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SEXUAL HARASSMENT AND ITS IMPLICATION ON PERFORMANCE: A
STUDY OF PRIVATE ORGANIZATION

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DECLARATION

“I admit that this report is my own work except the citations which I have mentioned the source”

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DEDICATION

For my Umi, Abah, Yus, Kakak and Adik, thanks for your love and support. This final year project is dedicated to show my truly appreciation to all of you. I love you.

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ABSTRAK

Gangguan seksual boleh ditakrifkan sebagai gangguan fizikal yang tidak diingini dalam persekitaran organisasi yang mengancam mangsa. Isu gangguan seksual telah dijalankan untuk menganalisis pekerja dalam sektor swasta. Projek ini bertujuan untuk menentukan langkah terbaik dalam mencegah isu gangguan seksual di tempat kerja. Implikasi terhadap prestasi pekerja turut dijalankan selain untuk mencari penyelesaian terbaik bagi fenomena gangguan seksual ini. Satu kajian kuantitatif menggunakan kaedah soal selidik telah dilakukan untuk mendapatkan maklumat mengenai gangguan seksual. Data kajian menunjukkan bahawa masalah gangguan seksual memberi kesan negatif kepada mangsa wanita berbanding pekerja lelaki. Hasil kajian mendapati bahawa sesetengah mangsa takut untuk menfailkan kes kerana malu dan meletakkan tugas sebagai kerjaya yang tetap tertentu dalam usaha untuk terus hidup. Cadangan dalam kajian ini adalah untuk menggalakkan majikan untuk memberikan prestasi terbaik serta kesedaran mengenai kesan gangguan seksual kepada pekerja di dalam organisasi.

Kata Kunci: Gangguan Seksual, Sektor Swasta, Prestasi, Tempat Kerja, Mangsa.

ABSTRACT

Sexual harassment can best define as unwanted physical from the environment in the organization that threatens the victims. Sexual harassment issue was conducted in order to analyze the private organization between employees at the workplace. This research project aims to determine the best way in preventing sexual harassment issue. The implications on employee performance were being investigated as well as to find best solution to the sexual harassment phenomena. A quantitative study using questionnaires survey was being conducted thoroughly in order to gain data information regarding sexual harassment. The findings showed that the sexual harassment problem gives negative impact to the female victims rather than male employees. The overall results found that some victims are afraid to filed cases because of embarrassed and put their working job as particular career in order to survive. Recommendations are highlight in this research to encourage employer to give best performance as well as awareness among the employees.

Keywords: Sexual Harassment, Private Organization, Performance, Workplace, Victims.

TABLE OF CONTENT

CHAPTER	PARTICULARS	PAGE
	DECLARATION	ii
	DEDICATION	iii
	AKNOWLEDGEMENT	iv
	ABSTRAK	v
	ABSTRACT	vi
	TABLE OF CONTENT	vii
	LIST OF TABLE	x
	LIST OF FIGURE	xii
	LIST OF ABBREVIATION	xiii
	LIST OF APPENDICES	xiv
CHAPTER 1	INTRODUCTION	
	1.1 Introduction	1
	1.2 Problem Statement	2
	1.3 Objectives	2
	1.4 Scope	3
	1.5 Limitations	3
	1.6 Importance of the Project	3
	1.7 Summary	4

CHAPTER 2 LITERATURE REVIEW

2.1	Introduction	5
2.2	Definition of Sexual Harassment	8
2.3	Types of Sexual Harassment	8
2.4	Driving Factor to Sexual Harassment	10
2.4.1	Motivation	10
2.4.2	Overcoming Internal Inhibitions against Harassment	11
2.4.3	Overcoming External Inhibitions against Harassment	11
2.4.4	Overcoming Victim Resistance	12
2.5	Consequences of Sexual Harassment	12
2.5.1	Psychological	12
2.5.2	Physical	13
2.5.3	Organizations	13
2.6	Actions Taken by Victim	13
2.7	Results from Action Taken	14
2.8	Theoretical Framework	15
2.9	Summary	16

CHAPTER 3 RESEARCH METHOD

3.1	Introduction	17
3.2	Research Design	17
3.3	Quantitative Method Research	18
3.4	Primary and Secondary Data Sources	18
3.4.1	Primary Data Sources	18
3.4.2	Secondary Data Sources	18
3.5	Location of Research	19
3.6	Method of Primary Data Collection	19

3.7	Reliability	20
3.8	Summary	20
CHAPTER 4	DATA ANALYSIS AND DISCUSSION	
4.1	Introduction	22
4.2	Survey Response Rate	23
4.3	Respondent's Demographic Profile	23
4.4	Investigating the Extend of Sexual Harassment Problem in Private Organization	27
4.5	Consequences of Employee Performance	29
4.6	Preventing Sexual Harassment Problem	29
4.7	Issues Related with Sexual Harassment	31
4.8	Negative Impact of Sexual Harassment	35
4.9	Reliability Analysis	36
4.10	Summary	37
CHAPTER 5	RECOMMENDATION AND DISCUSSION	
5.1	Introduction	38
5.2	Recommendation to Prevent Sexual Harassment	39
5.3	Limitations and Suggestion for Future Research	40
5.4	Conclusion	41
	REFERENCES	42
	APPENDICES	47

LIST OF TABLE

NO.	TITLE	PAGE
2.1	Statistics of sexual harassment cases	7
4.1	Overview of respondent's demographic profile	24
4.2	Person with high position level has the potential to sexual harassment problem	27
4.3	Organization does not take sexual harassment seriously to the legal place	28
4.4	Female workers is most vulnerable to sexual Harassment rather than her male counterparts	28
4.5	Sexual harassment results in frequent absenteeism, depression and low productivity	29
4.6	Persons who harass should be rightfully punished	30
4.7	Company should organize programs related with sexual harassment problem	30
4.8	Company should develop an internal mechanism to handle sexual harassment	31
4.9	If you are the victim of sexual assault, would you tell someone?	31
4.10	Do you know someone who has been the victim of sexual abuse?	32
4.11	Would you feel ashamed to report sexual harassment?	32

4.12	Do you feel sexual harassment is a universal problem at the workplace?	32
4.13	When the companies fail to solve the problems, most people will seek to settlement by legal mean	33
4.14	Man as well woman may be sexually harassed	33
4.15	Have you ever been harassed by any person at the working place?	34
4.16	Are you aware that there is a code on prevention	34
4.17	Negative impact of sexual harassment	35
4.18	Case processing summary	36
4.19	Reliability statistics	36

LIST OF FIGURE

NO.	TITLE	PAGE
2.8	Theoretical Framework	15

LIST OF ABBREVIATION

m	=	Mean
sd	=	Standard Deviation
SPSS	=	Statistical Package for Social Sciences

LIST OF APPENDICES

NO.	TITLE	PAGE
A	Questionnaire	47
B	Letter Of Permission To Conduct Research	48
C	Gantt Chart PSM I	49
D	Gantt Chart PSM II	50

LIST OF APPENDICES

NO.	TITLE	PAGE
A	Letter Of Permission To Conduct Research	47
B	Questionnaire	48
C	Gantt Chart of PSM I	54
D	Gantt Chart of PSM II	55

CHAPTER 1

INTRODUCTION

1.1 Introduction

Sexual harassment is a social problem that continuously happens in workplace among employees. Usually, this kind of problem always threatens female workers, which gives negative impacts to their working performance. At the same time, number of women entering occupations field increasing from time to time rather than male workers. They spend a lot of time for working hours in 5 days a week at the workplace which becomes their second 'home' for both male and female employees. Not only will it risk female workers in aspect of sexual harassment, but also to the environment of the workplace itself. If the workplace consists large number of female workers, male workers may be the victims too. Townsend and Luthar (1995) believed that there was evidence of a rise in the number of men suffering from sexual harassment. It would appear that women usually harassed men when they are worked in a heavily female oriented environment (Pringle, 1989).

In 1999, The Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace was launched by the Human Resource Ministry of Malaysia. This is an effort established by the government in order to gives practical guidance for employees to handle sexual harassment at the workplace. Besides that, female employees are subjected to sexual harassment by their male colleagues. This will

helps female worker enhance their awareness of sexual harassment from their male counterparts.

1.2 Problem Statement

According to Wyatt (2000) sexual harassment existed prior to the sixties, people had no way to talk about it since there was no term by which to name the experience. There were cases being filed due to sexual harassment problem in private organization. These were the only cases that being filed in the company but how about the rest that were not because of some factors? Baugh (1997) pointed out fear of retaliation or losing desperately needed income likely to be the factor for that matter. Thus, the research question on this study are “why does the sexual harassment problem still happens and how do these actions impact the performance of the employee at the workplace?” Competition has become increasingly violent to the world as well as the organizations which cannot bear to overlook on this threat to female employees at working place. Landmark case of Lilian Therera De Costa vs Jennico Associates Sdn. Bhd considered as *‘providing the impetus to highlight the plight of the silent complainants of sexual harassment’* in Malaysia because the Industrial Court found that she was constructively dismissed, meanwhile the High Court later set aside the decision (Jothy, 2010).

1.3 Objectives

The objectives of this research are as follow:

- (i) To investigate sexual harassment problem in private organization.
- (ii) To examine the consequences of employee performance.

- (iii) To recommend the best way in preventing sexual harassment issue of private organization.

1.4 Scope

This study covers for both male and female employees of private organization. Private organization was chosen as the location for this research obviously, private organization are easier to deal with compared to government sector which there are too many protocols need to go through in getting the data information. Executives especially from Human Resource Management as well as the victims in the particular company are the respondents for this research in order to obtain the information.

1.5 Limitations

Most of the respondents embarrassed to share their experience, which is limited in getting the information of sexual harassment issue. Therefore, the findings of the study cannot be generalized. Moreover, the data used for this research project comes from cross sectional studies on sexual harassment at working place in private organization.

1.6 Importance of the Project

This study is important in order to gain an understanding about sexual harassment, actions the victims of sexual harassment normally choose to take in

overcoming it as well as the implications of those actions towards their performance in the company. Findings from this study may increase the understanding of the viewers.

1.7 Summary

Sexual harassment is a persistent nature in employment since years ago and it seems as very problematic issue in the working place. Nevertheless, it occurs elsewhere all over the world. Throughout the history, a large number of women has suffered from unhealthy sexual behaviors, usually provoked by their employer rather than male colleague. Other than that, obviously it gave impact to the victims as they had to face day by day working in the organization with the person who did harass them. Things will get worse if victims keep it silence without report and take any action from the organization itself. Organization or rightful person is responsible to handle the sexual harassment cases in order to maintain the performance within the person in the organization itself.

CHAPTER 2

LITERATURE REVIEW

2.1 Introduction

Sexual harassment is increasingly viewed as an occupational health problem at the workplace in recent years. Other than that, victims who have suffered from sexual harassment have not reported to their responsible person in charge for a number of reasons. Organizations used performance management to drive behavior from the employees to get specific outcomes (Research, 2011). Employees must know what they need to do to perform their job successfully. Employer should make it clear that sexual harassment cannot be tolerated as it will impact on the employee's performance in the organization. Sexual harassment certainly is a long term impact on the emotional and physical health of the victims. Although sexual harassment is a universal issue, it is particularly problematic in situations where women are being viewed as a weak person. Obviously, the work force comprises that largely of young women with little formal education or previous work experience being threatens by this action.

In addition, sexual nature from the harasser in the organization eventually will impact the performance of the victims in their work. Corporations could no longer ignore when this type of behavior occurred in the work place (Kiely and Henbest, 2000). Moreover, "*Disclosure*" film (1994) has quoted that "*Sexual harassment is not about sex. It is about power.*" The film is about a computer specialist who is sued for sexual

harassment by a former lover turned boss who initiated the act forcefully, which threatens both his career and his personal life. “*Disclosure*” exposed that a woman harassed a man at the workplace. It can happen to both either female or male employee as a victims of sexual harassment. Apart from that, the film invites viewers to critically examine topics such as how convenient it is to inflict allegations of sexual harassment that can destroy one's career and whether a double standard exists when such allegations are levied by men or women.

The Industrial Court of Malaysia (2010) has brought a case showed that the Claimant have shown a betrayal of trust in the company he has worked with. He did show immoral attitude towards his female staff member that cause her terribly embarrassed and shocked.

- Award No** : 559
- Claimant** : Encik Sugumaran A/L Muthusamy
- Company** : KFC Peninsular Malaysia Sdn. Bhd.
- The Facts** : The Claimant commenced employment with the company on 19th of June 1997. He held the designated post of Assistant Restaurant Manager at the Company’s Batu Gajah branch restaurant in Perak. The Claimant’s troubles began at between 11.30 pm and before midnight on August 20, 2004 when a contretemps took place between the Claimant and a female member of staff at the branch concerned. As a result of this altercation it was alleged by that female staff that the Claimant had outraged her modesty. A complaint was filed to the Company and a police report was lodged by that female staff.
- The Evidence** : One of the witnesses, Adli Hafiz bin Sapri testified that he had seen and heard what had occurred between the Claimant and female staff on the night of August 20, 2004. He had eye-witnessed the Claimant reaching out and groping the breast of the female staff and whilst doing so the Claimant had uttered the expression

“kerasnya”.

In addition, according to Labor Department Peninsular Malaysia, Ministry of Human Resource (2012), above are the statistics of cases that have been filed and were settled by the years 1999 until 2010. The recent amendment to Employment Act (1955), make it mandatory for all employers in Malaysia to inquire into complaints of sexual harassment thus, providing an avenue for effective handling of sexual harassment.

Table 2.1: Statistics of sexual harassment cases
(Source: Labor Department Peninsular Malaysia, 2012)

Year	Number
1999	29
2000	61
2001	46
2002	21
2003	16
2004	19
2005	12
2006	23
2007	9
2008	19
2009	22
2010	20

Moreover, Section 509 of the Penal Code provides that:

“Whoever, intending to insult the modesty of any person, utters any words, makes any sound or gesture or exhibits any object, intending that such word or sound shall be heard, or such gesture or object shall be seen by such person, or intrudes upon the privacy of such person, shall be punished with imprisoned for a term which may extend to 5 years or with fine, or with both”.

Sexual harassment at the workplace led to the introduction of the Code by the Ministry of Human Resources in 1999 which guide employers in establish and implement a preventive for sexual harassment problem.

2.2 Definition of Sexual Harassment

The individual experience of sexual assault is subjective even there is general agreement about which behavior might constitute to the threat. Sexual harassment often reflects an abuse of power within an organization, where members of group of people yield greater power than other, generally women. It is linked with women's advantage status at work and might be in the society. Stone (1998) argues that sexual harassment is not about sexual attraction, it is about the abuse of power. The victim does not have to be of the opposite sex (Ottensmeyer and McCarthy, 1996).

The Convention on The Elimination of all Forms of Discrimination against Women (1981) has defined sexual harassment as such unwelcome sexually determined behavior as physical contact and advances, sexually colored remarks, showing pornography and sexual demands, whether by words or actions. Such conduct can be humiliating and may constitute a health and safety problem which is discriminatory when the woman has reasonable ground to believe that her objection would disadvantage her in connection with her employment, including recruitment or promotion, or when it creates a hostile working environment.

2.3 Types of Sexual Harassment

The alleged sexual harassment occurred within the views of other people around. There are two types of sexual harassment under the Human Rights Act (1993) which