomenological research method was employed (Padilla-Díaz, 2015). The conceptual framework can be referred at Figure 1.

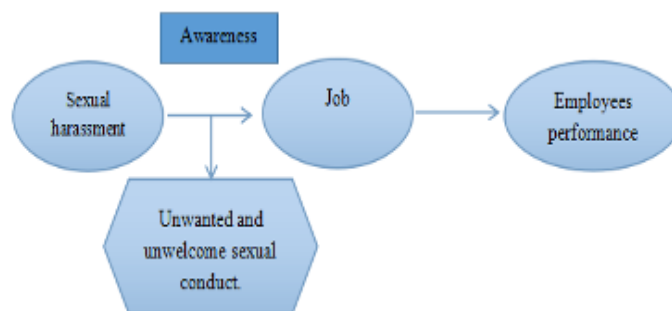


Figure 1. The Conceptual Framework of Sexual Harassment

### Research Design

According to Ponce (Padilla-Díaz, 2015), phenomenology is a qualitative research design for educational purposes. Phenomenology derives from existentialism, and hermeneutics provides the philosophical foundation for qualitative inquiry (Mottorn, 2013). Thus, qualitative research is contextualised within various philosophical phases emphasising multiple conceptions of reality (Amis & Silk, 2008). Edmund Husserl, a German philosopher and mathematician, conceived phenomenology as an experimental approach based on the phenomena of consciousness, in which the original contents of consciousness were highlighted (Padilla-Díaz, 2015). He also emphasised aspects of human perception and consciousness intentionality, highlighting the search for and identification of subjective and subjacent consciousness elements that transcend a single perspective understanding of reality.

In the meantime, Husserl also proposed *epokhé*, the Greek word for doubt, as a research technique. The *epokhé* concept denotes the suppression or suspension of judgments in addition to the researcher's perspective on the experiences of the studied phenomenon (Bliss, 2016). Suspended judgement is how qualitative data analysis can be conducted objectively. The significance of this method is determining the significance of the human experience concerning a notable collective occurrence or phenomenon. The phenomenon of interest was how employers and employees experience and understand sexual harassment. This study's phenomenological foundation seeks to comprehend the essence and underlying meanings of participants' experiences and how they make sense of them.

This study employed a descriptive phenomenological methodology by adapting Giorgi's (1997) definition (Bliss, 2016), which states that phenomenology thematises the phenomenon of consciousness broadly, referring to an individual's entire lived experience. Moreover, according to Van Manen (Manen 2007), the phenomenological method applies scepticism toward any method involving the deconstruction of various theoretical conceptualisations, assumptions, and perspectives, which prevent us from pre-reflectively interpreting experience as we live it. Consequently, this phenomenological study aims to render the living experience immediately perceptible, close, and recognisable to readers who have experienced the phenomena. The researcher is responsible for using words to engage the reader.

Conscious experience is one of the fundamental tenets of phenomenology. According to Van Manen (2016), "To be conscious is, in some sense, to be aware of some aspect of the world." Since phenomenology examines a specific phenomenon that can occur on multiple levels, including fully conscious, semi-conscious, and unconscious, it is essential to consider the nature of conscious experience and its potential impact on research. The discrete elements constituting a phenomenon's "experienced truth" are nearly innumerable. Thus, individuals tend to disclose only a portion of their experience and communicate a condensed narrative to the researcher. To reveal the "experienced truth" to a sample of employers and employees with varying educational backgrounds regarding their awareness of sexual harassment issues, the researcher would interview them by delving into their experiences to determine their perceptions of sexual harassment. This study also seeks to determine how employers supported sexually harassed employees via the human resources/legal department. Employees' and employers' verbal and nonverbal responses were observed throughout the interviews to ensure a comprehensive understanding of the participants' experiences.

Next is the principle of intentionality, forming an inseparable bond with the world that portrays comprehension as the foundation of experience. To combat sexual harassment, employers and employees must be aware of their rights and responsibilities. This study aimed to determine whether each employer and employee know their right and responsibility to maintain and be in a safe working environment. The researcher occasionally anticipated the extent to which employees could remain silent or continue working despite experiencing sexual harassment. The researcher also investigated whether the employee had ever reported sexual harassment and whether they were aware of the redress mechanism their employer had made available.

Next, according to Heindel (Heindel, 2014), the phenomenological researcher must understand the significance of individual context and listen to the interview responses of the participant to comprehend the phenomenon of the individual behind the narrative. By listening to each participant's feedback, the researcher can see how each employee overcame sexual harassment in the workplace and how the employment policies and practices provide a safe working environment, especially in preventing incidents. Given the employee's unique experience, such as being verbally harassed, each response in the interview provided the researcher with a deeper understanding of the obstacles the employee faced in bringing the issue to the attention of the employer when there is insufficient evidence unless a witness was present at the time of the incident.

The situatedness of human experience is the final phenomenological principle. In contrast, according to Pollio (Pollio et al., 1997), there is not only a situation, but it is only significant in the unique way an individual experiences it; thus, the phenomenological researcher is interested in discovering the meaning behind the specific context. The researcher anticipated collecting phenomenological data from the distinct perspectives of employees who had been sexually harassed and their experiences overcoming the situation. The purpose of the researcher's series of directives focused. Yet, open-ended interview questions were to collect data regarding employers' and employees' understanding and awareness of sexual harassment in the workplace, as well as employers' role in providing an effective redress mechanism and employees' support in dealing with sexual harassment in the workplace. These data may be shared with the company and the responsible department, such as human resources, to propose a method for implementing or improving sexual harassment policies in the future.

## **Trustworthiness Measure in Qualitative Research**

In qualitative research, credibility is required for measuring the research. According to Rossman and Marshall (Sutton & Austin, 2015), credibility is essential for qualitative research to ensure accurate participant representation and portrayal. A practical validation can be conducted by researchers who seek out parallel methods (Creswell, 2007)(John w. Creswell, 2015). Data analysis and peer review occurred concurrently throughout the research, providing the researcher ample opportunities to interpret the data accurately (Guba & Lincoln, 1994). Thus, the purpose of this study was to establish credibility and allow for future verification.

In addition, members reviewing the transcripts enable participants to examine any discrepancies and provide a foundation for further clarification. In addition, Jones (Kitchenham et al., 2002) argue that it can help investigators "check their subjectivity and ensure the reliability of their findings." Prior observations, perspectives, and discussions with the advisor and co-workers were recorded and compiled for improvement and introspection. The outcomes and findings were conveyed through this detailed description of the fifteen participants who volunteered for the interview portion of this study. These findings will be elaborated upon in the following chapter. As a result of the participants' interview responses, the researcher intended to provide unique and concise readings focusing on how knowledge of their rights and liabilities can significantly impact employers and employees in the fight against sexual harassment in the workplace.

## **TRIANGULATION OF INFORMATION**

### **Data Collection Method**

In this study, data were collected via interview sessions and questionnaires designed to explore the actual experiences of employers and employees regarding their awareness of sexual harassment in the workplace.

### **Existing Documents**

Apart from the company's current policy on sexual harassment, the EA 1955 under Part XVA: Sections 81A to 81G governs issues regarding misconduct of a sexual nature, which amounts to sexual harassment in the workplace regarding the relationships between an employee and employer. Under Section 81F, it is an offence if an employer ignores or condones sexual harassment upon conviction, which makes him liable to a fine of up to RM10,000.00. Undeniably, there are options of recourse under the existing laws in Malaysia for a sexual harassment victim, such as complaining to the employer or the Labour Department, undergoing criminal proceedings under the Penal Code and initiating action under the law of tort. However, as a layman, employees are mainly unaware of the significance of these provisions and how it works to protect them.

### **Questionnaire**

Even though it was an open-ended interview question designed to guide the participants that focus on their awareness of their rights and responsibilities regarding sexual harassment in the workplace, the exact wording is flexible to ensure a comprehensive interactive experience with each participant (Zakaria et al., 2021).

### **Interviews**

Interviewing effectively collects information about participants' experiences. The interview session would last approximately 20 to 25 minutes and use a semi-structured approach to determine the awareness of employers and employees of their rights and liabilities by proposing interview questions to assess their understanding of sexual harassment in the workplace (DeJonckheere & Vaughn, 2019).

Interview times and dates were determined on the interview questions paper and distributed to employers and employees without needing to write their names down. After answering the questions, the participants would be required to place the paper in a box to ensure its secrecy and that they could



share in a distraction-free environment. The interview responses were transcribed for further examination.

### Population and Sample

In this phenomenological study, data were collected using non-probability sampling. Non-probability sampling is a method in which it is impossible to calculate the odds of any individual being chosen for a sample. Employers and employees of an automobile manufacturing company in Pekan, Pahang, Malaysia, are nonprobability sampled on purpose. According to Lawrence (Palinkas et al., 2015), the purposeful sampling method is typically employed in educational research when the characteristics of a particular group of individuals correspond to a characteristic of the phenomenon being studied.

Five employees and one employer representative were interviewed to determine their knowledge and understanding of their rights and responsibilities regarding sexual harassment in the workplace. This study was open to both male and female employees, and neither gender was required to have experienced sexual harassment, regardless of their level of religion, education, or race.

### Data Analysis Technique

Developing a map may facilitate qualitative analysis, influenced by the phenomenological method's initial data collection step before clustering and coding data (Vaismoradi et al., 2016). Several measures guide this research's data analysis. Initially, the researcher reads the interview question papers multiple times to identify the data and get a sense of the whole, making notes and codes in the margins to identify potentially relevant indicators of the experience. This method is called "horizontalization." (Bradley et al., 2007). Second, the researcher must transcribe the interview questionnaires of participants and highlight their most salient points of view. The data is categorised in a manner that enables the researcher to identify significant statements that pertain directly to the proposed phenomenon, thereby permitting the emergence of themes. Thirdly, interpreting the meanings of each significant statement is accomplished by rereading the research protocols to ensure that the original description is evident in common language and interpretive terms. Fourthly, the researcher provides a precise and exhaustive description by generating a comprehensive identification statement that encompasses the objectives of the entire experience. Lastly, the exhaustive report is presented to the participants to verify the conclusions and, if necessary, modify ideas in developing the preliminary statement before finalising the unique and general themes to produce a composite summary.

As a phenomenological framework guided this qualitative research, the researcher could investigate the lived experiences of the employer and employees as participants. The comparisons of how the participants experienced the phenomenon, i.e. sexual harassment, are derived solely from the relationship between the data. The interview protocol yielded data that detailed descriptions of the participants' understanding and awareness of sexual harassment in the workplace. To help determine the direction of further analysis, Hycner (Hycner, 1985) suggested that the data analysis process should begin by chronologically bracketing the commentary and then phenomenological reduction by interpretive *memoing* and open coding to identify words that best represent emerging themes that form categories of meaning.

The researcher acknowledged that codes that appeared more frequently would develop into themes. Imaginative variation was also employed to assess the significance of these constituent themes to the employers' and employees' awareness of sexual harassment in the workplace. Finally, the coded data of the interview was compared with the transcriptions to determine if the participant's views during the interview were consistent with the research outcome or if new themes had emerged.

## RESULTS AND DISCUSSION

### Data Collection Method

Most of this study's sample respondents are employers and employees in Pekan, Pahang. The interview was conducted in a one-on-one setting with the respondent. Aside from that, the researcher utilised data extracted from the original file to implement coding. The fragments were then analysed to determine significant points, coded into categories known as codes or grouping and into smaller groups to determine themes and subthemes. This step was taken because the researcher desired to conduct a comprehensive qualitative study on sexual perpetrators in the workplace, victim awareness, non-management of female victims, and the victim's emotions and subsequent actions following sexual harassment. The themes are listed in the order in which they are mentioned most frequently, as they are of the utmost importance to the participant. Most sexual harassment victims are female employees in non-management departments. Next, the second theme is the victim's emotions and behaviour in response to sexual harassment. The third theme is awareness, with the subtheme focusing on employer and employee awareness of sexual harassment in the workplace. The fourth theme, sexual perpetrators in the workplace, is the type of sexual harassment the victim experienced. The four themes are explained in Table 1 below.

**Table 1.** Themes and Explanation

Themes	Explanation of themes
Sexual harassment victims are women of the non-management department	A person at a lower level of responsibility is subjected to unwanted sexual conduct or behaviour that creates an intimidating, hostile, or offensive working environment.
The victim's reaction to and response to sexual harassment	Emotion is a part of a person's personality that causes anger, happiness, and sadness. The action taken is the act that produces a specific result.
Awareness	Emotions, such as anger, happiness, and sadness, are aspects of a person's personality that elicit specific responses. The action taken is how a result is achieved.
Sexual offenders in the workplace	A person who causes emotional pain, distress, or annoyance due to unwanted or unwelcome sexual harassment in the workplace.

### Victim Consist of Women from Non-management

According to the survey, fifty per cent (15 of 30) participants had been sexually harassed on the job, with five sharing their experiences voluntarily. These victims of sexual harassment are non-management employees, such as cashiers, inventory assistants, administrative assistants, and teachers.

The victims of sexual harassment are women in non-management departments, according to the findings of this study. Women are more likely to be the target of sexual harassment because they are more often than men in powerlessness, lack of self-confidence, vulnerability, and insecurity, or because they have been socialised to suffer in silence. Due to their superiority, they were frequently the target of sexual assault and must work as a team in the workplace. The harasser is brazening in their sexual harassment because they hold a higher management position than the victim.

### The Victim's Emotions and Action Were Taken After Being Sexually Harassed

In contrast, this study revealed that 80% (4/5 respondents) of those who have experienced sexual harassment feel unsafe at work. The victim feared the harasser would commit an inappropriate act in the workplace. Twenty per cent (1 of 5 respondents) were severely traumatised, despite the act of sexual harassment consisting only of a glance from the harasser. The victim was emotionally unstable due to the incident because she did not anticipate the unwelcome behaviour to a trusted and familiar individual. After the incident, the victim did feel guilty toward her husband because she felt she had lost

her dignity. Fortunately, in this instance, the victim's husband is aware of her predicament and has brought it to management's attention for further action. In this case, even a trusted and familiar person could engage in sexual harassment. Every victim of sexual harassment has their own unique experience. There are a variety of responses to sexual harassment, including anger, shock, fear, mistrust, and self-blame.

Participant 1 said:

*"I feel unsafe and uncomfortable".*

Participant 3 said:

*"When the harasser disturbs, I feel unsafe".*

Participant 4 said:

*"I feel unsafe at the workplace".*

Participant 5 said:

*"I feel unsafe and annoyed".*

Participant 2 said:

*"I feel trauma when remember the harasser".*

According to this study, forty per cent of respondents (two out of five) have only shared their sexual harassment experiences with friends and family. They are unaware of the proper procedures for filing a complaint, so they are unsure if they should notify their supervisor. Moreover, only 40% of respondents (2 of 5) dared to inform their supervisor or human resources (HR) department. The victim would submit a formal complaint regarding the incident. 20% (1 of 5) of respondents quit their jobs because of sexual harassment by a superior. Because the harasser was the company's owner, the victim did not know how to file a complaint and was unwilling to take risks.

In addition, the victim may experience intimidation or discomfort when confronting the harasser. In many cases, the victim did not report the incident out of fear of retaliation. Therefore, an organization's employees must know how to recognize and respond to sexual harassment. At this time, employers must provide clear policies and procedures for addressing sexual harassment in the workplace.

Participant 1 said:

*"After experiencing sexual harassment, I told only my closest friends".*

Participant 2 said:

*"I delay telling my family because I am anxious".*

Participant 3 said:

*"I send a letter of complaint to the supervisor".*

Participant 5 said:

*"I inform my supervisor that I have been subjected to sexual harassment".*

Participant 4 said:

*"I decided to leave my job".*

## **Awareness**

Awareness plays a crucial role in preventing sexual harassment from occurring in the first place. Employees who lack self-awareness regarding the issue, particularly to what extent an action constitutes sexual harassment, would find it difficult because they could not afford to seek remedies commensurate with the harasser's wrongdoings.

## **Sexual Harassment Awareness Among Employees and the Organization**

According to the findings of this study, forty per cent of respondents (two out of five) agreed that employers provide their employees with sexual harassment policies. Every workplace must have a policy and guidelines for dealing with sexual harassment, and all employees must be informed of their rights, responsibilities, and liabilities about the issue. They should be aware of the potential consequences or risks they face if they commit any act of sexual harassment, such as disciplinary action or termination. In addition, employers must make a significant effort to ensure that their employees fully comprehend and are aware of the policy to investigate and punish sexual offenders without fear or

favour. In addition, sexual harassment policies must be reviewed frequently to ensure they can effectively address the issue.

Participant 2 said:

*"The harasser must transfer to a different department after HR completes its investigation into these incidents".*

Participant 3 said:

*"After filing a complaint with HR, the harasser has changed departments".*

In addition, 60 per cent of respondents (three out of five) agreed that their organisation does not explain or have clear policies regarding sexual harassment because they only provide training and discuss the issue. Some employers admitted to the researcher that many employees are still unaware of their rights and responsibilities and do not know what to do when sexual harassment occurs. However, the employer also prepared an orientation programme to provide new employees with an overview of sexual harassment policies and procedures.

Participant 1 said:

*"When I informed my supervisor, they advised me not to take offence or to ignore the harasser".*

Participant 4 said:

*"On my first day of work, human resources (HR) only explained salary, leaves, and work; they did not mention sexual harassment policies".*

Participant 5 said:

*"When I inform my supervisor, they inform me to ignore the harasser".*

### **Sexual Offenders in The Workplace**

Sexual offenders in the workplace can be any member of the organisation. The harasser could be the victim's supervisor, a client, a colleague, or a boss. The researcher discovered that co-workers had sexually harassed 80 per cent of respondents (4 of 5). However, only 20% (1 of 5 respondents) had experienced the same from their boss or owner.

Participant 1 said:

*"My co-workers have sexually harassed me at work".*

Participant 2 said:

*"My trusted co-workers have misbehaved towards me".*

Participant 3 said:

*"When I'm working, my co-workers suddenly do something inappropriate to me".*

Participant 5 said:

*"My co-worker has sexually harassed me on the job".*

Participant 4 said:

*"The organisation's owner sexually harassed me while I was working".*

### **The Type of Sexual Harassment the Victim Experienced**

Sexual harassment is unwanted or unwelcome sexual conduct that is humiliating, intimidating, or offensive. There are numerous forms of sexual harassment in the workplace, including physical, verbal, and visual acts. In addition, sexual harassment involves conduct that is not mutually accepted. Physical and sexual harassment involves unwanted touches, such as shoulder rubbing, that make the victim uncomfortable. The second form of sexual harassment is verbal, such as insulting and disrespectful remarks made to an individual. Some may believe that being romantic or flirtatious is a joke, but it is still considered harassment because it causes the victim discomfort. Visual acts such as glancing or staring at a person's body parts are also considered harassment. In fact, in the age of technology, sexual harassment also includes displaying an offensive video or image.

Based on the survey results, this study determined that verbal sexual harassment was the most prevalent form. Awkward words sexually harassed them, flirting, and sensitive jokes 80% of the time (four out of five respondents). Sixty per cent of respondents (3 out of 5) were sexually harassed through

visual acts. Moreover, forty per cent of respondents (2 of 5) reported being physically harassed by the perpetrators.

Participant 1 said:

*"The harasser asked for my phone number and status, making me feel uncomfortable. Also, the harasser repeatedly asks me the same question".*

Participant 2 said:

*"The harasser's lustful gaze makes me feel frightened and uneasy".*

Participant 3 said:

*"The harasser flirted with me at work and then complimented me with jokes while examining my body".*

Participant 4 said:

*"The harasser asked me to marry him, invited me to dinner, and asked me numerous other questions while looking at my lips, which irritated me. In addition, the harasser touched my hand while I was demonstrating my work".*

Participant 5 said:

*"The harasser jokes with me by touching my head during work, which makes me feel uncomfortable because of his gaze."*

## DISCUSSION OF RESEARCH FINDING

### **RQ1: What are the most common forms of workplace harassment?**

**Themes:** Sexual Offenders in The Workplace and Employer and Employee Awareness.

**Sub-Themes:** Type of sexual harassment experienced by the victim.

The appropriate themes for answering research question 1 are theme 4, Sexual perpetrators in the workplace, and employer and employee awareness, with the subtheme being the type of sexual harassment experienced by the victim. The perpetrators may be close to the victim, such as their bosses, superiors, or co-workers with organisational authority. In addition, organisation superiors sometimes abused their power by sexually harassing non-management employees and threatening them to keep quiet. This study also revealed that sexual harassment begins verbally and progresses to visual and physical acts. If no preventative measures are taken to curb sexual harassment in the workplace, the harasser may commit more severe crimes such as excessive modesty and rape. Unquestionably, verbal sexual harassment is the most prevalent form of sexual harassment, and people would typically view it as a joke if they were unaware that it constitutes sexual harassment. In addition, the victim believed that sexual harassment consisted solely of touching and visual conduct because they lacked awareness, i.e., knowledge regarding sexual harassers, which supported the conclusion of a previous study (Abdullah, 2021; Zarizana, 2005).

### **RQ2: What kind of policy regarding sexual harassment is currently in effect**

**Themes:** Awareness.

**Sub-Themes:** Employer and employee awareness regarding sexual harassment in the workplace.

The theme corresponding to research question 2 is theme three regarding awareness, with the subtheme being employer and employee awareness of sexual harassment in the workplace. According to this study's findings, employers and employees must be aware of their rights and responsibilities regarding sexual harassment in the workplace to protect themselves. An organisation would have a safe and healthy working environment with clear and comprehensive policies and guidelines regarding the complaint mechanism. Some employers take this issue for granted because they believe it has never occurred within their organisation. This study also revealed that many employees lack adequate knowledge of sexual harassment. Employers and employees tend to take sexual harassment seriously only after they have experienced it themselves, even though sexual harassment awareness can prevent them from becoming victims in the first place. A comprehensive policy and set of guidelines on handling sexual harassment and a constant reminder to everyone in the organisation are essential in this situation. Good policies provided by the employer would give employees a thorough understanding of their rights

and procedures for filing complaints with the appropriate individual. The productivity of an employee will increase if their rights are adequately protected. This study's findings corroborate previous research (Hejase, 2015).

**RQ3: What should be done to propose a better and more effective solution to the sexual harassment effect.**

**Themes:** Most sexual harassment victims are non-management women.

**Themes:** Victim's emotion to and response to sexual harassment.

The themes that best-fit research question 3 are themes 1 and 2, where most sexual harassment victims are women in non-management positions and the victim's emotions and actions following sexual harassment. In the initial instance, Malaysian female employees were subjected to sexual harassment regardless of their job status and level of education. The findings of this study indicate that women are more likely to experience sexual harassment in the workplace. The victims felt anger, annoyance, and embarrassment due to the demeaning nature of the unwanted sexual conduct. In addition, they may be depressed, anxious, nervous, emotionally traumatised, and have a low sense of self-worth. Typically, victims would be absent from work due to stress or pressure, be unproductive, or quit their jobs rather than bringing the issue to the authority's attention. This results in a higher employee turnover due to rising training costs and production losses. Our society must understand their rights and responsibilities to create and maintain a safe and healthy work environment. This is where the company's Human Resources (HR) department should have responded promptly and discretely to all complaints, and employers are held accountable and liable for handling sexual harassment complaints in the workplace. This study's findings support the conclusion of a previous study (Bhatt, 2016).

## CONCLUSION AND IMPLICATIONS

In conclusion, this research was successful in achieving its objectives. Employers must ensure and provide a safe and healthy working environment by implementing appropriate and employee-friendly sexual harassment policies in the workplace. Failure to do so would not only harm the health of their employees, but it could also result in higher costs for the company due to their low morale, low productivity, and potential lawsuits. Long-term, it could result in the departure of additional skilled employees, which would negatively impact the company's productivity.

Based on this research's findings, several recommendations could be made. The management of an organisation should formulate a clear sexual harassment policy to prevent sexual harassment by adopting a formal, written anti-harassment policy that can raise employee awareness of sexual harassment. The policy should be accessible to employees via the handbook or public workspace posting. Consistent training and discussion, even monthly, will educate and raise awareness among all organisation members to ensure their comprehension and know what to do during sexual harassment.

Moreover, extensive care and monitoring of workplace safety are essential factors that management must consider. They must provide employees with a user-friendly mechanism for filing complaints to learn the truth about sexual harassment within the organisation. For instance, the company's upper management could install more CCTVs in the workplace to combat this issue; this could serve as evidence supporting a complaint. It is essential to build trust between employer and employee so that both parties can effectively combat sexual harassment. The employer must take all complaints seriously by addressing them immediately and without delay. Employers should hold themselves accountable and liable when handling complaints of sexual harassment to punish harassers proportionally for their wrongdoings. If not adequately addressed, this issue can fester between the parties, leading to future claims, such as employees considering suing their employers for providing sexually hostile workplaces or environments.

This research emphasised that prevention is preferable to treatment in the fight against sexual harassment, such as transforming our society's belief system and sexist attitudes through education to instil and increase awareness among employers and employees regarding their rights and liabilities in dealing with sexual harassment.

## **A limitation of Study and Suggestion**

There are some limitations that the researcher cannot avoid when conducting research. During the data collection session, some employees believed sexual harassment was sensitive, so they were unsure whether to share their experiences. However, the researcher had to remind them that their information was strictly confidential for this study so that they could answer the questionnaire as truthfully as possible.

## **Lack of Employee**

The research was only conducted during lunchtime, but many employees were unavailable due to their shift schedules. In the future, the researcher must approach potential respondents by thoroughly explaining the issue before administering the questionnaire to fully comprehend the problem and make it simple to collect data.

## **Time Constraints**

The time constraints during data collection are due to the availability of respondents, as the survey was conducted during their lunch break. In addition, the researcher could not delve deeper into the topic due to time constraints. Future research must allocate sufficient time to interview participants for data collection to achieve a more comprehensive and exhaustive study about the issue.

## **Limited Company**

Due to the limited company bases in Pekan, Pahang, many employees had less exposure to sexual harassment than their counterparts in larger cities like Selangor and Kuala Lumpur. The researcher suggests expanding the scope of future research or conducting a comparative analysis of urban and suburban businesses.

## **DATA AVAILABILITY DECLARATION**

The original contributions encompassed within this study are comprehensively documented in the article and accompanying supplementary materials. Should additional inquiries or data-related requests arise, kindly direct them to the attention of the corresponding author.

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## **CONFLICT OF INTEREST**

The authors herein assert that the research undertaken was executed without the influence of any commercial or financial affiliations, which may be perceived as potential conflicts of interest

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