

CHAPTER 4

THE MALAYSIAN SCENARIO

This chapter looks at the Malaysian scenario in terms of wage discrimination against working women. To present the Malaysian case, this chapter will be divided into six sections. The first four sections will concentrate on Malaysia's colonial background, federal constitution and labour laws, government policies and the education system respectively. The aim of these sections is to highlight the presence and persistence of the causes of wage discrimination - sex-role stereotype, gender-related job segregation and gender differences in human capital - in the Malaysian scenario. Each section will separately highlight its role and position with reference to Diagram 1.1. Major reforms or changes will also be identified in three of the four aspects - federal constitution and labour laws, government policies and education system. The final section concludes with a discussion incorporating foreseeable social difficulties, which will occur in the process of attaining equality for Malaysian women.

4.1 Colonial Background

Malaysia was a former colony of the British Empire. The influence of the former colonial rulers is evident in all areas of life such as the country's law, administrative

systems and education system. Research shows that the influence of colonial intervention was also apparent in restricting educational opportunities and leading women into gender-related job segregation in the work place. Women in countries, which have been colonised, have experience discrimination as a result of a combination of traditional society's influences and colonial intervention. Literature in this field state that discrimination against women happened as a "direct result of colonial intervention when a Western model of roles and responsibilities of men was different from that of women, was superimposed on traditional societies"²⁶⁰. The effect of colonial intervention is also substantiated in various other former colonies of the west. In Latin America, the Caribbean and later in Africa, the colonial experience showed that when women went out to work they were discriminated against "through a combination of institutional factors working in collaboration to keep them out".²⁶¹ Various other studies also reveal that "colonialism (and racism and nationalism) embedded in Canad[ian] laws and policies [have] helped shape the history of family and work patterns for women and men" in that country.²⁶²

The influence of colonial system had an effect in the education attainment among men and women through the policies and restrictions imposed particularly on women. "The prejudices of a colonial system which deliberately opted to restrict opportunities only to the urban centres" also proved another obstacle for Malaysian women towards attaining more education and skill or training.²⁶³

²⁶⁰ Rogers, Barbara, "The Domestication of Women", London: Kogan Page, 1980.

²⁶¹ Reskin, opcit, 45.

²⁶² Lynn, opcit, 55.

²⁶³ Sha'ban, opcit, 125.

Colonial interference also resulted in segregating women into gender specific roles in the work place. "The Western gender stereotypes of women were used to drive them out of many of the best-paid and least strenuous jobs in industry and mining".²⁶⁴ In "colonial Malaya, the mechanisation of the [tin mining] industry excluded women" leaving them instead, to engage in "back-breaking work [as] *dulang* washers panning for tin".²⁶⁵ Segregation into jobs such as these provided low wages for women. Furthermore, regulations implementation by the colonial system also included that women working as *dulang* washers "had to apply and pay for a yearly license to the government before they could work".²⁶⁶ The actions of government policies and regulations of the colonial system only served to "indirectly penalise [women] for their economic initiative".²⁶⁷

With reference to Diagram 1.1, we note that a colonial past takes effect in the socio-structural coercion stage. We learnt earlier on that during this stage, social institutions created and controlled by men shaped and influenced options and coerced women's behaviour.²⁶⁸ The former colonial rulers controlled options available to women through national policies and laws. This phenomenon contributed towards limiting women's access to formal education and pushed them into jobs, which were made available to them. These restrictions severely inhibited women's earnings in paid jobs. This brings us to the conclusion that colonial intervention played a part in the socio-structural coercion stage (link 1) among men and women. This contributed towards sex-role stereotypes formed at that time which discriminated against local women's access to

²⁶⁴ Reskin, opcit, 50.

²⁶⁵ Ibid.

²⁶⁶ Rogers, opcit, 45.

²⁶⁷ Rogers, opcit, 46.

education and into all occupational categories. Lower wages received by women was a result of lower human capital acquired and participation in lower earning occupations due to discrimination. Therefore, the colonial background of the country also highlights the sex-role stereotype - wage discrimination link (2a).

4.2 Federal Constitution and Labour Laws

It is important to look at the Malaysian constitution for any provisions against discrimination in the workplace to help lay the ground work on wage inequalities against working women. It is noted that the "federal constitution does not retain any discrimination clauses between the sexes - male and female citizens - in areas of employment or in socio-economic standard of life".²⁶⁹ However, the constitution does provide for instances of "covert abuse of rights on the part of the masculine gender, [whereby] the law protect[s] the rights of women".²⁷⁰ Another interpretation of the federal constitution and its role in combating discrimination of any kind let alone wage discrimination, states that the federal constitution "does not clearly lay down that there should be no discrimination of sex".²⁷¹ This view further acknowledges that "despite efforts to look into the possibility of inserting a more emphatic provision [against sex discrimination], nothing has been achieved so far".²⁷² Therefore, with these observations of the provision for working women in the Malaysian constitution, "it will not be wrong

²⁶⁸ Gerson, *opcit*, 55.

²⁶⁹ Sha'ban, *opcit*, 34.

²⁷⁰ Sha'ban, *opcit*, 35.

²⁷¹ Jamilah Ariffin, *opcit*, 126.

²⁷² Jamilah Ariffin, *opcit*, 126.

to say that whenever discrimination of sex occurs, there is nothing to protect and safeguard the interest of women at all".²⁷³ This is significant as it points towards a gap in the constitution with regards to gender equality for women. It is difficult for women to fight for their rights in and outside the work place if a comprehensive legal framework does not support them.

In addition, focusing on the Malaysian labour laws and its provision for the working women, we also notice that there is no provision for equal pay between men and women. Generally, Malaysia has "comprehensive labour laws covering the relations between the employer and employee. The Employment Act dates back to 1955, regulating work hours, sick leave and wages. Women and youth are not allowed to work nightshifts, but exemptions have been made for the largest employer of women, the electronic industry".²⁷⁴ The lack of a comprehensive equal employment act aimed at protecting working women is also a major obstacle for them to combat discrimination in general and more specifically wage inequalities in the work place. The lack of labour laws or legislature protecting Malaysian women, will only serve to convey the message that women occupy a secondary position in and outside the home.

With reference to Diagram 1.1, we note that the inadequate provision of equal employment laws in Malaysia results in wage discrimination. In the diagram, it is highlighted that even when women engage in *like work, work rated as equivalent and work of equal value*, wage discrimination still occurs. This was shown in Chapter 3

²⁷³ Jamilah Ariffin, *opcit*, 127.

²⁷⁴ Lie, *opcit*, 35.

through the discussion on three separate equal pay claims. The fact that there are no laws in the country promoting equality for women only contributes towards the persistence of among others wage discrimination against women.

Major reforms are needed in our constitution and labour laws. The legal framework of the country needs to protect women against all kinds of discrimination and promote equality in the country. Changes in the legal framework is time consuming and needs the support and participation of many - decision makers, policy makers, national machinery, employers and male and female citizens. Any changes in the framework can only come after positive changes in the attitudes and values among the major players. Education and training on gender sensitivity takes time as people need to unlearn and re-learn new values and behaviours. Employers should be prepared to make contractual and policy changes in their organisations. Major policy changes in organisations should include among others efforts to "combine parenthood and work for both women and men [and to] provide extended rights to parental leave during pregnancy, time of birth or during nursing".²⁷⁵ These changes encourage women to participate and stay in the work force and engage more in full time work. These changes also enable dual-earner families to share the responsibility of raising children. All these as we have noted earlier in Chapter 2 have crucial bearing on the reinforcement of stereotypes and women's wages. All this said, the federal constitution and labour laws in Malaysia need to "stress that sex discrimination is banned in [among others, awarding of] pay" and that discrimination should be "forbidden in all societal activities and in all areas of life".²⁷⁶ This clear and

²⁷⁵ Melkas, *opcit*, 45.

²⁷⁶ Melkas, *opcit*, 47.

strong message conveyed through the federal constitution and labour laws will help make the promotion of equality a priority in the country.

4.3 Government Policies

Malaysia's progress towards achieving goals and aspirations is engineered through various policies focusing on all aspects of economic and social growth and development. Of the many government policies, Vision 2020 is one such policy. The ultimate goal of this policy is to make Malaysia a fully industrialised country by the year 2020. One of the challenges of the vision is the human resource development challenge, which looks towards the intellectual and physical exertion of the Malaysian citizens.²⁷⁷ In order to realise this challenge and subsequently the vision, the policy stresses the need for "highly skilled, resilient and competitive [Malaysians] in all sectors of society".²⁷⁸ Generally, the development of human resources is essential for Malaysian citizens of all races and both sexes equally to acquire high professional skills.²⁷⁹ However, in the context of the Vision 2020, the human resource development of women has become the main target or focus of governmental policies and regulations aimed at training and improving social, educational, psychological and economic conditions.²⁸⁰

²⁷⁷ Sha'ban, *opcit*, 120.

²⁷⁸ *Ibid.*

²⁷⁹ *Ibid.*

²⁸⁰ Sha'ban, *opcit*, 121.

The female labour force has been identified as "play[ing] a more significant role than her male counterpart".²⁸¹ It is the reason for this view that is significant to our study. The importance of working women towards achieving the country's goal of attaining industrial status lies in the nature of industrial work. The working woman is more significant than the working man because the "nature of industrial work requires long hours of work with greater patience and tolerance. With the kind of natural make-up, women would be in a good position to face all these challenges with bravery and tolerance".²⁸² This policy has identified women as being best suited for industrial jobs which require long hours coupled with great care and detail in execution of the tasks. Is this subtle sex-role stereotyping and gender-related job segregation working against Malaysian women? Is sex-role stereotype assigned to Malaysian women as being more patient and tolerant than Malaysian men, shaping women's entry into occupational categories and in the case the industries?

The fact that the "Malaysian government [is] initiating and establishing direct policies towards the improvement of working conditions for women" indicate that Malaysian women are being geared into the industries because of pre-conceived stereotypes assumed by policy makers. The benefits towards working women, offered by this challenge would of course be better working conditions and training and skill enhancing programmes. This is proved by "government policies since the inception of Vision 2020 [which] amply indicate that the government has already launched its

²⁸¹ Sha'ban, opcit, 121.

²⁸² Ibid.

campaign towards educating and preparing the feminine gender for the task".²⁸³ However, the benefit may not extend to include higher wages for women or same wage to her male counterparts. The likelihood that training and education will be confined to the field of industries, will only compel women to stay in these jobs, is possible. Therefore government policies which are geared by pre-conceived assumptions that women possess certain characteristics ideal for the industries indicate that policy makers and planners adhere to stereotypes. This segregates working women into occupational categories, which pay lower wages than their male counterparts.

With reference to Diagram 1.1, we note that government policies, specifically the Vision 2020 policy, is a contributing factor towards the sex-role stereotype - gender-related job segregation - wage discrimination link (2b) in the Malaysian scenario which encourages the practice of gender segregation according to occupational categories. The fact that government policies encourage the segregation of women into occupational categories only indicate that equality and elimination of discrimination against women is not a priority among policy makers. Instead, policy makers seem to advocate stereotypes through government policies.

To enable equality efforts to mirror in our government policies, policy and decision-makers need to be educated through gender sensitivity programmes to help them appreciate women and help create awareness of inequality and discrimination facing Malaysian working women. Major reforms and a show of greater commitment towards the promotion of equality for Malaysian women should also be incorporated through the

²⁸³ Sha'ban, opcit, 122.

establishment of various national machinery which will be responsible for the implementing of educational programmes such as vocational and formal training and generally responsible for women's welfare.

4.4 Education System

In Malaysia, it has been noted that even as recent as 20 years ago, "many parents believe that giving their daughters the same educational opportunities as their sons is futile because girls will inevitably marry and become housewives and mothers".²⁸⁴ The roles assigned to women as housewives and mothers were "probably seen as not benefiting from formal schooling".²⁸⁵ In 1973, the country's Ministry of Education conducted a 'drop-out study' among women and found that "in the provision of education, [Malaysian] girls seem to be discriminated against [and] the discrimination [was] not only found in the rural areas, but also in the highly urbanised metropolitan areas".²⁸⁶ The findings of the study also discovered that among the various reasons for continued lower participation in education for women were "low motivation together with poverty, low income [offered by jobs] and rural-urban differences".²⁸⁷ However, the study found that one of the main causes resulting in differences in education investment between Malaysian boys and girls during that time was "sex-role definitions - [which expresses]

²⁸⁴ Foo, Gillian H.C. et al., "Women Today in Peninsular Malaysia", Kuala Lumpur: Federation of Family Plannign Associations (FFPA), 1976.

²⁸⁵ Ibid.

²⁸⁶ Ministry of Education, "Kajian Keciciran: Drop-Out Study", Kuala Lumpur: Dewan Bahasa dan Pustaka, 1973.

²⁸⁷ Ibid.

the role of the male and female sex as perceived by society".²⁸⁸ More importantly, the "sex-role typing does not encourage girls to continue their education".²⁸⁹ During that period, literature indicates that women in Peninsular Malaysia were less educated than men.²⁹⁰ Furthermore, women of that time also constituted a substantial percentage of individuals with no formal education, at 74 percent.²⁹¹ This insight into the country's educational history is essential to understand the values placed on educating girls. Sex-role stereotyping was the deciding factor in girl's participation in education. Significantly, the loss of participation rates in education among Malaysian girls in the 1970s also meant lesser female labour force participation in skilled-jobs and professional jobs in the 1980s and 1990s.

Literature focusing on Malaysian women of today, have detected the important contribution and role education plays towards improving the quality of work performed by women. Improvement of work quality is essential for working women seeking to climb the corporate ladder. "By improving the quality of service, women would be in a position to do away with stereotypes that exist regarding women's managerial capacity in business and entrepreneurship".²⁹² However, in Malaysia, among the population of educated people, women with low education backgrounds still constitute a large proportion.²⁹³

²⁸⁸ Ministry of Education, "Kajian Keciciran: Drop-Out Study", Kuala Lumpur: Dewan Bahasa dan Pustaka, 1973.

²⁸⁹ Foo, *opcit*, 15.

²⁹⁰ *Ibid.*

²⁹¹ *Ibid.*

²⁹² Sha'ban, *opcit*, 90.

²⁹³ Sha'ban, *opcit*, 90.

We acknowledge that education is an important tool in propelling women to "participate and enter many new occupations where their participation in the past was virtually non-existent".²⁹⁴ The influence of sex-role stereotyping has been observed to exist in Malaysia in the past and its effects are still evident in the low-skilled jobs women are concentrated in which subsequently lead towards lower wages for them compared to men. "Women's position in the labour force is still secondary and ideologically constructed, and skilled polarisation by gender will continue to be common" in Malaysia.²⁹⁵

With reference to Diagram 1.1, the education system during the 1970s contributed towards the gender differences in acquiring human capital among men and women. Education system during that time indicates the sex-role stereotype - gender differences in human capital - wage discrimination link (2c). The low participation rates of girls in formal education during that time had an effect towards women's participation in skilled work during the 1980s and 1990s. The effect in later years is gender differences in human capital which contribute towards lower earnings for women compared to their male colleagues.

Education and training should once again be in the forefront of all equality efforts. "Education and training for girls and women have long been seen as a key measure to women's social and economic status".²⁹⁶ More importantly, "education has the potential to challenge stereotypes about male and female roles, to offer alternative ideas and to

²⁹⁴ Sha'ban, *opcit*, 91.

²⁹⁵ Ng, *opcit*, 6.

equip young women to pursue a range of possibilities".²⁹⁷ Therefore, the importance of education among women as well as men cannot be over emphasised. However, because "gender impacts on education as on other social systems, school is more likely to echo and reinforce prevailing attitudes".²⁹⁸ Therefore, before measures towards attaining progress through education can be celebrated, we need to look towards teachers and the school system for changes and improvements. Teachers and educators should be targeted for gender sensitivity programmes. This is because literature shows that "boys and girls are often treated differently" in school.²⁹⁹ "In a mixed class, teachers are found to spend more time putting questions to and answering the questions of boys".³⁰⁰ Reforms should also extend to education policies, which require "schools [to] motivate children in a way that girls and boys determine their interests, educational and occupational choices and adult role without references to the roles traditionally reserved for the two sexes".³⁰¹ Education should extend to include "vocational training in non-traditional occupations, gender awareness courses for teachers and trainers, programmes to ease the transition from home to work place"³⁰² and "education in parenting".³⁰³ Education seems to be a bigger challenge towards accomplishing the aim of reducing sex-role stereotypes but in the end it is surely worth the effort.

²⁹⁶ Bullock, Susan, "Women and Work", London: Zed Books Ltd, 1994.

²⁹⁷ Bullock, opcit, 125.

²⁹⁸ Ibid.

²⁹⁹ Bullock, opcit, 126.

³⁰⁰ Bullock, opcit, 127.

³⁰¹ Ibid.

³⁰² Ibid.

³⁰³ United Nations Educational, Scientific and Cultural Organisation (UNESCO), "Women's Education Looks Forward: Programmes, Experiences, Strategies", Paris: UNESCO, 1989.

4.5 Conclusion

This chapter dealt with the (1), (2a), (2b) and (2c) linkages (see Diagram 1.1) in the Malaysian scenario. It showed how sex-role stereotypes developed in a country with a colonial background, how discrimination persists due to inadequate legal provisions, how gender-related job segregation is encouraged in government policies and how gender differences in human capital, all contribute towards wage discrimination against working women in the country.

Acknowledging the past and present phenomenon, one thing seems clear; reforms and changes should be undertaken for greater equality and reduction in discrimination among women. Tackling the discrimination hurdle requires firstly the formidable task of educating. Education and training is the key for any equality effort to bear fruit. However, education and training is a long-term process. Educating girls, boys, men, women, parents, teachers, employers and policy makers on equality for women is difficult but not impossible. Changing people's attitudes regarding the existing roles and behaviour of women is essential. Only when this happens, can changes and strategies promoting equality take place. Chapter 5 seeks to advocate and present strategies and actions for change.

We cannot expect changes and reforms without anticipating resistance to follow. Social difficulties are bound to emerge in the preparation for great changes. Being a multi-racial country rich in culture, tradition and home to various religions, reforms

towards equality will meet difficulties. Literature notes that "culture and religion are used to shape attitudes, dictate and maintain inequality as 'the norm'".³⁰⁴ Therefore, reforms towards equality will be confronted by resistance from people unwilling to make changes and from people holding on to beliefs and attitudes held amidst strong cultural bonds. In addition, reforms in a multi-racial country should be sensitive to the various cultures and religions. In addition, resistance from major players is also likely. Employers may feel changes in organisational policies too difficult to adapt. Policy changes require expenditure to create an equality rich environment. Difficulties will also come from policy makers who may trivialise the issue of discrimination and equality. Promotion of equality may take a back burner to economic and development issues. Once again, education is the key towards creating awareness towards discrimination as a global problem, which has global consequences. Lastly, whatever difficulties emerge, we take comfort in the end result: a society with lesser discrimination and greater equality.

³⁰⁴ Karl, Marilee, "Women and Empowerment", London: Zed Books Ltd., 1994.