

## **THE ISSUE OF WORKPLACE DISCRIMINATION IN MALAYSIA AND POSSIBLE STEPS TO DEAL WITH IT**

**Muzaffar Syah Mallow**

Dr, Senior Lecturer, Faculty of Syariah & Law, Universiti Sains Islam Malaysia (USIM),  
Bandar Baru Nilai, Negeri Sembilan Darul Khusus, Malaysia  
Email: [muzaffarsyah.mallow@yahoo.com](mailto:muzaffarsyah.mallow@yahoo.com)

### **Abstract**

Workplace discrimination is an unprofessional practised which don't have a place in any civilized society. It is sad to learned that as people are now living in the 21<sup>ST</sup> century equip with many laws and rules, there are still allegations which being put forward by few workers that they been subjected to workplace discrimination. In November 2017, the Malaysian Labour Centre of the Union Network International (Uni-MLC) had put a claimed that several Muslim female hotel employees in the country had complained about the discriminatory practice of being told to remove their headscarf when they work. Ever since such claimed being disclose through the country media, many workers regardless of their working sector has come forward and shared their own experience on such issue with the public. This issue had caused an uproar among the Malaysian society which want the government to take a strong stand and immediate action to deal with the matter concerning the issue of workplace discrimination more effectively and efficiently in the country. What is workplace discrimination and what constitutes discrimination against employees? In general, workplace discrimination happens when an employee is being subjected or treated unfavourably because of his or her race, skin colour, national origin, sex, gender, disability, religion, political belief, or even age. Workplace discrimination can come in many forms. And although such ill practised can sometimes be overt, such as the use of slurs or denial of advancement of any work opportunities, it can also be subtle or even concealed. Whatever it is, it is very important to eliminate workplace discrimination as the negative impact it can bring to the victim worker themselves, to the organisation which they belong to as well as to the country reputation long term reputation. As such, it is the object of the paper to analyse the issue deeper by identifying the theoretical aspect on workplace discrimination by looking into its definition, forms in which it can take, the cause and affects which it can generate, examine the existing law and practice in the country to deal with such problem and locate for possible solutions to address the issue from legal perspective.

**Keywords:** Workplace, discrimination, solutions.

### **1. INTRODUCTION**

The issue concerning workplace discrimination is not something which is uncommon or unheard to many of us. Regardless the time period in which we are living in, such ill practised seem to have been continue to happen even though we are equip with so many laws, rules and regulations which are suppose to protect individual worker in a workplace. In November 2017, Malaysian society were shocked over a report through a local newspaper concerning the policy held by certain hotel chains in the country that are banning women employees from wearing headscarf if they are working as frontliners or those who interact directly with guests. Such report were being made based on the revelation made by Malaysian Labour Centre of the

Union Network International (Uni-MLC) which received several complained from the hotel employees themselves about the existence of such policy. More shocking such practice is not only occur towards the hotel employees but also has extended to the hospitality and tourism students applying for internships (New Straits Times, November 16, 2017).

Ever since the disclosure being made, the issue has exploded and become controversy among the Malaysian society and many other employees has started to come forwards sharing their own experiences facing with such discriminatory practice at the workplace with the local media. (New Straits Times, November 23, 2017). In January 2018, the Malaysian Human Resources Ministry (MOHR) has conduct their own investigation on the arising issue and has identified at least 13 out of 88 hotels in Peninsular Malaysia which disallowed its female staff from wearing headscarf while on duty. Based on their own investigation conducted between December 2017 until January 26, the ban involved departments such as Food and Beverages (F&B) and the frontliners. The then Malaysian Human Resources Minister His Honourable Datuk Seri Richard Riot stated that the MOHR Manpower Department has advised the said hotels to rectify the matter and lift the ban immediately without any delay. According to the statement produced by then MOHR minister "The ministry is taking this issue seriously and will continue to monitor a few other premises in this industry". At the same time the minister also proposed several suggestions which include amending the existing labour law in the country to put an end to the discriminatory practice. The ministry also had held discussion with the Malaysian Association of Hotels (MAH), one of the main player in the hotel industry in the country and as a result to the discussion, MAH has said that they are committed to urge their members to do away with the ruling against headscarf. (New Straits Times, January 28, 2018).

Finally in February 2018, MAH along with other several major associations and players in the country hotel industry have agreed to signed a pledge with the Labour Department, MOHR to not implement any policies barring Muslim women staff from wearing headscarf at the workplace thus put an end to the months of controversy on such issue. The then Deputy Human Resources Minister His Honourable Datuk Seri Ismail Muttalib said the main association includes the Malaysian Association of Hotels (MAH), Malaysian Association of Hotel Owners (MAHO) and Malaysia Budget Hotel Association (MyBHA). These three associations represent more than 3,000 hotels operating throughout the country, including in Sabah and Sarawak which are located in East Malaysia. Speaking on the matter, the ministry is grateful for the associations' willingness to find an amicable and peaceful solution to the issue and ensure that workers' in the country rights are not discriminated against and hoped that through this pledge hotels under these associations will comply with the agreement and the issue concerning headscarf ban will not happen again in the future. Along with the pledge, the ministry has also decided to established an Implementation and Monitoring Action Committee at the ministry level to deal with issue concerning discrimination at the workplace in the country. (New Straits Times, February 8, 2018).

Though the issue concerning the ban of headscarf is finally over in the country with the pledge signing by the hotel industry associations but it did not stop the Malaysian workers from continue talking on such issue especially on the issue concerning workplace discrimination. The controversy issue of the ban of headscarf is only one small portion of discriminate practice at the workplace which happen in the country. There are other issues on the discriminatory practice which should be equally attended by the government and the concern authorities. (Malaysiakini, January 14, 2018). It is widely known that discrimination at the workplace can happen in various forms. Some of these forms are known to the victim themselves while other forms might be unknown to them. In this regards it is very important for us to identified the exact definition of workplace discrimination itself in order for us to fully understand the issue. Currently there are no universal accepted definition over the word workplace discrimination, but from researches and reported cases conducted it can be simply be concluded that workplace discrimination constitute a different treatment over qualified number of workers based on unjustifiable or unprofessional accounts or reasons. (Darity, William; Mason, Patrick, 1998, pp. 63 – 90).

The unjustifiable or unprofessional accounts or reasons here can be further referred to the Convention concerning Discrimination in Respect of Employment and Occupation or Discrimination (Employment and Occupation) Convention (ILO Convention No.111) which includes discriminatory practice done based on the individual worker race or skin color, sex or gender, religion, political belief or opinion, nationality, social origin and legislation that is not based on equal opportunities. (Hasmath, R; Ho, B. (2015), pp 24 – 43). Article 1 (1) of the ILO Convention No. 111 clearly states that "For the purpose of this Convention the term discrimination includes "(a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; and (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or

occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and with other appropriate bodies". Article 1 (2) of the convention further states that "Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination". (C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111), International Labour Organization (ILO), NORMLEX, Information System on International Labour Standards, Retrieved on May 27, 2018). ILO Convention No. 111 is an International Labour Organization Convention on anti - discrimination. It is one of eight ILO fundamental conventions. As of June 2017, the convention had been ratified by 175 out of 187 ILO member states throughout the entire world and worth to note here that Malaysia has not ratified the convention. (Ratifications of C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111), International Labour Organization (ILO), NORMLEX, Information System on International Labour Standards, Retrieved on May 27, 2018).

Having simple understanding over the definition of workplace discrimination as highlighted above, it is also important to know that such ill practised can be further divided into two main categories namely direct workplace discrimination and indirect workplace discrimination. Direct workplace discrimination happen when a person treats or proposes to treat worker unfavourably because of a personal characteristic belonging to such worker like due to his or her age, race, sex, gender, skin color, religious belief, or political opinion, and others. Direct workplace discrimination often happens because people make unfair or unprofessional assumptions about what worker with certain personal characteristics can and cannot do. For example, refusing to employ someone on the basis of their age because they think that such person are too old to work or to learn new skills or refusing to hire a women based on the belief that women cannot perform similarly like man or women will generate or bring a lot of problem to the workplace. As for indirect workplace discrimination, it occurs when an unreasonable condition is imposed that disadvantages a person with a personal characteristic. Indirect workplace discrimination happens when a workplace policy, practice or behaviour seems on the surface to treat all workers the same way, but it actually creating unfairly disadvantages some worker without realising it. An example to this category of workplace discrimination is a requirement for all employees to work for certain number of hours shifts which may appear to treat everyone equally without realising it may bring or cause disadvantage towards workers who has family or caring responsibilities. Though certain working requirements seem on the surface look fair and just by us all by in reality it can bring bring more problem to certain worker, this can become indirect workplace discrimination. (Victoria Equal Opportunity and Human Rights Commission, Retrieved on May 27, 2018).

From the definition and the two categories given above, workplace discrimination could occur in certain number of situations which includes in the context where stating or suggesting preferred candidates through a job advertisement, excluding potential workers during recruitment, denying certain workers compensation or benefits, paying equally qualified workers in the same position with different salaries, discriminating when giving leaves, or retirement options, denying or disrupting the use of company facilities, and discrimination when issuing promotions or lay - off.

## **2. CAUSE OF WORKPLACE DISCRIMINATION**

It is very difficult to truly identify the exact cause which give rise to workplace discrimination due to the complexity and sensitivity of the problem itself as well as various forms where workplace discrimination can take place. However, few potential causes could be highlighted like due the individual factors, bad working environment and absence of strong law. As for the individual factors, some worker might have developed insecurity feeling. If a worker feel being unsecured with his or her job or unsecured with their own life or other people way of life, he or she might behave in a negative ways which could affect the life of other innocent workers in the workplace and such negative way includes the practised of discrimination. The problem might also occur because of the culture where the worker been brought up into. If the worker has been brought up into a culture where the practice of discrimination is being regarded as something which is normal than such attitude will be carry our into their adulthood and been adopted in a workplace. Certain worker might also have developed superiority mind complex where he or she believe the he or she is the best as compared to other people in the workplace. Such worker might feel that he or she is good while others in the workplace is less better than him. Due to this kind of superior mentality, the worker started to treat others in workplace with certain attitude which amounted to discrimination.

Beside the individual factors, workplace discrimination might also happen because the workplace itself is not a conducive working environment. This can happen because lack of strong and reliable leadership especially from the top management to properly supervise the working place to be free from any discriminatory practice or from any unprofessional behaviours. Matter could even get worst if the top management themselves

practice such discriminatory practice among themselves or towards their own employees. If this happen, it will certainly make the matter more difficult because without having a strong and reliable leadership in a workplace speaking and acting against with such ill practised, any acts of discrimination in a workplace cannot be handle effectively or stop entirely.

Having no clear rules or regulations to stop workplace discrimination can also give rise to such problem. As mentioned earlier, workplace discrimination can happen in various forms, but in many countries not all of their laws are fully or comprehensively enough to address all kinds of discrimination at the workplace. Some countries only highlighted in their laws the issue concerning gender or sex discrimination, some countries focusing on the issue or unequal wages or payment, some countries focusing on the issue of nationality or social origin. Some countries highlight the issue within under their country constitution but with lack of clarity especially over the definition on the word discrimination itself, it has been subjected to many interpretation and even limitation. Without having a comprehensive rules or regulations to address such problem, it would be very difficult to put a stop to the problem effectively. As mentioned earlier also, there are few countries which are still not ratifying the Convention concerning Discrimination in Respect of Employment and Occupation or Discrimination (Employment and Occupation) Convention (ILO Convention No.111) which been regarded as important piece of international convention that prevent workplace discrimination. If such countries did not show their interest on such matter, how can they effectively and efficiently eradicate the problem in the first place.

### **3. EFFECT OF WORKPLACE DISCRIMINATION**

Though it might be difficult to identify the exact cause which give rise to the problem, however it not so when it comes to examine the effect of workplace discrimination. If workplace discrimination is not been handle effectively and efficiently it will bring negative impacts to the individual worker life, their family, the company which they belong too as well as to the country reputation. As for the individual worker life, any act of discrimination can be considered as unwelcome. Such unwelcome act could affect the individual worker mind and heart. Once the individual worker mind and heart are been disturb, it would affect their professionalism and commitment to their work. If the problem continue for a long time it could also affect their own health. (Tsutsumi, Akizumi; Kayaba, Kazunori; Kario, Kazuomi; Ishikawa, Shizukiyo (2009), pp. 56 – 61). This can also give rise to the issue of occupational stress. (Can refer to several writings by Naghieh, Ali; Montgomery, Paul; Bonell, Christopher P; Thompson, Marc; Aber, J Lawrence, 2015 & Noraini Mohd Noor, 2006 at pp. 19 - 35). As a result to this problem, the individual worker will no longer can become a productive worker in the company which they belong to. The affect is not only limited to the individual worker themselves, it also will equally affect their family as any problem faced by the individual worker at the workplace could create the domino affects to his or her family at home. (Blau, Francine D., Ferber, Marianne A., and Winkler, Anne E., 2010).

If workplace discrimination continues to happen in the company, it will disturb the working environment in the place. Once the working environment being disturb, it will create a hostile working environment where no worker can give their focus to carry out all the given tasks and responsibilities. At the end of the day, it will affect the reputation and productivity of the company. If these happen, the company will become unstable and its very existence cannot be guaranteed.

Every country in the world must regard workplace discrimination as important issue to be dealt with. Without having their commitment to deal with the problem, the problem will continue to happen without stop. What will be the main concern of many is that if the problem continue to happen, the problem will become bigger and bigger and at the end it would be highly impossible to deal with the problem regardless how many rules and regulations they planning to have in the country. The country inability to deal with the problem will certainly invite negative perception from people all over the world. If the negative perception continue, investors will become reluctant to come to the country and invest their money here. If this happen, the country economy will be affected thus open door to many inconceivable problems like social problems, unemployment, poverty and others.

### **4. EXISTENCE LAW AND PRACTICE IN MALAYSIA**

Presently there are no specific law which ban or prohibit discrimination practices at the workplace. (Siti Zaharah Jamaluddin, 2000, pp. 153 – 177, Sharifah Suhanah Syed Ahmad, 2012, pp. 179 – 196, Ashgar Ali Ali Mohamed, 2014, pp. 35 – 74 and Marilyn Aminuddin, 1990 at pp 1 – 9). Though the country have several labour laws in the country, it is not adequate enough to deal with the issue effectively and efficiently. However, worth to note that the country had in its constitution which protect its citizen from act of discrimination. When it come to the issue concerning discrimination a clear clause can be found in the

Malaysian constitution which recognizes the principle of equality and protect its citizen from discrimination. This can be found under Article 8 (1) of the Federal Constitution which reads "All persons are equal before the law and entitled to equal protection of the law". Further under part two of the same article states "Except as expressly authorised by this Constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent, gender or place of birth in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment". The exceptions mentioned here are the exceptions expressly allowed under the Federal Constitution itself which includes the affirmative actions taken to protect the special position for the Malay and the indigenous group of people in Sabah and Sarawak (East Malaysia). (Thavalingam C. Thavarajah and Raymond TC Low, 2014, pp. 57 - 60 & Rozi Bainon, 2003, p. 168).

However, important for us to know that Article 8 (1) and (2) do not tell us about the specific content of equality. While equality is not defined, it has been the subject of interpretation. (Salbiah Ahmad, 2005). Way back in 2005 the Malaysian highest court namely the Federal Court in the infamous case of *Beatrice a/p A.T. Fernandez v Sistem Penerbangan Malaysia* [2005] 2 CLJ 713 on the dismissal on ground of pregnancy, missed a golden opportunity to reverse the tide in favor of a globally accepted standard of substantive equality. In *Beatrice Fernandez* case, Beatrice (the appellant) was an employee to Malaysian Airlines System (the respondent) as a Grade B flight stewardess. The collective agreement dated 3 May 1998 governed her terms and conditions of service. Article 2(3) of the First Schedule to the collective agreement requires all stewardesses (in the same category as Beatrice) to resign upon becoming pregnant. The first respondent shall have the right to terminate her services in the event if she refuses to resign. The appellant refused to resign when she became pregnant and was terminated by the respondent. This led her to file a legal suit at the High Court submitting that the provisions of the collective agreement were discriminatory in nature and therefore contravened Article 8 of the Federal Constitution rendering the collective agreement void. The High Court and Court of Appeal dismissed her application. The appellant then applied for leave to appeal to the Federal Court. The Federal Court refused to grant her with such leave.

Both the Court of Appeal and Federal Court are of view that Article 8 is not applicable to the collective agreement simply because the word 'law' in the context of Article 8 does not include collective agreement as the latter is a contract which is enforceable as an award when taken cognisance by the Industrial Court. Furthermore the Court of Appeal where its finding which also been upheld by the Federal Court stated that "As a branch of public law, Constitutional law, deals with the contravention of individual rights by a public authority, i.e. the State itself or any of its agencies, as distinguished from another individual. Where both parties affected by the infringement of a right are private individuals, constitutional law would take no cognisance of it by extending its substantive or procedural provision". In simple word, constitutional law is only applicable if the rights of individual had been contravened by a public authority. If the contravention is made by another private entity, the remedies may be claimed under private law as the constitutional remedy is not available. The case has set a precedent and create concern from legal point on the adoption of narrow application and literal approach regarding constitutional prohibition against gender discrimination as well as other kinds of discrimination which can happen in a workplace.

In July 2011, the Malaysian High Court delivered a landmark decision in the case of *Noorfadilla binti Ahmad Saikin v Chayed bin Basirun and Ors* [2012] 1 CLJ 769 when it held that refusal to employ a woman on the grounds of pregnancy alone is a form of gender discrimination, and thus unconstitutional under Article 8 of the Federal Constitution. The Shah Alam High Court ruled in 2011 that the government had discriminated against Noorfadilla and, in the landmark decision, held that the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which Malaysia had ratified in 1995 had the force of law in Malaysia. The decision was welcomed by all the legal community and non - governmental organisations (NGOs) in the country as been regarded as the most important case on the issue concerning discrimination. In this case. Noorfadilla sued the government in 2010 after Hulu Langat district education officers revoked her appointment as temporary teacher due to her pregnancy and refused to reinstate it.

In 2014, the Shah Alam High Court awarded Noorfadilla RM300,000 in damages for breach of her constitutional right to gender equality, as well as damages of RM25,000 for emotional and mental distress, RM5,000 in costs, RM12,907.68 for loss of earnings, RM2,296.10 for loss of EPF (Employees Provident Fund), and RM912.71 for loss of EPF dividends. However, the Shah Alam High Court in February 2016 slashed her award to only RM30,000 claiming that the original sum made to her amounted to a "handsome profit" for the woman.(The Malay Mail, February 17, 2016).

In 2016, the Court of Appeal retained the RM30,000 damages for breach of constitutional right, but awarded

her client an additional RM10,000 for pain and suffering. The Shah Alam High Court had included damages for emotional and mental distress together with damages for breach of constitutional right in the early RM30,000 award which was made. In September 2017, she applied for a leave from the Federal Court which was granted in order to decide how to determine damages for a breach of constitutional rights. (The Malay Mail, September 7, 2017).

At the Federal Court level, the plaintiff, Noorfadilla Ahmad Saikin, would like to pose three questions of law to the apex court to answer namely whether damages must be specifically proven when assessing damages for breach of the constitutional right to gender equality under Article 8(2) of the Federal Constitution, whether the quantum of damages should reflect a sense of public outrage, emphasise the importance of the constitutional right and the gravity of the breach, and whether the quantum of damages should deter against further breaches. In May 2018, the Federal Court awarded her with RM40,000 for breach of her constitutional right. A five-man bench chaired by Chief Judge of Malaya Ahmad Maarop, in allowing Noorfadilla Ahmad Saikin's appeal, only gave an additional RM10,000 to her for gender discrimination. However, the bench allowed the government's appeal to set aside an award of RM10,000 for pain and suffering. What more sad in this case, the Federal Court would not answer the three legal questions of law posed by Noorfadilla. Lawyer Honey Tan, who represented Noorfadilla, said the monetary award was secondary what is more important is that the apex court had missed an opportunity to answer the three questions to bring certainty should there be similar cases been brought forward to the country court in the future. Tan said the government has also not changed its policy on temporary pregnant teachers and it would have to pay if cases similar to Noorfadilla's ended up in court. Crucial to note, in Noorfadilla's case, there still no clear guidelines as to how the damages were to be assessed. (Free Malaysia Today, May 15, 2018).

## **5. POSSIBLE SOLUTIONS**

Due to the headscarf ban issue recently, the then Malaysian Minister of Human Resources suggested to make amendment to the existing labour law in the country in order to put an end to the discriminatory practice at workplace. Among the proposal which been put forward was to amend the country Employment Act 1955 [Act 265] to address the issue. (The Sun Daily, January 13, 2018). Using Employment Act 1955 [Act 265] may not be enough to address or tackle the issue concerning workplace discrimination in the country. Employment Act 1955 does not apply to all employees. The protection under the Employment Act only applies to certain categories of employees namely those employees whose monthly salary does not exceed RM2,000, employees who are engaged in manual labour regardless of the salary, employees engaged in the operation or maintenance of mechanically propelled vehicle, employees who supervise or oversees other employees engaged in manual labour, employees engaged in any capacity on a vessel (subject to certain other conditions), and domestic servants. However worth to note that multiple parts of the Employment Act do not apply to domestic servants such as termination benefits, hours of work and maternity protection. In addition for an employee to come within the purview of the Employment Act 1955 they must be employed under a "Contract of Service" as opposed to a "Contract for Services". Employment Act 1955 also only applicable in Peninsular Malaysia and Labuan only. For Sabah and Sarawak, they are governed by their respective Labour Ordinance. (T. Balasubramaniam, 2012, pp.1 - 26 and Dunstan Ayadurai, 1996, pp. 11 - 33. Unless there is a plan to give a clear exception to those mentioned limitations above in order to allow the proposed amendment to take place effectively, it will be difficult to address the issue concerning workplace discrimination under the existing legislation. Inserting the matter under any existing labour laws in the country will also adequately solve the problem as each of the labour legislation has its own weaknesses. (Cecilia Ng, Zanariah Mohd Nor & Maria Chin Abdullah, 2003, pp 41 -63 ).

Beside inserting the issue under any existing legislation, another option which the government can consider is by having a stand-alone legislation to address such issue. Having a stand-alone law on to tackle the matter is not something new as several country have also take the approach like Canada, United States of America, United Kingdom and European Union. (Deirdre McCann, 2005, pp 22 - 24). By having a stand-alone law on such issue, various aspects of workplace discrimination can be address clearly and properly beside focusing only on the issue concerning worker dress or gender discrimination for example discrimination which involve workers age, individual disability, health, equal pay issue, genetic information, harassment, national origin, race, skin colour, personal belief or religion, and others. By having specific law on the issue, we could address the issue more seriously in the country, having the ability to create a strong policies against any forms of workplace discrimination, providing fair and equal protection for all workers as well as having the capability to investigate any complains on the issue more effectively and efficiently. As part of international community, it would be better if Malaysian government could give serious attention to the issue by ratifying the Convention concerning Discrimination in Respect of Employment and Occupation or Discrimination (Employment and Occupation) Convention (ILO Convention No.111).

## REFERENCE LIST

- Ashgar Ali Ali Mohamed. (2014). *Dismissal from Employment and the Remedies*. Second Edition. Malaysia: LexisNexis.
- Azura Abas, "Ministry keeping watch on hijab-ban issue - Rohani", *New Straits Times*, November 16, 2017, <https://www.nst.com.my/news/nation/2017/11/303990/ministry-keeping-watch-hijab-ban-issue-rohani>
- Blau, Francine D., Ferber, Marianne A., and Winkler, Anne E. (2010). *Differences in Occupations and Earnings: The Role of Labor Market Discrimination*. The Economics of Women, Men, and Work (6<sup>TH</sup> international ed.). Harlow: Pearson Education
- Boo Su-Lyn, "To prevent profiteering, court slashes woman's gender equality case award by 90pc", *The Malay Mail*, February 17, 2016, <https://www.malaymail.com/s/1061919/to-prevent-profiteering-court-slashes-womans-gender-equality-case-award-by#7AGYq29gBSf74LeB.97>
- Boo Su-Lyn, "Landmark case set to decide how much Putrajaya must pay for rights breach", *The Malay Mail*, September 7, 2017, <https://www.malaymail.com/s/1459921/landmark-case-set-to-decide-how-much-putrajaya-must-pay-for-rights-breach>
- C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111). International Labour Organization (ILO). NORMLEX, Information System on International Labour Standards. [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C111](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C111). Retrieved on May 27, 2018
- Cecilia Ng, Zanariah Mohd Nor & Maria Chin Abdullah. (2003). *A Pioneering Step Sexual Harassment & The Code of Practice in Malaysia*. Selangor: Women's Development Collective.
- Darity, William; Mason, Patrick (1998). "Evidence on Discrimination in Employment: Codes of Color, Codes of Gender". *Journal of Economic Perspectives*. 12 (2): 63 – 90.
- Deirdre McCann. (2005). *Sexual Harassment at Work: National and International Responses*. Geneva: International Labour Organisation (ILO).
- "Discrimination - Workplace". Victoria Equal Opportunity and Human Rights Commission, <https://www.humanrightscommission.vic.gov.au/the-workplace/workplace-discrimination>. Retrieved on May 27, 2018)
- Dunstan Ayadurai. (1996). *Industrial Relations in Malaysia Law and Practice*. Second Edition. Kuala Lumpur: Malayan Law Journal Sdn Bhd.
- Fahmy Azril Rosli, "Human Resources Ministry: 13 hotels prohibit staff from wearing hijab", *New Straits Times*, January 28, 2018, <https://www.nst.com.my/news/nation/2018/01/329635/human-resources-ministry-13-hotels-prohibit-staff-wearing-hijab>
- Fauziah Ismail, "The hijab experience", *New Straits Times*, November 23, 2017, <https://www.nst.com.my/opinion/columnists/2017/11/306345/hijab-experience>
- Hasmath, R; Ho, B. (2015). "Job Acquisition, retention, and Outcomes for Ethnic Minorities in Urban China". *Eurasian Geography and Economics*. 56 (1): 24 – 43.
- "Headscarf ban on hotel workers: Employment Act to be amended to prevent discrimination", *The Malay Mail*, January 13, 2018, <http://www.thesundaily.my/news/2018/01/13/headscarf-ban-hotel-workers-employment-act-be-amended-prevent-discrimination>
- Marilyn Aminuddin.(1990). *Malaysian Industrial Relations*. Singapore: McGraw – Hill Book Company Publisher.
- Naghieh, Ali; Montgomery, Paul; Bonell, Christopher P; Thompson, Marc; Aber, J Lawrence. (2015). "Organisational interventions for improving wellbeing and reducing work-related stress in teachers". 4 *The Cochrane Database of Systematic Reviews*.
- Noraini Mohd Noor. (2006). *Work, Family and Women's Well – Being in Malaysia, Striving for a Balance*.

First Edition. Selangor: International Islam University Malaysia (IIUM) Press.

- Nursyahirah Marzuki, "Hotel associations agree to scrap 'no tudung' policy", *New Straits Times*, February 8, 2018, <https://www.nst.com.my/news/nation/2018/02/333440/hotel-associations-agree-scrap-no-tudung-policy>
- Ratifications of C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111). International Labour Organization (ILO). NORMLEX, Information System on International Labour Standards. [http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300\\_INSTRUMENT\\_ID:312256](http://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312256). Retrieved on May 27, 2018
- Rozi Bainon. (2003). *Wanita Penghapusan Diskriminasi dari Perspektif Islam dan Undang - Undang - Undang Malaysia*. Kuala Lumpur: Dewan Bahasa & Pustaka.
- Salbiah Ahmad. (2005). *Gender Equality under Article 8: Human Rights, Islam and "Feminisims"*. [http://www.malaysianbar.org.my/gender\\_issues/gender\\_equality\\_under\\_article\\_8\\_human\\_rights\\_islam\\_and\\_feminisims\\_by\\_salbiah\\_ahmad.html#\\_ftn15](http://www.malaysianbar.org.my/gender_issues/gender_equality_under_article_8_human_rights_islam_and_feminisims_by_salbiah_ahmad.html#_ftn15). Retrieved on 29 May 2018.
- Sharifah Suhanah Syed Ahmad. (2012). *Industrial Relations Law in Malaysia: Cases & Materials*. Kuala Lumpur: University of Malaya Press.
- Siti Zaharah Jamaluddin. (2000). *Pengenalan Undang – Undang Perhubungan Perusahaan di Malaysia*. Kuala Lumpur: Penerbit Universiti Malaya.
- T. Balasubramaniam. (2012). *A Parctical Guide to the Employment Act 1955*. Selangor: Current Law Journal Publisher Sdn. Bhd.
- Tsutsumi, Akizumi; Kayaba, Kazunori; Kario, Kazuomi; Ishikawa, Shizukiyo (2009). "Prospective Study on Occupational Stress and Risk of Stroke". *Archives of Internal Medicine* 169 (1): 56 – 61.
- Thavalingam C. Thavarajah & Raymond T.C Low. (2014). *Employment and Industrial Relations Law Malaysia*. Kuala Lumpur: Commerce Clearing House (Malaysia) Sdn Bhd.
- "Tudung ban not the only form of workplace discrimination, ministry told", *Malaysiakini*, January 14, 2018, <https://www.malaysiakini.com/news/408637>
- V. Anbalagan, "Woman who lost job offer due to pregnancy awarded RM40,000", *Free Malaysia Today*, May 15, 2018, <http://www.freemalaysiatoday.com/category/nation/2018/05/15/woman-who-lost-job-offer-due-to-pregnancy-awarded-rm40000/>