

FAUZIE SARJONO
MARJA AZLIMA OMAR

Sexual Harassment and its Implication on Employee's Performance in Sabah, Malaysia

ABSTRACT

The aim of this study is to identify the relationship between sexual harassment and its implication on employee's performance in one of Sabah's informal sector. The independent variables of this study are sexual coercion and sexual annoyance. In order to analyze the data, this study employs regression analysis. Likert Scale is in turn used to measure the respondents' perceptions on sexual harassment at workplace. Survey and interview are the other two methods used in this study. The findings show that there is a significant relationship in a negative direction between sexual harassment and employees' performance. In other words, sexual harassment at work place does profoundly affect workers' performances. This study also finds that gender plays a significant factor as female respondents tend to indicate particularly higher regards on sexual harassment. It is hoped that the findings of this study could contribute to alleviate if not to resolve the problems of sexual harassment at workplace. In the concluding remarks, this paper seeks to outline some suggestions to improve employees' efficacy in the organization which performance is hampered by occurrence of sexual harassment.

***Key words:** sexual harassment, employee's performance, Sabah's informal sector, and improve employees' efficacy.*

INTRODUCTION

Due to various reasons, the existence of sexual harassment claims in Malaysia is rather limited. On the contrary, civil litigation on sexual harassment cases in the United States of America (USA) are quite common. In the most expensive sexual harassment settlement in the USA, Mitsubishi Motors Corporation had acceded to pay 43 million US dollars amongst 300 female employees who had lodged complaints of sexual harassment. The female workers objected to the way they were being unfairly treated at work place. They asserted that they were physically molested as well as being pressurized with loss of their employment in the event where they refuse to obliged to their fellow male employees' demand of sexual favours (Tengku Omar Tengku Bot & Maimunah

Fauzie Sarjono and Marja Azlima Omar are Lecturers at the Industrial Relation Programme, School of Social Sciences UMS (University of Malaysia Sabah), Locked Bag 2073, 88999 Kota Kinabalu, Sabah, Malaysia. For academic purposes, they can be reached at: fauzie@ums.edu.my and marjalina@asia.com

Aminuddin, 2000). In another example, a company settled a sexual harassment lawsuit for US\$ 2.2 million arising from a number of pornographic e-mail messages sent between employees.

In the United States of America (USA), the law with regards to sexual harassment is firmly established. Meanwhile, there is no specific legislation for damages arising from sexual harassment in Malaysia. In 1999, the Ministry of Human Resources attempted to address the problem by issuing its Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace. The aim of this Code is to provide guidelines to employers on how to prevent and eradicate sexual harassment in the workplace. However, this Code is not binding, nor does it have any legal effect on the offender.

There are also criminal provisions in Malaysia to punish perpetrators of major crimes such as murder, assault, kidnapping, rape, robbery and so on. The major piece of legislation in question is the Penal Code. The Penal Code also contains provisions relating to sexual offenders. Section 354 of the Penal Code provides that “[w]henever assaults or uses criminal force to any person, intending to outrage or knowing it to be likely that he will thereby outrage the modesty of that person, shall be punished with imprisonment for a term which extends to ten years, or with fine, or with both” (*New Straits Times*, 11/2/2002).

Despite the fact that Malaysian law does not specifically encompass civil litigations of sexual harassment, cases from the United States of America clearly show the sexual harassment is bound to happen. To emphasize the need for specific Act or legislations to punish offenders of sexual harassment at workplace, this study seeks to postulate the relationship between sexual harassment and workers’ performance at workplace in one of the informal sectors in Sabah, Malaysia.

DEFINITION OF SEXUAL HARASSMENT

The term sexual harassment is the most ubiquitous and insidious; all the more so because it is deemed “normal” behavior and not an assault on the female entity. It affects women in all settings whether public or private and has psychological, medical, social, political, legal and economic implications. Instances of sexual harassment should not be viewed as isolated incidents; rather they should be construed as a gendered aggression against the rights and dignity of women.

According to the Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace, sexual harassment is defined as follows:

[...] any unwanted conduct of a sexual nature having the effect of verbal, non-verbal, visual, psychological or physical harassment: that might, on reasonable grounds, be perceived by the recipient as placing a condition of a sexual nature on her/his employment; or that might, on reasonable grounds, be perceived by the recipient as an offence or humiliation, or a threat to his/her well-being, but has no direct link to her/his employment (Zulkarnain Hj. Awang, 2003).

The Code of Practice categorized sexual harassment into two, namely sexual coercion and sexual annoyance (Zulkarnain Hj. Awang, 2003). Sexual coercion is a form of sexual harassment that results in some direct consequence to the victim's employment. An example of sexual coercion is a situation where a superior, who has the authority over salary and promotion tries to put pressure on a subordinate to accede to sexual favors in return of job benefits. On the other hand, sexual annoyance is the second type of sexual harassment that refers to sexually-related conduct that is offensive, hostile or intimidating to the recipient, but nonetheless has no direct link to any job benefit. However, the annoying conduct creates a bothersome working environment which the recipient has to tolerate in order to continue working. A sexual harassment by an employee against a co-employee and harassment by a company's client against an employee fall into this category.

From the above elaboration, we could conclude that sexual harassment is a kind of imperilment encountered at workplaces. Like many other hazards in employment, sexual harassment has the potential to affect the quality of working life, jeopardizes the well-being of women and men, undermines gender equality and imposes costs on firms and organizations. For such reasons, International Labor Organization (ILO) postulates that sexual harassment at workplace is a barrier towards its primary goal of promoting decent working conditions for all workers (in Livingston, 1982).

LITERATURE REVIEW:

A. EMPLOYEE PERFORMANCE

According to C. Backhouse and L. Cohen (1981), early feminist scholar who identified the problem saw sexual harassment as a means for men to subordinate women in the workplace and education. Meanwhile, C.A. MacKinnon (1979) stated that women have long been exposed to workplace harassment which involves conduct of a sexual nature or is premised on the sex of the victim. Nonetheless, these kinds of behavior were not given a name, however, until the 1970s, when women in the United States demanded that sexual harassment be recognized as sex discrimination under the federal anti-discrimination legislation.

S.S. Tangri and S.M. Hayes (1997) elaborated three basic perspectives that have been used to explain sexual harassment. According to them, the biological perspectives posit that sexual harassment is the logical outcome of the natural attraction between men and women. Men harass more frequently because their reproductive strategy is to maximize the number of potential offspring. Women however, have a much higher investment in reproduction and, therefore, would be less likely to be sexually aggressive.

A study by D.A. Tepestra and D.D. Baker (1986) associated the occurrence of sexual harassment to the structure of "power relations" in an organization. According to them, formal power is vested in individuals through the hierarchical structure of an organization. Those with formal power tend to

exert that power by making harassing demands of those with lower status. In their socio-cultural model, J.M. Firestone and R.J. Harris (1999) concluded the incidence sexual harassment is due to differential sex role socialization between men and women. The male sex role encourages dominance and aggressiveness, while that of the female encourages the productiveness and the fearless.

Recent research shows that performance management, when done correctly, can affect corporate performance and the bottom line. If employee has a good performance, he or she must have work motivation. Some scholars offered this definition: work motivation is a set of energetic forces that originate both within as well as beyond an individual's being, to initiate work-related behavior, and to determine its form, direction, intensity and duration: *firstly*, direction addresses the choice of activities we make in expending effort. That is, we might choose to work diligently at some tasks and not at others; *secondly*, intensity implies we have the potential to exert various levels of effort depending on how much we need to expend; and *thirdly*, duration reflects persistence of motivation over time, as opposed to a one time, choice between courses of action (direction) or high level of effort aimed at a single task (McKenna, 1994).

Effective people resorting includes not only the acquisition of the appropriate quantity and quality of people, but also the management of employees to ensure that performance is constantly reviewed and at a level which is consistent with the achievement of organizational objectives. Employees should know what is expected, not just in terms of duties and responsibilities but also in terms of standards of performance. Performance management is not just the appraisal of performance.

The organizations execute the motivation to achieve the organizational goal. However, D. Katz and R.L. Kahn (1966) found that motivation is the force that moves people to perform their jobs. High levels of motivation result in a worker's desire to achieve and perform to the best of his or her abilities, whereas low levels of motivation lead to poor performance, apathy and turnover.

Much is written and spoken about performance management and to understand this more fully it is important to be clear about what is meant by the term. Hence, J.A. Mello (2006) define performance management as a strategic and integrated approach to delivering sustained success to organizations by improving the performance of the people who work in them and by developing the capabilities of teams and individual contributors. Also T.A. Beehr and J.E. Newman (1978) define performance management as: a systematic approach to improving individual and team performance in order to achieve organizational goal the approach you take should depend on your organization: its culture, its relationship with employees, and the types of job that they do.

B. JOB AND WORK SATISFACTION AND MOTIVATION

Social scientists and lawyers alike know that sexual harassment disrupts one's work life. Survey data indicate, for example, that harassment negatively affects both perceptions of job performance and work satisfaction. The legal

system also acknowledges that sexual harassment is disruptive, producing “work performance stress” as well as “distraction from tasks, dread of work, and the inability to work”. In its most severe form, harassment so interferes with a target’s ability to do her job that the harassing conducts meets the legal standard for employment discrimination.

Motivation is the one of the most disturbing consequences of sexual harassment. According to J. Earnshaw and M.J. Davidson (1994), many victims suffer in detrimental physical and psychological effects ranging from sickness, anger, lost confidence and other impact on their psychical and mental behavior. This can make an impact for employee motivation at work. This factor can affect from reduce in finished in tasking, unconfidently in individual performance. According to J.A. Mello (2006), every year, organizations pay workers millions of dollars in claims involving allegations of sexual harassment. In addition to direct monetary costs of sexual harassment, there can also be significant costs in term of negative public relations and damage employee morale.

C. PERCEPTION OF SEXUAL HARASSMENT, GENDER AND SEXUAL HARASSMENT, AND ORGANIZATIONAL CULTURE

In Malaysia, sexual harassment is a term quite often heard after the code of ethics in eradicating and preventing sexual harassment at workplace. However, offensive behaviors did not consistently been recognized as sexual harassment as well as which individual have reported to their organization.

According to J.A. Mello (2006), to deal with organization or company to manage this problem, the organization has to deal with four specific problems. The first is that many workers and managers are not aware of what sexual harassment is and what constitutes harassment. The second is that although an organization may have a policy that prohibits sexual harassment, many employees may be unaware of the policy or know that there is a policy but know what it says. The third is managing sexual harassment is that employees often fear reporting any incident of sexual harassment. The fourth is determining how best to investigate allegations of sexual harassment.

According to E.J. Wagner (1992), this perception bring to our society in organization or company about the question of what behaviors are considered as harassment, and when do they cross the line from friendliness and joking to offensive and aggressive. Many men complain that sexual harassment concerns inhibit social interaction between sexes, and innocent comments can be misinterpreted with grave consequences.

Sexual harassment is transformed from isolated “incidents” to a powerful formation governing relations of gender, and successfully constituting an entire section of the organization as powerless in the face of molestation and harassment.

L.F. Fitzgerald and A.J. Ormerod (1993) stated that gender is one of the strongest predictors of sexual harassment. According to B. Gutek (1985), most studies indicted that women are the majority of victims of sexual harassment. It

affects women in all settings whether public or private and has psychological, medical, social, political, legal and economic implications. Instances of sexual harassment should not be viewed as isolated incidents; rather they should be construed as a gendered aggression against the rights and dignity of women.

Meanwhile, A.M. Konrad and B. Gutek (1996) discovered that men are also less likely to report sexual harassment when it does occur. Men label fewer behaviors at work as sexual harassment and tend to find sexual overtures from women to be flattering, whereas women find similar approaches from men to be insulting.

According to D.B. Mazer and E.F. Perceival (1989), men and women tend to understand and try to differ in what they perceived in sexual harassment behaviors. Seriously, women try to see this problem in different thing, they like to see in serious problem than men side. The women, totally, have an impression definition of sexual harassment than men.

According to B. Gutek (1985), sexualized work climates are those where officials are perceived as tolerant towards harassment. The working climate is also notably affected by the behavioral or environment in the organization.

The leadership of an organization may also affect workplace climate by implementing sexual harassment policies and procedures. According to J. Gruber and M. Smith (1995), recent study found that women who worked in organizations that used several methods to address sexual harassment problem were more apt to file a complaint or tell someone in a position of authority about these problem than those in working environment with few or no policies or procedures.

Organizational outcomes, positive or negative that accrue to certain behaviors mirror the values placed on those behaviors, values that are made manifest and silent by specific and definable patterns of sanction. According to D. Katz and R.L. Kahn (1966), we can conclude that organizational norms can act as facilitators or factor for sexually harassing behaviors. The formal policies and structure in an organization will affect role behaviors in workplace. Organizational policies and culture may outline certain type of behaviors that will not be tolerated and possible consequences of such behaviors.

D. AGE, WORKING EXPERIENCE, AND THEORETICAL FRAMEWORK

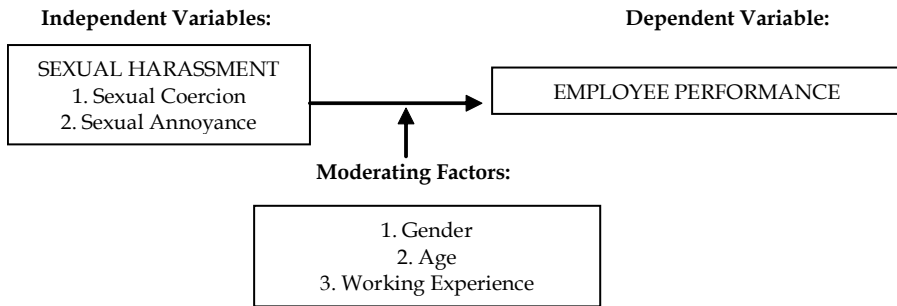
L. Farley (1978) suggested that prestige and confidence are likely to increase with age and that older employee, therefore, are like to report higher levels of job satisfaction. Because younger employees are not likely to have fully established their worth to the organization, they generally do not hold positions of authority.

In age conceptualizations of career stage (Farley, 1978), age or more generally work life experience, shape occupational aspiration and concerns. It follows, then, that younger employees are generally more likely to be mobile and to have lower psychological investment in the organization. Middle-aged employees generally engage in behaviors to encourage stabilization. Last, older employees more commonly engage in maintenance behaviors. Typically, the

older a person becomes the less likely he or she is to give up the benefits and idiosyncratic credits associated with seniority, tenure, or status among his or her peers to enter the job market and compete with younger, and perhaps better trained, job candidates.

Walmsley Hilary (1994) defines working experience of employee in terms of years: (1) holding the current position; (2) serving in current organization; and (3) total working experiences. It appears that commitment in its most stable forms, grow slowly. Walmsley Hilary (1994) argues that the influence of organization experiences varies with the length of time individuals have been employed. That is the experienced employees will have ability to influence the organization.

The theoretical framework of this study is depicted in the diagram below:



HYPOTHESIS TESTING ON INDEPENDENT VARIABLES

Hypothesis 1: *The variance in employee performance will be significantly affected by sexual coercion and sexual annoyance.* The two independent variables were entered into a multiple regression model with employee performance as dependent variable. Table 1, at significant level, $F=6.007$ and $p=0.003$ ($p<0.05$) indicates that the two independent variables have high impacts on employee performance. The Durbin Watson is 1.279 indicating that there is no serious autocorrelation problem. The regression results revealed that 11% of the variance on performance can be explained by the two independent variables. Thus, both results confirm that hypothesis one is accepted.

Table 1:
Multiple Regression Analysis on Independent Variables

R	R Square	F	Sig.F	Durbin Watson	
.332(a)	.110	6.007	.003	1.279	
Variables	Beta	t	Sig.F	Tolerance	VIF
(Constant)	36.134	10.692	.000		
Sexual Coercion	-.427	3.465	0.001	1.000	1.000
Sexual Annoyance	-.001	0.987	0.016	1.000	1.000

Hypothesis 2: *There is a significant negative relationship between sexual coercion and employee performance.* The result in table 1 show that there is a significant negative relationship between sexual harassment (sexual coercion) (B = -0.427, p = 0.001) and employee performance. Base on convention that Tolerance>0.1 and VIF<10, it can be inferred that there is no multicollnearity problem in this model. Therefore, it is concluded that sexual coercion is a strong determinant of employee performance. Thus, the above hypothesis two is accepted.

Hypothesis 3: *There is a significant negative relationship between sexual annoyance and employee performance.* The result in table 1 shows that there is a significant negative relationship between sexual annoyance (B = -0.001, p = 0.016) and employee performance. Base on convention that Tolerance>0.1 and VIF<10, it can be inferred that there is no multicollnearity problem in this model. Therefore, it is concluded that sexual annoyance is a strong determinant of employee performance. Thus, the above hypothesis two is accepted.

HYPOTHESIS TESTING ON MODERATING VARIABLES

Hierarchical Regression Analysis was used to examine the relationship between the dependent variable (employee performance), independent variables (sexual coercion and sexual annoyance) and the moderating variables (age, gender and experience).

Hypothesis 4: *The age does significantly moderate the relationship between the two independent variables (i.e. sexual coercion and sexual annoyance) and dependent variable of employee performance.* The results in table 2 shows that R Squared Change is 0.020, Significant F Change value is 0.591 (p>0.05). The result shows that the overall two independent variables are no significant on dependent variable of employee performance. Thus, hypothesis four is rejected as it show that the age does not significantly moderate the relationship between the two independent variables (i.e. sexual coercion and sexual annoyance) and dependent variable of employee performance.

Table 2:
Hierarchical Regression Analysis on Age as Moderating Variable

Variables	Step 1		Step 2		Step 3	
	B	Sig	B	Sig	B	Sig
Sexual coercion	-0.427	.001	.225	.005	.408	.213
Sexual annoyance	-0.001	.016	.091	.289	.115	.724
Age			.004	.481	.015	.616
Sexual coercion* Age					.006	.562
Sexual annoyance* Age					.007	.489
R Square Changes		.264		.003		.020
Significant F Change		.000		.481		.591

Hypothesis 5: *The gender does significantly moderate the relationship between the two independent variables (i.e. sexual coercion and sexual annoyance) and dependent variable of employee performance.* The results in Table 2 shows that R Squared Change is 0.028, Significant F Change value is 0.047 ($p < 0.05$). The result shows that the overall two independent variables are significant on dependent variable of employee performance. Thus, hypothesis five is accepted as it show that the gender does significantly moderate the relationship between the two independent variables (i.e. sexual coercion and sexual annoyance) and dependent variable of employee performance.

Table 3:
Hierarchical Regression Analysis on Gender as Moderating Variable

Variables	Step 1		Step 2		Step 3	
	B	Sig	B	Sig	B	Sig
Sexual coercion	-0.427	.001	.229	.005	.028	.913
Sexual annoyance	-0.001	.016	.090	.302	.146	.589
Gender			.034	.736	.759	.190
Sexual coercion*Gender					.175	.357
Sexual annoyance* Gender					.025	.285
R Square Changes		.264		.001		.028
Significant F Change		.000		.736		.047

Hypothesis 6: *The experience does significantly moderate the relationship between the two independent variables (i.e. sexual coercion and sexual annoyance) and dependent variable of employee performance.* The results in table 3 shows that R Squared Change is 0.024, Significant F Change value is 0.586 ($p > 0.05$). The result show that the overall two independent variables are does significant on dependent variable of employee performance. Thus, hypothesis 6 is accepted as it show that the experience does significantly moderate the relationship between the two independent variables (i.e. sexual coercion and sexual annoyance) and dependent variable of employee performance.

Table 4:
Hierarchical Regression Analysis on Experience as Moderating Variable

Variables	Step 1		Step 2		Step 3	
	B	Sig	B	Sig	B	Sig
Sexual coercion	-0.427	.001	.223	.005	.320	.213
Sexual annoyance	-0.001	.016	.095	.289	.054	.724
Experience			.007	.481	.012	.616
Sexual coercion* Experience					.020	.562
Sexual annoyance* Working Experience					.007	.489
R Square Changes		.337		.004		.024
Significant F Change		.000		.368		.586

RESULTS

This section covers the major findings of this study and highlights their implications and effect of the sexual harassment at workplace. It also explains the limitation of this study and some suggestions for future research in this area. From the discussion, it analyzes why the hypotheses were accepted and why they were rejected. Finally, conclusions are drawn based on the findings of the study.

First, there is a significant negative relationship between sexual harassment and employee performance. This relationship was existing among sexual coercion and sexual annoyance towards the employee performance. This negative relationship shown that sexual harassment has been found to cause employees to feel uncomfortable and to engage in adaptive behaviors that have costly consequences to workplace (Stokedale, 1993:190). Sexual harassment can make the negative implication for employee performance; creates an unhealthy, unproductive atmosphere, continued unchecked; it can affect employee ability to do their work, as well as their emotional and physical health and safety. People exposed to sexual harassment can suffer from anxiety, depression, poor performance, insomnia, illness and even physical injury.

Sexual harassment can have a serious impact on important aspects of employee career or employee education. If employee or workers refuse to "play along" or if their report the situation, the harasser may try to get even by threatening, or actually doing, things like: giving employee more work than their can handle like lowering employee wages or marks, reducing employee hours of work, refusing to grant raises or promotions and firing or failing them.

The sexual coercion and sexual annoyance can cause for employee reduce in their personnel performance towards their ability to do their work. This sexual coercion and sexual annoyance will cause additional problem related to organizational relationship and employee performance. On the other hand, consists of insulting verbal or nonverbal behaviors that are clearly about sexuality. For example, it includes telling sexual stories or jokes, trying to get someone to talk about their sexual activities, making offensive comments about a person's body with sexual connotations or making sexual gestures. The behaviors are clearly, overtly hostile and are usually intended to make someone uncomfortable. The unwanted sexual attention involves someone trying to establish a romantic sexual relationship, even though a person has discouraged them. For example, one might repeatedly ask for a date, or continually touch a co worker in a way that makes her uncomfortable. It is different from flirting in that it is clearly unwanted. This behavior of sexual harassment is truly making a negative implication on employee ability to work

Sexual harassment can and will happen in virtually any workplace. Clear measure can be taken to strategically manage this form of unlawful discrimination, ensuring that all employees have a more conducive to high performance (Mello, 2006). Harassment of all types and forms has been linked to work disruption. Research indicates significant relationships between self-reported negative affect in response to incidents of sexual harassment and loss

of job motivation and dread of work. Women who report being harassed also report lower job commitment and reduced morale. They describe other negative consequences such as impaired relationships with co-workers and interrupted careers (Livingston, 1982). Most of the results regarding how sexual harassment impairs work performance derive from victim self-reports acquired after-the-fact. The long-term impact of sexual harassment on performance has also been documented by organizations. For example, decreases in individual and work group productivity as a result of harassment have contributed to substantial organizational costs. Although long-term effects of sexual harassment on work attitudes and performance have been documented, little is known about how harassment impacts performance in the moment.

Second, the age does significantly moderate the relationship between the two independent variables (i.e. sexual coercion and sexual annoyance) and dependent variable of employee performance. This moderator variable had shown that: the findings from this research demonstrated that age do not have moderating effect on the relationship between two independent variables (Sexual Coercion and Sexual Annoyance) and Employee Performance. This might be due to the fact that the age is not the factor will create the sexual harassment at workplace, because one of the most disturbing consequences of sexual harassment is the human impact, with devastating short and long term physical and psychological consequences. Many victims suffer detrimental physical and psychological effect ranging from sickness, anger, anxiety, tiredness, fear, sleep problem, weight loss, relationship problem, depression and loss confident (Earnshaw & Davidson, 1994). All of this problem will effect on every single employee at workplace where there have a sexual harassment problem, the age will not an obstacle or factor to produce this problem. All of sexual harassment problem can effect in any field of age of employee.

Third, the gender significantly moderates the relationship between the two independent variables (i.e. sexual coercion and sexual annoyance) and dependent variable of employee performance. This moderator variable shown that: the findings from this research demonstrated that gender does significantly moderate the relationship between two independent variable of sexual harassment (Sexual Coercion and Sexual Annoyance) and employee performance. Gender is one of the strongest predictor of sexual harassment (Fitzgerald & Ormerod, 1993). Most study indicates that women are the majority of victims of sexual harassment. Further, men are also less likely to report sexual harassment when it does occur. L.F. Fitzgerald and S.L. Shullman (1993) stated, the variable is that most consistently predicts variation in people's definition of sexual harassment is the sex of the rater.

Women generally see sexual harassment as a more serious problem than men. Overall, the women have broader definitions of sexual harassment than males, have more negative attitudes, are less tolerant and consider teasing, looks, gestures and remark to be sexual harassment. Whether they are men or women, sexual harassers are often people in a position of power, like an

employer or a supervisor. But co-workers and clients can also be harassers. In an educational setting, the harasser could be an instructor, an administrator or a student. It has also been suggested that women who are harassed lack organizational support and information that is vital to strong work performance (*New Straits Times*, 12/9/2008).

Fourth, the working experience does significantly moderates the relationship between the two independent variables (i.e. sexual coercion and sexual annoyance) and dependent variable of employee performance. This moderator variable shown that: findings in this study showed that although 85 (59.9%) of the respondent have experienced sexual harassment behaviors and only 15 (10.5%) of the respondents label their experienced behaviors in sexual harassment is not their perception of sexual harassment. This is congruent to researcher to suggesting that half of all women in the workplace have endured sexual harassment at some time in their careers (Vaux, 1993). As suggest by a few studies, although many individuals are uncomfortable with sexual attention at work and are aware that behavior is inappropriate, they may not take action because they endorse self-blame as explanation for the behavior.

Men, on other hand, may not perceive sexual behaviors directed to them as sexual harassment because as suggested by study men feel fewer negative consequences and thus less likely to report the behavior (Malovich & Stake, 1990).

CONCLUDING REMARKS

Maintaining a stable workforce has become a critical success factor in sustaining a competitive advantage. A successful organization requires the existence of good relations among its employees and the people with whom the organization does their business. Sexual harassment creates a poor working relationship which can harm the organization, the individuals directly involved, and indirectly, other employees within the organization.

The finding of this study shows that the independent variable of sexual harassment, namely sexual coercion and sexual annoyance, can give rise to negative implication on employee's performance at workplace. The findings therefore justify the need for any organizations to formulate their own in house policy to deal with incidents of sexual harassment at workplace. Such policy could be drafted by referring to guidelines enumerated in Malaysia Code of Practice on Sexual Harassment in the workplace issued by Ministry of Human Resources in September 1999.

The most important aspect of a sexual harassment policy is a firm and continued commitment from senior administrators to encourage the creation of an open culture which has preventive measures. This requires a clearly defined provision which regards to actions that amount to sexual harassment. In addition, the organization in question should also ensure the policy is well displayed and widely circulated amongst the employees. Another important factor is the need to ensure confidentiality on the complaints submitted by the complainants. The organization must pay heed to all of the complaints and

reports. An investigation committee should be established accordingly and upon reaching the judgment, immediate corrective action should be taken against the perpetrator of sexual harassment.

Despite the existence of the Code of Parties, many parties particularly Non-Governmental Organizations (NGOs) argued that the Code in question is highly ineffective to curb the occurrence of sexual harassments. This is because the Code is not mandatory. As of 2001, only 1.125% of the 400,000 employers under Socso had taken the initiative to adopt the code. Even if the code is adopted, it does not carry any binding obligation on the parties concerned. Due to such factors NGOs such as the Joint Action Group for Gender Equality (JAGGE), All Women's Action Society (AWAS) and Malaysia Trade Union Congress strongly proposed for a comprehensive bill of sexual harassment to be tabled soon.

In the writers' opinion, the Code of Practice is insufficient to protect the interests of the workers in sexual harassment cases. In other words, the writers incline to support the suggestions put forward by the various NGOs. An extensive legislation in the form of Act should be adequately formulated. The mandatory Act should encompass a broad definition of employees as well as a requirement of setting up an in-house or internal (within the organization) dispute resolution mechanism.

In order to ensure impartiality and transparency on the part of the employer, the Act in question should also instruct the establishment of an independent, external mechanism to function as a check and balance for sexual harassment complaints and allegations. The external mechanism would also seek to minimize delays in investigation process. As complaints of sexual harassment would be handled promptly, the interest of the aggrieved parties are adequately addressed. The role of third-party check and balance mechanism should be undertaken by trade unions or official from the Ministry of Human Resources or other related ministries.

When the Code of Practice came into being, we could say that there is a widespread consensus amongst the parties concerned that sexual harassment is indeed a predicament at workplace that affects both workers and employers. Nonetheless, the Code is not a panacea to the dilemma in hand. Thus, it is timely for the government to find the much needed solution to deal with the issue once and for all.

Bibliography

- Article "Table Bill on Sexual Harassment" in *New Straits Times*. Kuala Lumpur: 11 February 2002.
Article "Providing Harassment Credibility" in *New Straits Times*. Kuala Lumpur: 15 April 2006.
Article "It's in the Best Interest of the Workers" in *New Straits Times*. Kuala Lumpur: 12 September 2008.

- Article "Not All are Covered by Act" in *New Straits Times*. Kuala Lumpur: 15 September 2008.
- Backhouse C. & L. Cohen. (1981). *The Secret Oppression: Sexual Harassment of Working Women*. Toronto: Macmillan.
- Beehr, T.A. & J.E. Newman. (1978). "Job Stress, Employee Health and Organizational Effectiveness: A Facet Analysis, Model and Literature Review" in *Personnel Psychology*, 31, pp.665-669.
- Earnshaw, J. & M.J. Davidson. (1994). "Remedying Sexual Harassment via Industrial Tribunal Claims: An Investigation of the Legal and Psychological Process" in *Personnel Review*, 23(8), pp.3-16.
- Farley, L. (1978). *Sexual Shakedown: The Sexual Harassment of Women on the Job*. New York: McGraw-Hill.
- Firestone, J.M. & R.J. Harris. (1999). "Changes in Patterns of Sexual Harassment in the U.S. Military: A Comparison of the 1988 and 1995" in *Armed Forces & Society*, 25(4), pp.614-634.
- Fitzgerald, L.F. & A.J. Ormerod. (1993). *Breaking the Silence: The Sexual Harassment of Women in Academic and the Workplace*. New York: Greenwood Press.
- Fitzgerald, L.F. & S.L. Shullman. (1993). "Sexual Harassment: A Research Analysis and Agenda for the 1990" in *Journal of Vocational Education*, 42, pp.5-27.
- Gruber, J. & M. Smith. (1995). "Women's Responses to Sexual Harassment: Multi Variate Analysis" in *Basic and Applied Social Psychology*, 17(4), pp. 543-562.
- Gutek, B. (1985). "The Impact of Male Work Environments and Organization Policies on Women's Experiences of Sexual Harassment" in *Gender and Society*, 12(3), pp.301-321.
- Hilary, Walmsley. (1994). *Counseling Technique for Manager*. London, Kogan Page Limited.
- Katz, D. & R.L. Kahn. (1966). *The Social Psychology of Organizations*. New York: John Wiley & Sons, Inc.
- Konrad, A.M. & B. Gutek. (1986). "Impact of Work Experience on Attitudes toward Sexual Harassment" in *Administrative Sciences Quarterly*, 31, pp.442-438.
- Livingston, J.A. (1982). "Responses to Sexual Harassment on the Job: Legal, Organizational and Individual Action" in *Journal of Social Issues*, 38, pp.5-22.
- MacKinnon, C.A. (1979). *Sexual Harassment of Working Women: A Case of Sex Discrimination*. New Haven, Conn: Yale University.
- Malovich, N.J. & J.E. Stake. (1990). "Sexual Harassment on Campus: Individual Differences in Attitudes and Beliefs" in *Psychology of Women Quarterly*, 14, pp.63-81.
- Mazer, D.B. & E.F. Perceival. (1989). "Ideology or Experience? The Relationship among Perception, Attitudes and Experiences of Sexual Harassment in University Student" in *Sex Roles*, 20, pp.135-147.
- McKenna, E. (1994). *Business Psychology and Organizational Behavior*. Lawrence: Erlbaum.
- Mello, J.A. (2006). *Strategic Human Resources Management*. Thomson South-Western: Towson University, Second Edition.
- Stokedale, M.S. (1993). "The Role of Sexual Misperceptions of Women's Friendliness in an Emerging Theory of Sexual Harassment" in *Journal at Vocational Behavior*, 42, pp.84-101.
- Tangri, S.S. & S.M. Hayes. (1997). "Theories of Sexual Harassment" in W. O'Donohue [ed]. *Sexual Harassment: Theory, Research and Treatment*. Thomson South-Western: Towson University, pp.185-198.
- Tengku Omar Tengku Bot & Maimunah Aminuddin. (2000). *A Guide to the Malaysian Code of Practice on Sexual Harassment in the Workplace*. Kuala Lumpur: Leeds Publications.
- Tepestra, D.A. & D.D. Baker. (1986). "A Framework for the Study of Sexual Harassment" in *Basic and Applied Social Psychology*, 7, pp.17-34.
- Vaux, A. Feb. (1993). "Paradigmatic Assumptions in Sexual Harassment Research: Being Guided without Being Misted" in *Journal of Vocational Behavior*, 42(10), pp.116-136.
- Wagner, E.J. (1992). *Sexual Harassment in the Workplace: How to Prevent, Investigate and Resolve Problem in Your Organization*. N. Y. AMACOM: American Management Association.
- Zulkarnain Hj. Awang. (2003). "The perception of Sexual Harassment" in *Management Journal*, Vol.6, No.1.