

LEGAL FRAMEWORK ON GENDER EQUALITY IN THE
WORKPLACE: COMPARATIVE STUDY IN MALAYSIA AND INDIA

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LEGAL FRAMEWORK ON GENDER EQUALITY IN
THE WORKPLACE: COMPARATIVE STUDY IN
MALAYSIA AND INDIA

BY

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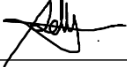
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DEDICATION

This research is dedicated to my supervisor, Dr. Angelina Anne Fernandez, who provided guidance and support throughout the research process

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Abstract

Gender equality in the workplace has become a major issue worldwide. Women are still under-represented in leadership positions, and they continue to experience discrimination and bias at work despite progress in recent years. The legal framework that promotes gender equality in the workplace is one of the most important factors in addressing these issues. There have been several laws and policies implemented in Malaysia and India, two rapidly developing countries in the Asia-Pacific region, to address gender inequalities in their respective workforces. As part of this paper, a comparative analysis of Malaysian and Indian legal frameworks for gender equality at work is presented. This study examines the various laws and policies that promote gender equality in both countries and evaluates their effectiveness in promoting gender equality. The research identifies key challenges and gaps in both countries' legal frameworks that prevent progress toward gender equality at work. Additionally, the paper examines gender equality history in both countries. The research draws on primary and secondary sources of data including interviews, academic literature, government reports, and legal documents to provide a comprehensive understanding of the legal frameworks for gender equality in the workplace in Malaysia and India. The study concludes with recommendations to strengthen legal frameworks in both countries and promote gender equality in the workplace.

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Introduction

Considering the differences between the government systems and cultural backgrounds of the two countries can add a richer and more diverse perspective to comparative studies of gender equality. Malaysia has a constitutional monarchy, and the government's policies and measures on gender equality are mainly promulgated and implemented by the central government. While India is a federal country, both the central and state governments are responsible for developing and implementing policies relating to gender equality. Additionally, India and Malaysia have different cultural and religious backgrounds, which can also affect gender equality policies and practices.

Women's education levels and employment opportunities are relatively low in rural areas of India, where gender discrimination is a serious problem. Malaysia, however, multicultural and religious background poses certain challenges and complexities in the practice of gender equality. In some Malay families, labour is traditionally divided between men and women, and women have a greater responsibility to their families, which has an adverse effect on their employment and self-development.

Moreover, a very serious case in India also led us to choose India as a comparison point. A vicious incident occurred in Delhi, India in 2012 that is known as the Nirbhaya gang rape case. There was a case where a 23-year-old woman was sexually assaulted and beaten severely by six men in a moving bus. As a result of the attack, the victim suffered multiple injuries and passed away 13 days later in a Singapore hospital (HT Correspondent, 2020).

There was widespread anger and protest following the incident, with people demanding justice for Jyoti (the victim) and better measures to ensure the safety of women in India. Six defendants were charged with rape and murder in the case, and all were convicted. The case resulted in four death sentences, one suicide, and a third sentenced to a three-year reformatory for a minor (Nirbhaya case: Four Indian men executed for 2012 Delhi bus rape and murder, 2020).

In response to the Nirbhaya case, India has strengthened its rape laws in order to address sexual violence against women. The incident also sparked a national conversation about gender inequality and the safety of women.

An analysis of gender equality policies and practices in India and Malaysia can provide valuable insights that can be applied to other countries to provide a more comprehensive and effective reference. In this way, international exchanges and cooperation regarding gender equality could be promoted, which will ultimately contribute to the realization of gender equality worldwide. Through this case, people around the world can be inspired to make small changes to achieve significant results, and how collaboration and unity are essential to achieving a common goal.

CHAPTER 1: RESEARCH OVERVIEW

1.1 Research Background

Gender equality has become a more and more significant issue in today's society, with people giving it more and more attention. In general terms, gender equality refers to a situation in which a person is not adversely affected by their gender in terms of their access to rights or opportunities (Martinez, 2022). Nowadays, gender inequality is still very serious in the workplace. Upon entering the workforce, women tend to have fewer opportunities to acquire high-quality employment and salary than their male counterparts, even if they have more education (Lagarde & Ostry, 2018). Several factors contribute to the disproportionate amount of unpaid domestic work being performed by women, including the unequal distribution of unpaid work time. Working long hours deprives them of proper treatment, and exhausts them physically and mentally (INTERNATIONAL LABOUR OFFICE, 2018). As a society, there is an unequal balance between men and women due to the patriarchal system, in which gender stereotyping is imposed in various forms on both men and women (Crittenden & Wright, 2012). According to Nash (2009), no matter what their employment status or career, women in some societies are expected to fulfil certain societal responsibilities. In general, all countries suffer from gender inequality in the workplace. Hence, both Malaysia and India are examined in this study in terms of gender equality.

1.2 Research Problem

In this section, the three main issues in the workplace – power struggle, sexual harassment, and gender discrimination will be discussed in detail in each paragraph.

1.2.1 Power Struggle in the Workplace

The workplace is often described as being like a battlefield because of the way in which people behave. According to a study conducted by McKee (2014), people desire to be able to take control of their working environment at work. The workplace is like fighting without gunpowder, which happens constantly. This complex relationship, which usually begins at the top of the organization, is characterized by different factions fighting to win. Based on Shukri et al (2020), there is a general preference in Malaysia for males to hold leadership roles as a result of the "male managerial model". A similar sentiment was expressed by Folberg (2020) as well, the gender stereotypes that prevail in our society severely limit the career choices that women can make for themselves. Also, MOKHTAR (2020) said there is a low representation of women on boards in Malaysia. Since women are perceived as unsuitable for management positions, it makes it difficult for them to progress in their careers. In the corporate world, men are still promoted to higher positions if they possess the same qualifications, experience, and skills as women (MOKHTAR, 2020). Moreover, it is more serious in India than in Malaysia when it comes to gender inequality. Consequently, the status of women in India is very low and their safety is very much at risk due to a number of factors. The rate of rape, dowry, and adultery in the country is still alarmingly high (Gender Equality in India - Empowering Women, Empowering India, 2020). According to Correspondent (2016), it is estimated that only one out of ten women are involved in the film industry as directors.

1.2.2 Sexual Harassment in the Workplace

It is common for workplace harassment to occur, but it is rarely talked about openly. Based on Singh (2016), sexual harassment consists of any action or conduct that is deemed sexually suggestive or designed to intimidate or humiliate the target. Nowadays, tolerance of sexual behavior is required for certain occupations, such as those of waitresses and tour guides. Employers expect their employees working in these occupations to interact with customers sexually to the expected level (Williams et al, 1999). Employees who are subjected to sexual harassment have only two options: to accept it as part of the workplace or to resign from the position. Further, Fitzgerald (1993) reports that women are more likely than men to experience sexual harassment at work, with one out of two girls experiencing such harassment. Women have reported experiencing sexual harassment at work, but employers rarely address this issue during the course of the job (Malaysia: Top Issues Faced by Women & Misperceptions of Women Empowerment, 2018). India's total number of sexual harassment complaints at work increased by 27 percent during the financial year ending March 2022 compared with the previous year (SULTANA, 2022). On the other hand, a number of women are afraid to disclose that they are experiencing this harassment due to the fear of being ridiculed by everyone and putting themselves in a position to suffer retribution (Marican & Rahman, 2012). In the case of *Mogan@Mohan Maniam V. Sime Darby Auto Connexion Sdn Bhd*, the defendant repeatedly touched the plaintiff's back and buttocks and interfered with her privacy, he tried to hug her while getting his water bottle. According to the court, it is possible for the defendant to obtain the water bottle without coming in close proximity to the plaintiff (Cheak et al., 2021). While in the case of *Vishaka and others V. State of Rajasthan*, Bhanwari Devi tried to terminate a child's marriage in Rajasthan. After doing this, she was gang raped by the infant's father and his 5 friends. The police don't seem interested in her story, despite her attempts to tell them. For some bizarre reason, the Trial Court released the accused even though they were not guilty. Nevertheless, in its judgment, the High Court stated that this was a case of gang rape committed for revenge. Finally, the Supreme Court of India was petitioned by women and NGOs in response to the above statements and judgment (Simran, 2022).

1.2.3 Gender Discrimination in the Workplace

Gender discrimination occurs when a company does not provide equal opportunities for its employees. In other words, the candidates were treated unfairly and unequally based on their gender (Rahman et al., 2019). In a study conducted by Ames (2020), 47% of women report that they have had a question regarding their marital status asked in a job interview. As a general rule, employers are not allowed to reject candidates based on their pregnancy because it may lead to pregnancy discrimination on their part (Chester & Kleiner, 2001). INTERNATIONAL LABOUR OFFICE (2017) also declared that besides pregnant women, a mother also faces difficulties when she wants to apply for a job. Women may be denied promotion because it would require after-hours training, which is contrary to the social expectation that women's primary responsibility is to their families (Stockman et al., 2016). Despite being superior applicants, 47 percent of people who experienced discrimination were passed over for promotion on the basis of their marital status or plans to have children (JAYAMANOGARAN, 2020). Moreover, even when there is no explicit sexual bias in a job description, gender stereotypes can be reinforced (INTERNATIONAL LABOUR OFFICE, 2017). For instance, men may benefit from unconscious biases when descriptive words such as "authoritative" and "achieving" are used in job descriptions for leadership roles. According to Kkeneightfour (2022), it is estimated that 56 percent of Malaysian women are given more work than their male counterparts when the same job responsibilities apply. In Malaysia, gender discrimination also happened in the civil service industry. In an interview result from Shukri et al. (2020), a male interviewee said that if there is only one female candidate for the job, then she will be selected; however, if there is another male candidate, she will be rejected since he believes females are physically inferior. Additionally, the first female IPS officer in India, Kiran Beti, had experienced gender bias in the workplace. The Delhi Police considered her one of the top contenders with the highest chance of being selected. Nevertheless, a colleague two years her junior took over the job since she is a woman and she wasn't satisfied with the outcome (Kaul, 2007).

1.3 Research Objective and Research Question

1.3.1 Research Objectives:

1. To determine the legal framework involving gender equality in the workplace in Malaysia
2. To determine the legal framework involving gender equality in the workplace in India
3. To provide suggestions and recommendations to improve gender equality in Malaysia and India

1.3.2 Research questions:

1. How does the legal framework prevent gender inequality in the workplace in Malaysia?
2. How does the legal framework prevent gender inequality in the workplace in India?
3. What suggestions and recommendations to reduce the cases of gender inequality in the workplace?

1.4 Research Significant

It is hoped that this research will provide novel perspectives on egalitarianism in the workplace through a comparative analysis of both Malaysia and India. This study is specifically intended to benefit the following groups:

Ministry of Women, Family and Community Development: As a result of this research, society will be made aware that gender discrimination still exists in the workplace to this day, and that it should be addressed. By examining the results of this study, the government can gain a new perspective on how to deal with this principle. There is a strong likelihood that it will be able to better understand the impact it has had in the past as well as how to deal with it in the future if it takes this action. Thus, it is possible to achieve gender balance more quickly and effectively in this way.

Women: When gender discrimination is no longer present in the workplace, women who have been in these situations will no longer suffer from mental illnesses like depression and anxiety. In addition, women have the freedom to choose what they like to do, and they don't have to follow society's vision and guidelines with regard to what they do. Furthermore, women in third countries have the opportunity to get an education and eliminate the problem of illiteracy by studying.

Employers: Having a gender equality policy in place has many advantages for employers as well. If an employer places a high value on gender equality, there will be no discrimination against women on the part of their employees. Working in this environment makes employees more productive, makes them less likely to leave the company and attracts more qualified candidates to the job as a result. Taking everything into account, there is no doubt that employers are the biggest winners in the long run.

Conclusion

In conclusion, there is no way we can meet all of the challenges if there is an imbalance between men and women in the workplace. The majority of gender biases occur in the context of discrimination, sexual harassment, and power struggle. When a woman perceives that she is being treated unequally, it can be intimidating, overwhelming, and potentially traumatic for her. There may be a persistent condition that adversely affects the mental and physical health of a woman as a result of this outcome. Furthermore, the research objectives are to determine the legislation act involving gender inequality in the workplace in both Malaysia and India and provide recommendations to improve. In conclusion, this research project is significant in that it could be useful for the Ministry of Women, Family and Community Development, women, and employers from a variety of perspectives.

CHAPTER 2: LITERATURE REVIEW

2.1 Definition of Gender Equality

Gender equality is also known as sexual equality. In the traditional definition of gender equality, it is understood to mean that neither men nor women should be denied the right to equal rights regardless of their gender, both should be treated equally in all areas of their lives, such as their careers, education, and the social environment (Martinez, 2022). In the Sustainable Development Goals, gender equality is ranked 5 among the 17 goals. The objective of this goal is imperative that women have access to equitable levels of education, health care, and technology as well (Gender equality and women's empowerment, 2022). It is estimated that there are nearly half of the global population made up of women and girls, and the potential of the world lies with them. Equal rights for men and women are in addition to being a significant right, it is an essential component of achieving peace, advancing sustainable development, and realizing human potential. Gender equality became part of international human rights law on December 10, 1948, following the adoption of the Universal Declaration of Human Rights by the General Assembly (Gender Equality, 2022). As stated in this landmark document, "All human beings are born free and equal in dignity and rights" and "everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, ... birth or other status". The year of 1975 was declared the International Women's Year by the General Assembly and the first World Conference on Women took place in Mexico City (Gender Equality, 2022). In response to the meeting's request, the General Assembly established the Voluntary Fund for the United Nations Decade for Women to run from 1976-1985. Five years later, in 1980, Copenhagen hosted the Second World Conference on Women. Women's right to property ownership, child custody, and nationality protection are among the recommendations included in the conference's action plan (Gender Equality, 2022).

2.2 History of Gender Equality in Malaysia

Women held a complex position in society during the pre-colonial era in Malaya. The ministerial confrontation was avoided by keeping their prized possessions. As a symbol of appreciation, women were presented to someone in order to demonstrate their value and importance to society. Alternatively, women were deemed incapable of planning their own lives and futures, significantly reducing their autonomy and agency. Women were also subjected to the sexual desires of those in authority as a result of this patriarchal view of women, which reinforced their position of oppression and exploitation. Overall, pre-colonial Malayan women were characterized by a mixture of reverence and exploitation, underscoring the complex dynamics of gender relations at the time (Noor, 2020).

Malayan political influences were affected by the British government's monopolization strategy during the British colonial period (Noor, 2020). The British controlled Malayan resources, markets, and labour, resulting in a significant deterioration of political and social structures. In addition, this enabled the British government to implement policies that favoured their own interests over those of Malaysians. Following the establishment of the Federated Malay States in 1896, British influence continued to be exerted, particularly in the area of taxation and economic management. British rule also brought about the introduction of extensive infrastructure, such as roads and railroads, which improved Malaya's quality of life (Leinbach, 1975). Moreover, women had the opportunity to receive an education and participate in businesses, such as planting coffee, pepper, and tin mining, which provided employment and contributed to economic growth (Raja, 2015).

The right to vote and hold public office has been guaranteed to Malaysian women since independence in 1957. Despite the fact that women are able to participate in government, they still choose to support male leaders and are only responsible for campaign-related tasks rather than participating in direct conflict (AHMAD, 1998). Government policies are aimed at improving the quality of education in the country, including for girls. Over the past few decades, Malaysia has seen a significant improvement in educational opportunities for girls. According to Aziz (2016), during the period 1957 to 2000, 985,692 female secondary school students were enrolled.

In recent years, the gender equality movement has contributed to the growth of Malaysia's feminist movement. The government has taken several measures to combat gender discrimination, introducing comprehensive gender discrimination legislation and enhancing sexual harassment protection (Toward Better Economic Opportunities for Women: Lessons from Malaysia, 2020). Moreover, our government has stated that at least 30% of senior management must be comprised of females to encourage female participation in the labour force (Poo, 2022). A source from TMR (2022) shows the percentage of women in Malaysia's senior management teams currently stands at 40%. A more diverse and inclusive workplace is likely to emerge with more women advancing to power positions. In the field of education, there were 280,296 female students attending higher education in 2015, compared to 230,858 male students (Faizli, 2017).

2.3 History of Gender Equality in India

A women's place in ancient Indian culture was equal to that of a man's, and gender was not a factor in discrimination. Women were instead exploited by society. Women were able to engage in spiritual activities with their husbands at that time, and they were also able to receive education at that time (roy, 2022). However, the majority of ancient Indian legal authorities did not recognise a woman's claim to property ownership. Women had exclusive rights to the stridhana (ornaments, jewellers, etc.) given to them upon marriage (Sourav, 2019). Rig Vedic culture regarded women as highly educated and intelligent, but they were discriminated against during the later Vedic period (Kapur, 2019).

There was an improvement in gender equality issues during the British colonial period. Women's rights were protected by several policies and laws implemented by the British colonial government. There was an implementation of the Sati Abolition Act in which the practice of burning widows (sati) was prohibited (Stanely & Kumari, 2010). In some Hindu communities, widows burn themselves on top of their husband's funeral pyre to show their devotion to him. In 1929, the colonial government passed the Child Marriage Restraint Act to prevent female children from marrying before they are 14 years of age (Kaur, 2018). This law was introduced to protect young girls from child marriage and reduce female infanticide in India. The Sati Abolition Act and the Child Marriage Restraint Act are significant milestones in India's women's rights history.

In the late colonial era, the struggle against colonial power grew. Indian women's participation in public life was legitimised and enhanced by Gandhi's nonviolent civil disobedience movement against British authority (Basu, Women in Gandhian Mass Movements, 2018). He gave women a voice in public conversation and lauded them for their temperance, self-control, sacrifice, and tolerance. Thus, rural peasant women contributed significantly to Borsad and Bardoli's efforts to resist in a peaceful manner (Basu, 2014). NORVELL (1997) stated prominent women such as Sarojini Naidu joined Gandhi in the fight for women's emancipation. In addition to advocating for political reform, she also campaigned for the abolition of purdah and child marriage, which were once commonplace. However, Gandhi was not only influential among Indian women. In 1887, Annie Besant visited Gandhi in London

and was inspired to become one of India's most influential female orators. She opposed child marriage, purdah, and women's enslavement, arguing that India's growth hinged on women's liberation (Pfeiffer & Riddle, 1994). Dastur & Mehta (1991) demonstrates Gandhi's appeal for women to band together in the conviction that they are resilient and indestructible.

As soon as the country gained independence, feminists began to reevaluate the role of women in the workforce. In the prior years to independence, women in the workforce faced a gender gap. Feminists opposed existing disparities and campaigned to reverse them in the 1970s. Aside from being relegated to "unskilled" jobs and forced into a reserve army as soldiers, women were also treated unfairly in other areas. Alternatively, feminists sought to prevent women from being treated like cheap workers in exchange for their services (Kumar, 1998).

As the 1970s passed, feminist class consciousness emerged, acknowledging disparities between men and women as well as within power systems like religion, area, and class. The feminist movement had to ensure that its overreaching campaigns did not worsen disparities by catering to one group's demands. By the early 21st century, the Indian feminist movement has shifted from seeing women as useful members of society to also including the right to self-determination and personal choice (Kumar, 1998).

In recent years, awareness and activism have grown around issues such as sexual harassment, abuse of women, and gender-based discrimination in India. The Indian government has taken steps to address these issues, including passing laws aimed at protecting women's rights and increasing access to justice. However, progress has been slow, and gender-based discrimination and violence remain significant problems in India.

2.4 Legal Framework of Gender Equality in Malaysia

2.4.1 Law

One of the purposes of the Employment Act of 1955 is to prevent discrimination in the workplace. It is illegal for employers to make hiring decisions based on the factors such as religion, gender, ethnicity, and national origin when it comes to making decisions regarding employment. Also, the Malaysian government signed Convention 100 on Equal Remuneration of the International Labour Organization. This convention protected both local employees and foreign employees to receive equal salaries and whatever they should receive (INTERNATIONAL TRADE UNION CONFEDERATION (ITUC), 2010). Furthermore, the Law Reform (Marriage and Divorce) Act 1976 [Act 164] has protected the single parent when it comes to disputes involving matrimonial relationships. According to the act, it is mandatory for the parent who does not have custody of their child to pay child support until their child has graduated from school. For the purpose of sanctioning sexual harassment, Section 377CA of the Penal Code was released. The section stated that “any person who has sexual connection with another person by the introduction of any object or any part of the body, except the penis, into the vagina or anus of the other person without the other person’s consent shall be punished”.

2.4.2 Programmes and Policies

In the view to encourage women to start businesses, the government provided financial services such as loans without collateral through BizWanita Financing. Moreover, female entrepreneurs have chances to receive training to facilitate the development of their leadership and innovation skills (MINISTRY OF WOMEN, FAMILY AND COMMUNITY DEVELOPMENT, 2019). Following this, the Department of Women's Development (DWD) collaborates with the Royal Malaysia Police (RMP), Attorney General's Chambers (AGC), the Ministry of Education (MOE), and the Ministry of Rural Development (MRD) to raise public awareness regarding sexual harassment. In the political field, two fellowship programs have been organized by the government: the Young Women Fellowship Program and the Women in Politics Fellowship. Participants will have the opportunity to experience the leadership style of female politicians in both the

public and private sectors as part of these programs. Besides MWFCDC, the Ministry of Human Resource (MOHR) collaborates with Talent Corporation Malaysia Berhad to launch Career Comeback Programme (CCP) in order to ensure that women who have been out of work for a long period of time are provided with the opportunity to return to work.

2.4.3 Budget allocates

In 2018, the government has allocated RM280.25 billion for women's empowerment. RM20 million from the budget was used to provide free mammogram screening, HPV vaccinations, and programs geared toward women's entrepreneurship, including the PEAK Entrepreneur Programme under the MyWin Academy (MINISTRY OF WOMEN, FAMILY AND COMMUNITY DEVELOPMENT, 2019) (NST Team, 2017). To support working mothers, the government allocated RM10 million to establish 50 childcare centers in government offices and buildings in the year of 2019 (Malaysian-German Chamber of Commerce and Industry (MGCC), 2019). In the same year, beneficiaries of the e-Kasih Programme received an additional RM40 contributed by the government every month (Malaysian-German Chamber of Commerce and Industry (MGCC), 2019).

2.5 Legal Framework of Gender Equality in India

2.5.1 Law

After the case of Vishaka and others v. State of Rajasthan was decided by the Supreme Court of India, the Vishaka Guidelines were published in an attempt with the purpose of eliminating sexual harassment at work. Considering the fact that this regulation is incomplete, these guidelines were published by the Indian Supreme Court in 1997 and have been revised by a new law entitled the (Prevention, Prohibition and Redressal) Act, 2013 (Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013, 2022). As a result of this act, the employers not only have to ensure that their employees are in a secure working environment (especially women), as well as implementing anti-harassment policies at work and conducting awareness or training sessions for their employees as a way to increase awareness of the issue (Sexual Harassment of Women at Workplace (Prevention, Prohibition & Redressal) Act, 2013, 2022). Moreover, the Indecent Representation of Women Act, 1986 has a specific prohibition that women were not to be represented in an indecent manner in advertisements, publications, writings, paintings, figures, or in any other manner. In section 3, it stated that “No person shall publish, or cause to be published, or arrange or take part in the publication or exhibition of, any advertisement which contains indecent representation of women in any form.”

2.5.2 Programs and Policies

According to Ministry of Woman and Child Development (2022), the women empowerment programme in India is called “Mission Shakti”. In Mission Shakti, two sub-schemes are available: Sambal and Samarthya. The “Sambal” sub-scheme focuses on safeguarding women, while “Samarthya” gives priority to empowering women. There are four elements in both Sambal and Samarthya. In Sambal, One Stop Centres provide legal counselling and help, Women Helpline is an emergency response system, Beti Bachao Beti Padhao focuses on behavioural and mindset changes, and Nari Adalat delivers women with an alternate grievance redress mechanism. While in Samarthya, Shakti Sadan is a relief and rehabilitation home for trafficked women and destitute women, Sakhi Niwas is to provide a safe job

environment to women, Palna Ghar-Creche assists in the enhancement of female labour force participation by providing a safe and secure environment for mothers who work to raise their children, and Pradhan Mantri Matru Vandana Yojana (PMMVY).

2.5.3 Budget allocates

In terms of budget, the Indian government released the “Pradhan Mantri Matru Vandana Yojana (PMMVY)”. PMMVY is the payment for lost wages during pregnancy and childbirth as well as incentives for health seeking. The government will provide 5000 Indian rupees in instalments to their account. In the past, the scheme covered only one child but has now been expanded to cover second children as well if the child is a girl (Ministry of Woman and Child Development, 2022). This scheme is expected to benefit 1.5 crore women, with emphasis on the poorest and most vulnerable. It also aims to reduce the infant mortality rate, improve maternal health and reduce gender bias in the family.

2.6 Ministry Involved in Gender Equality

The government department that is involved in Gender Equality in Malaysia is the Ministry of Women, Family and Community Development (MWFCDD). MWFCDD is a Malaysian government department that manages social welfare, children, families, communities, elderly people, extreme poverty, homeless people, and disaster relief. Creating a caring society, achieving gender equality, and supporting family development are the goals of the department. The 5 departments works under MWFCDD are: Department of Women's Development (DWD), Social Welfare Department (SWD), National Population and Family Development Board, Social Institute of Malaysia (ISM) and Yayasan Kebajikan Negara (YKN) (BACKGROUND BEHIND THE ESTABLISHMENT OF THE MINISTRY OF WOMEN, FAMILY AND COMMUNITY DEVELOPMENT, 2022).

In India, gender equality is handled by the Ministry of Women & Child Development, which is in charge of policies concerning women and children. Since 1985, it had been a Department under Human Resources Development before it became a separate Ministry on 30th January 2006. Its major purpose is to facilitate the convergence of inter-ministerial and intersectoral policymaking in order to create equality of gender and child-centered legislation, policies, and programmes for women and children. Also, there are 6 organizations work under MWCD such as National Institute of Public Cooperation and Child Development (NIPCCD), National Commission for women (NCW), National Commission for Protection of Child Rights (NCPCR), Central Adoption Resource Agency (CARA), Central Social Welfare Board (CSWB), and Rashtriya Mahila Kosh (RMK) (About The Ministry, 2022).

CHAPTER 3: METHODOLOGY

3.1 Research Design

3.1.1 Qualitative Method

In this research project, the research design being used is the Qualitative method. By conducting qualitative research, we strive to gain a deeper understanding and a better understanding of social phenomena, human behavior, culture, and experience. As opposed to quantitative research, which collects and analyses numerical data, qualitative research utilizes open-ended and unstructured methods for collecting data, including interviews, case studies, observation, and historical document analysis (Denzin & Lincoln, 2011). In qualitative research, complex phenomena cannot be measured or calculated but can be described and understood in detail (Hammarberg et al., 2016). Based on Porter & Bhattacharya (2005), Qualitative methods have enabled the discovery of a wide variety of information. For example, through small-group discussions, employees were able to voice their own resistance, which eventually resulted in the teams amending their approach to the problem (Porter & Bhattacharya, 2005).

3.1.2 Doctrinal Legal Research

A doctrinal methodology may also be referred to as a "black letter" methodology (Legal Dissertation: Research and Writing Guide, 2019). Attention is paid to the precise wording of legal texts instead of focusing on how those texts will be applied in practice. As part of the process of analysing legal laws in-depth, studies are carried out using primary sources such as cases, rules, and regulations (HUTCHINSON & DUNCAN, 2012). Identifying the specific legal rules applicable to the issue at hand is the first step in conducting doctrinal legal research. Thus, they should discuss the rule's meaning, the underlying principles that support it, and how they would decide based on the rule (Legal Dissertation: Research and Writing Guide, 2019). A number of sources of data were used in this study. These sources included the rule itself, relevant cases, legislative history, and commentaries and literature related to the rule.

3.1.3 Semi structure Interview

For this research project, semi-structured interviews were used as a method of data collection. Semi-structured interviews are often perceived as a simple way to collect information (Kallio et al., 2016). In the semi-structured interview, the questions are unstructured and closed-ended, along with explanations of why and how questions (Adams, 2015). Semi-structured interviews are based on previous knowledge, so a certain level of prior study is required to conduct such interviews (Kelly, 2010). Interviewers can also use semi-structured interviews to explore certain topics or probe into certain aspects of the interviewee's experience. It is also possible for an interviewer to use this approach to enhance the insight of the interviewee's standpoint and feelings regarding the topic under discussion.

3.2 Sampling Design

Purposive sampling (also known as judgmental sampling) is a non-probability sample that occurs when a researcher selects individuals or instances based on their ability to meet certain criteria or quality standards. The term "purposeful sampling" describes to the procedures of selecting participants for a particular purpose or goal and then determining those participants who are most likely to supply the required information.

Purposive sampling is a technique that is frequently used in qualitative research methodologies. It is a strategy that seeks to achieve an increased level of comprehension regarding a specific phenomenon or group of individuals. Researchers are able to identify individuals that have distinct viewpoints that are related to their survey questionnaires while using this strategy.

The purposive sampling method is useful in qualitative research as it enhances understanding of a group or phenomenon. There are many methods for purposive sampling, each of which has its own objectives, but they all provide a basis for making generalizations based on the data collected from the sample (Sharma, 2017). Using purposeful sampling, selecting the interviewees who will offer the most useful data is possible. By doing this, researchers are able to gain new ideas and provide a new perspective for study.

Moreover, it is possible to save time and money (Rai & Thapa, 2015). By using purposeful sampling, fewer participants are needed compared to other sampling approaches. This is due to the researcher being in a position to select participants who are most likely to provide the information needed. In addition to being more efficient, this also cuts down the amount of time and money needed for the study.

As one of its main advantages, purposeful sampling allows researchers to use a variety of sampling procedures for qualitative research (Rai & Thapa , 2015). For instance, researchers can use expert sampling, homogeneous sampling, and others. In this way, the method can be tailored to fit the research topic of each individual researcher. This method allows researchers to gather information on the topics they are studying as well as their questions related to the topics.

3.3 Proposed Data Analysis Tool

According to the definition of thematic analysis within qualitative research, the process involves investigating and reporting recurring patterns and themes within a set of data. Methodologically examining data, identifying and classifying patterns and themes, and interpreting and reporting the results are all part of thematic analysis. There are 6 steps in thematic analysis:

1. Get familiar with the data: Read through the data several times to gain an understanding of the content and to gain an overall understanding of the situation. Throughout the reading process, make notes, highlight significant sections, and record your initial impressions.
2. Establish initial coding: In order to begin coding, systematically examine the data and identify and label concepts or ideas as they are presented line by line and section by section. Researchers may code their data inductively or deductively, depending on whether they start with pre-existing theories or allow the themes to emerge from their data.
3. Search for themes: Group the coded data into potential themes after initial coding is complete. Identifying underlying themes or concepts that are recurring throughout the data requires analysing patterns and connections between codes.
4. Review themes: Make sure that the themes created appropriately reflect the data and that they are internally aligned and logically related. The themes may need to be refined or modified as additional data is gathered or as the analysis proceeds.
5. Define and name themes: Once the themes have been identified and reviewed, they should be defined and named in a manner that reflects the essence of the underlying concept or idea. It may be necessary to summarize the key features of the theme and provide examples illustrating those features.
6. Prepare a report: Describe how the themes were identified and analyzed and provide a summary of the findings. To support the themes in this report, examples from the data should be provided, as well as a discussion of limitations and biases that may have been introduced during the analysis.

3.4 Profile of Interviewees

3.4.1 Ms. Lee Sim Kuen

Ms. Lee Sim Kuen is a highly accomplished professional with a wealth of experience and expertise in law. She is a Specialist at the Faculty of Accountancy and Management, where she is part of the esteemed Department of International Business. Ms. Lee has a Bachelor of Arts degree from the City of London Polytechnic, which she has complemented with her professional qualification in CLP, thereby cementing her position as an expert in law. Throughout her career, Ms. Lee has honed her skills in various areas of law, including contract law, and company law. Her expertise is invaluable to the department, where she provides legal guidance and support to faculty and students.

3.4.2 Ms. Er Pek Hoon

Ms. Er Pek Hoon is a highly qualified and experienced Senior Lecturer in the Department of International Business at the Faculty of Accountancy and Management. She holds a Master of Laws degree from Universiti Malaya and a Bachelor of Laws (Hons) from the University of London. Ms. Er is also a qualified legal practitioner, having obtained her Sijil Amalan Guaman from Lembaga Kelayakan Profession Undang-Undang Malaysia and her Certificate in Legal Practice (CLP). With her expertise in Commercial, Corporate & Securities Laws, Corporate Compliance & Governance, she is well-equipped to provide students with a comprehensive understanding of the legal framework that underpins modern businesses. In addition to her legal expertise, Ms. Er is also an expert in 21st Century Education, ICT in Education, and Teacher Training, which enables her to provide innovative and effective teaching methods for her students. Her diverse skillset and extensive knowledge make her an invaluable asset to the faculty and the university as a whole.

3.4.3 Mr. Koh Sze Jie

Mr. Koh Sze Jie is a highly qualified and experienced lawyer, with expertise in Civil Litigation, Corporate and Commercial, Real Estate, and Project Development. He is the founder of Koh & Teh law chamber and has a Bachelor of Laws (Hons) degree from The National University of Malaysia. With his LLB professional qualification, Mr. Koh has established himself as a well-respected lawyer in the judicial industry. He is known for his exceptional legal skills and has a strong track record of successfully representing clients in various legal matters. With his extensive knowledge and expertise, Mr. Koh is able to provide valuable services to his clients as well as to the entire legal profession.

CHAPTER 4: DATA ANALYSIS

1. Could you please briefly explain on what is the meaning of gender equality?

Ms. Lee:	A gender-equal society is one in which all individuals have equal rights, opportunities, and resources. Human rights are at stake, not just morals or ethics. The issue of gender equality extends far beyond the realm of human rights. There is also a strong relationship between it and the development of a peaceful and harmonised world. Having equal access to education, health care, and work will allow women and men to participate fully in society.
Ms. Er:	Everyone regardless of gender should be treated equally and have the same opportunities and rights in the workplace and other segments of society. E.g. men and women should have equal access to work opportunities, education, resources and promotions. Equal rights to the same advantages, and free from gender-based discrimination. Gender inequality can lead to unfairness and inequalities. E.g. why should women be paid less than a man for exactly the same type of work?
Mr. Koh:	Gender equality refers to providing equal opportunities, rights, and treatment to all individuals regardless of gender. It aims to ensure that everyone has equal access to resources, opportunities, and benefits, regardless of gender identity. It works to eliminate gender-based stereotypes and biases to promote a society where all genders can participate equally and prosper.

2. In the context of gender equality, how does it affect the workplace?

Ms. Lee:	It is important to note that gender equality plays a significant role in the workplace in terms of factors such as recruiting, pay, company culture, and opportunities for leadership. Here are some of the effects of gender equality at work:
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	<p>When there is gender equality, recruitment and advancement are determined by skill and experience, not by gender. When recruiting and promoting women on an equal basis, a diverse set of candidates is attracted, facilitating a more creative and effective work environment.</p> <p>In order to reach leadership positions, women must have the same opportunities as men. In this way, the organization as a whole may be able to make better decisions as a result of more diverse viewpoints and techniques.</p>
Ms. Er:	<p>Gender equality promotes diversity and inclusion in the workplace, creating a diverse and inclusive work environment. This can improve morale and productivity. Companies gain benefits from the unique strengths and perspectives of men and women. Also, improve employee satisfaction, engagement, and retention rates. Companies can attract and retain talent and fit employees according to where talents are needed.</p> <p>Gender diversity can improve decision-making by bringing different perspectives and experiences - more informed and balanced decision-making.</p> <p>Gender equality promotes equal opportunities for career growth and advancement - improves job satisfaction and employee morale, as individuals feel valued and not discriminated.</p>
Mr. Koh:	<p>There is a great deal of importance placed on gender equality at work.</p> <p>In the workplace, it can have the following effects:</p> <ol style="list-style-type: none"> 1. An equal opportunity for all: Gender equality refers to equal opportunities for both men and women in the workplace and in the promotion process. It is encouraged that employers hire and promote employees on the basis of their skills and qualifications rather than based on their gender. 2. Pay equality for equal work: Women and men should be compensated equally for equal work. In this manner, there will be no gender pay gap between men and women who do the same job.

3. Could you briefly talk about the history of gender equality in the workplace in Malaysia?

<p>Ms. Lee:</p>	<p>The process of achieving gender equality at work has been slowly progressing in Malaysia. Early in the 20th century, women were largely excluded from the workforce, caring for their families and performing household duties. However, in recent decades, Malaysian society has experienced significant changes that have led to greater gender equality in the workplace. From the data presented by the Department of Statistics Malaysia, women make up 55.5% of the labour force, and 24% of senior management positions are filled by women.</p>
<p>Ms. Er:</p>	<p>Since before independence, women were mostly confined to homes, with traditional roles as wives, mothers, and caregivers. They had limited access to education and job opportunities. In fact, families vied to have sons than daughters, especially in the Chinese and Indian communities. For Indians, daughters were a “burden” as dowry money was needed when the time came for them to be married off. As for Chinese, the perception was that the daughter would no longer be part of the family one day when they were married off.</p> <p>After Independence, with Malaysia needing to grow on its own, there were increased demands for labour, especially in the factories and offices. More job opportunities arose, but mostly at the lower rung of the corporate hierarchy. Women took up jobs that require physical labour, e.g. construction workers. Salary and wages remained unsatisfactory, with men being paid more than women for the same type of work.</p> <p>As Malaysia entered the industrial age, gradually, gender equality became acceptable, partly due to the declining male birth and increase in female births. By the end of the 20th century, except for certain sectors (e.g. military and religious places), women formed half or even more than the number of males. Gradually, women “broke the glass ceiling” by becoming pilots, engineers and in the oil and gas industry.</p>

<p>Mr. Koh:</p>	<p>There has been gradual progress toward gender equality in the workplace in Malaysia. Over the years, the Malaysian government has implemented a number of policies and laws to promote gender equality at work. In 2012, the government passed the Gender Equality Act, which prohibits discrimination in all aspects of life, including employment. Although these efforts have been made, gender inequality still persists in the Malaysian workplace. There is a persistent gender pay gap and underrepresentation of women in leadership positions.</p> <p>In recent years, gender equality has increased in Malaysia. The advocacy efforts of NGOs have increased in recent years, as have efforts to encourage businesses to pay more attention to gender issues.</p>
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4. After knowing the history of gender equality in India, what is the basic difference that you can see between both countries?

<p>Ms. Lee:</p>	<p>India –</p> <p>India has a long history of advocating for gender equality, having put laws and policies to support it in the workplace. In India, a number of programs and organizations, under the Indian Constitution, have been created to support gender equality at work. There were, for example, 33 percent quotas for women's representation in local self-government institutions in 1993.</p> <p>The gender inequality problem persists in India despite all these efforts. Women still face major obstacles to accessing education and work, and there is a large wage gap between men and women. It is common for women to be harassed and discriminated against at work.</p> <p>Malaysia –</p> <p>The United Nations has listed Malaysia as a leader in encouraging women to participate in science, and half of all researchers in Malaysia are women. In addition, in 2004, the government committed to filling</p>
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	at least 30% of key roles in the public sector with women, and in 2017, women comprised 36% of the public-sector workforce. Also, in 2015, the government mandated that women comprise at least 30% of the boards of large corporations by 2020, making it the only country in Asean with such a directive.
Ms. Er:	You can find it in the literature or from those who do research on the Indian position.
Mr. Koh:	It may be beneficial for you to consult other journals on this topic.

5. What is the legal framework in places basically for gender equality in Malaysia?

Ms. Lee:	<p>Malaysia's legal framework for gender equality is primarily governed by the Federal Constitution, which prohibits discrimination based on gender. A number of laws and policies are in place to promote gender equality in the workplace, including:</p> <ul style="list-style-type: none"> ● Under Article 8(1) of the Federal Constitution -- All persons are equal before the law and entitled to the equal protection of the law. ● Article 8(2) -- Except as expressly authorized by this Constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent, place of birth or gender 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.
Ms. Er:	Malaysia ratified the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in August 1995, excluding parts that were in conflict with the Federal Constitution and Syariah laws.

	<p>The Employment Act 1955 – provides basic labour standards and protections for employees. No discrimination in recruitment, training, promotion, and dismissal. Also, provisions for equal pay for work of equal value and provisions against sexual harassment.</p> <p>Federal Constitution – Article 8, which was amended in 2001, provided for equal protection of the law - no discrimination on the ground only of religion, race, descent, place of birth, or gender. No discrimination in the appointment to any office or employment, holding of property and carrying on any trade or employment.</p> <p>Penal Code and Domestic Violence Act 1994 – made domestic violence a crime and provided protection for victims of domestic violence.</p> <p>National Policy on Women 2009: promoting gender equality and women's empowerment in the areas of education, employment, health, and political participation.</p> <p>Sexual Harassment Act 2019 - legal protection against sexual harassment in the workplace and in other contexts.</p>
<p>Mr. Koh:</p>	<ol style="list-style-type: none"> 1. Employment Act 1955: This act prohibits discrimination against women in the workplace, provides equal wages for equal work, and prohibits the termination of employees due to pregnancy. 2. Gender Equality Act 2012: The Act prohibits all forms of discrimination on the basis of gender, including discrimination in the workplace. As part of the law, equal pay for equal work is provided, and sexual harassment in the workplace is prohibited. 3. National Policy on Women 2009: It is aimed at empowering women in the workplace and promoting gender equality. In addition, it ensures that women are treated equally in the workplace and have equal access to education, training, and job opportunities. 4. Sexual Harassment Act 2019: This act defines sexual harassment and provides legal remedies for individuals who may have been victims of this type of behavior.

6. What is the legal framework for gender equality in India?

<p>Ms. Lee:</p>	<p>India has a number of laws and policies that contribute to the legal framework for gender equality in the country, including the following:</p> <ul style="list-style-type: none"> • Section 4 (1) of the Protection of Women from Domestic Violence Act, 2005 states: "Any person who has reason to believe that an act of domestic violence has been, or is being, or is likely to be committed, may give information about it to the concerned Protection Officer." • Section 19 (a) of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013;(a) provide a safe working environment at the workplace with shall include safety from the persons coming into contact at the workplace • (c) organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed
<p>Ms. Er:</p>	<p>You can find it in the literature or from those who do research on the Indian position.</p>
<p>Mr. Koh:</p>	<ol style="list-style-type: none"> 1. The Equal Remuneration Act, 1976 - The act guarantees gender equality in remuneration when the same or similar work is performed by men and women. 2. The Maternity Benefit Act, 1961 - Under this act, pregnant women are entitled to maternity leave and other benefits. 3. The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 - This Act prohibits sexual harassment at the workplace and outlines a procedure for redressing complaints. 4. The Domestic Violence Act, 2005 - a law that protects women from domestic violence and abuse.

7. What are the agencies involved in Malaysia’s gender equality? Is it effective in your opinion?

<p>Ms. Lee:</p>	<p>All Women’s Action Society (AWAM), Persatuan Kesedaran Komuniti Selangor (EMPOWER), Persatuan Sahabat Wanita Selangor (PSWS), Women’s Aid Organisation (WAO) and others.</p> <p>In my opinion, Malaysian institutions involved in gender equality work effectively and they bring the following advantages:</p> <ul style="list-style-type: none"> • Gender-discriminated individuals can receive legal assistance, education, training, career opportunities, and more from these organizations. It is possible for discriminated individuals to gain empowerment through these materials. • It is possible for them to provide advice to governments and others in relation to issues relating to gender equality. By providing research, analysis, and recommendations, they may assist the government in creating gender equality policies. • A community action program can be coordinated by these organizations in order to promote gender equality in the community. It is possible for them to organize protests, petitions, marches, etc., in order to condemn sexism and demand reform.
<p>Ms. Er:</p>	<p><u>Government</u></p> <p>Ministry of Women, Family and Community Development - the main government agency on promoting gender equality and women's empowerment. It oversees various programs and initiatives related to women's rights, e.g. National Policy on Women, the Women's Development Program, and the Women Entrepreneurship Fund.</p> <p>Department of Women's Development: A unit under the Ministry which focuses on implementing policies and programs to promote gender equality and women's empowerment.</p> <p>Human Rights Commission of Malaysia (SUHAKAM): An independent government agency that monitors and promotes human rights in Malaysia, including women's rights and gender equality.</p>

	<p><u>Non-Governmental organisations</u></p> <p>Malaysian National Council of Women's Organizations (NCWO): to promote women's rights and gender equality through advocacy, research, and capacity building.</p> <p>All Women's Action Society (AWAM): provides services and support to women who have experienced violence or discrimination and also engages in advocacy and awareness-raising activities.</p> <p>Women's Aid Organization (WAO): provides shelter, counselling, and support services to women who have experienced domestic violence or other forms of gender-based violence. Also engages in advocacy and public education on issues related to women's rights and gender equality.</p> <p>Tenaganita: a human rights and non-profit organisation dedicated in helping, building and protecting migrants, refugees, women and children from exploitation, discrimination, slavery and human trafficking.</p> <p>So far, the NGOs have made much impact on raising awareness on gender issues and rights. However, the response from the Government has been rather dismal, probably because of many pressure groups, which include foreign multi-national companies that look to Malaysia as a source of cheap labour, which unfortunately includes largely women labour.</p>
<p>Mr. Koh:</p>	<ol style="list-style-type: none"> 1. Ministry of Women, Family and Community Development 2. Human Rights Commission of Malaysia (SUHAKAM) 3. Malaysian Association of Women Lawyers (MAWL) 4. All Women's Action Society (AWAM) <p>The effectiveness of these programs resides in the formulation of policies and programs that promote gender equality and women's empowerment as well as the monitoring of the implementation of these policies and programs.</p>

8. What are the agencies involved in India’s gender equality and is it effective from your perspective?

<p>Ms. Lee:</p>	<p>Beti Bachao Beti Padhao (BBBP), Mahila Shakti Kendra (MSK), Working Women Hostel (WWH), Scheme for Adolescent Girls.</p> <p>A variety of services are provided to women who face gender discrimination, including legal assistance, medical treatment, employment training, and more.</p> <ul style="list-style-type: none"> ● These organizations promote awareness and education about gender equality. As a way of educating women about their rights and possibilities, they can organize workshops, training sessions, community meetings, etc. ● These agencies provide women with opportunities to gain economic independence and self-fulfilment through employment and vocational training. It may be possible for them to collaborate with companies in order to increase opportunities and equality for women at work.
<p>Ms. Er:</p>	<p>You can find it in the literature or from those who do research on the Indian position.</p>
<p>Mr. Koh:</p>	<ol style="list-style-type: none"> 1. Ministry of Women and Child Development 2. National Commission for Women 3. National Institute of Public Cooperation and Child Development <p>It is these agencies that promote gender equality and women's empowerment in India through a variety of programs, campaigns, and advocacy efforts, and play an important role in the fight against gender-based violence and discrimination in the country.</p>

9. In your opinion, are there any suggestions or recommendations for the agencies to build gender equality in Malaysia?

<p>Ms. Lee:</p>	<p>As a result of its recommendations, agencies were urged to provide equal access to education through appropriate legislation, policies, monitoring, and campaigns, to enable women to participate in the labour force more effectively, to promote family-friendly policies, to increase the participation of men in unpaid housework and care work, to improve gender balance within the public and private sectors, and to foster women's entrepreneurship.</p>
<p>Ms. Er:</p>	<p>Handling gender preconceptions and biases: Addressing gender stereotypes and prejudices in media, education, and other cultural contexts. There should be initiatives like gender-sensitive education, media literacy courses, and public awareness campaigns.</p> <p>Strengthening legal and policy frameworks: Actions like putting laws against gender-based violence into effect and upholding them, advocating for equal pay for equal labour, and boosting women's participation in political and decision-making processes.</p> <p>Education and training for women: Activities like expanding access to education and vocational training, encouraging STEAM education for girls, and giving women opportunities for mentoring and leadership development.</p> <p>Encourage women to enter the workforce: E.g. encouraging flexible work schedules, expanding access to quality day-care, and support female entrepreneurs.</p> <p>Eliciting support of men and boys: E.g. programmes that foster healthy masculinity, encourage men to take up domestic and caring duties and encourage males to support women's rights and gender equality.</p>
<p>Mr. Koh:</p>	<p>As part of Malaysia's efforts to further build and promote gender equality, here are some suggestions and recommendations for the agencies involved:</p>

	<ol style="list-style-type: none"><li data-bbox="432 197 1334 394">1. Increase awareness and education: Young people need to be informed and educated about gender equality. It may be possible to accomplish this through school curriculums, public campaigns, and community outreach initiatives.<li data-bbox="432 416 1334 667">2. Address gender-based violence: It is essential to address gender-based violence in order to achieve gender equality. Efforts should be made by agencies to strengthen laws and policies, enhance access to services for victims of violence, and promote attitudes and behaviours that are gender sensitive.<li data-bbox="432 689 1334 940">3. Increase women's participation in decision-making: The participation of women in decision-making is crucial to the achievement of gender equality. There should be a concerted effort by agencies to increase women's representation in decision-making at all levels, including in politics, business, and civil society.
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CHAPTER 5: DISCUSSION, CONCLUSION AND IMPLICATION

5.1 Discussions of Major Finding

Gender equality is one of the world's most pressing issues. There has been some progress made in the gender equality movement, however, many challenges and obstacles remain.

Gender equality has always been a problem in India, especially for women in education, employment, marriage, and family life. To address these problems, the Indian government has enacted numerous laws and policies including the "Prohibition of Child Marriage Act, 2006". In practice, however, these efforts have not always been effective. Women still face many challenges in the job market despite India's employment plan that prioritizes women. The Indian experience can thus teach other countries how to design gender equality policies based on the socio-cultural context.

The gender equality situation in Malaysia is relatively good. A number of policies and programs have been implemented by the Malaysian government to advance gender equality in education, employment, politics, and law. Also, Malaysia has a different cultural background and institutional framework than India. In Malaysia, for instance, Islam dominates the country and has specific views on women's rights. In other cultural contexts, Malaysia's experience can inspire other countries to achieve gender equality.

In spite of this, Malaysia still has some areas for improvement, including gender discrimination in politics and domestic violence. India's experience can benefit Malaysia, especially when it comes to awareness and ideology. It has been demonstrated in India that when addressing gender equality issues, an in-depth understanding of the socio-cultural background and the effectiveness of institutional implementation is necessary in order to formulate policies and measures that are more appropriate for the current environment.

Finally, by comparing the experiences of two different approaches to gender equality, other countries can draw lessons and experiences in order to formulate and

implement more effective policies on gender equality. The implications of this are important for the defence of gender equality and women's rights globally.

5.2 Limitations of the Study

This study has the limitation of not having sufficient time. In order to answer our interview questions, the interviewees had to conduct some research. Furthermore, if adequate time is not provided for the research, the results may be limited and incomplete, and cannot accurately reflect the current status and changing trends of gender equality policies and practices in the two countries.

Additionally, biases may also be present in the study. Due to societal and cultural diversity, different interviewees may hold varying views and attitudes toward the same issue. To obtain an accurate and comprehensive research outcome, it is, therefore, necessary to involve as many different interviewees and perspectives as possible.

5.3 Recommendations for Future Research

There is potential for future research to focus on gender equality in crime and violence. Gender equality can be explored in terms of its impact and role on crime and violence, as well as how crime and violence affect gender equality. In addition to providing a theoretical and practical basis for formulating more effective policies for crime prevention and control, this type of research can help to improve our understanding of gender equality in social security and public safety.

There are several methods and means that can be utilized in research, including questionnaire surveys, detailed interviews, case analyses, empirical research, etc. This study aims to understand how people of different genders participate and experience crime and violence, as well as the impact of different gender equality policies and practices on crime and violence.

Additionally, future studies on this topic may use a different research method. In the future, researchers can conduct research on gender equality using quantitative methods. By doing so, they will be able to gather more relevant data to analyse trends and draw more accurate conclusions.

5.4 Appendices

1. Could you please briefly explain on what is the meaning of gender equality?

<p>Ms. Lee:</p>	<p>A gender-equal society is one in which all individuals have equal rights, opportunities, and resources. Human rights are at stake, not just morals or ethics. The issue of gender equality extends far beyond the realm of human rights. There is also a strong relationship between it and the development of a peaceful and harmonised world. Having equal access to education, health care, and work will allow women and men to participate fully in society.</p>
<p>Ms. Er:</p>	<p>Everyone regardless of gender should be treated equally and have the same opportunities and rights in the workplace and other segments of society. E.g. men and women should have equal access to work opportunities, education, resources and promotions. Equal rights to the same advantages, and free from gender-based discrimination. Gender inequality can lead to unfairness and inequalities. E.g. why should women be paid less than a man for exactly the same type of work?</p>
<p>Mr. Koh:</p>	<p>Gender equality refers to providing equal opportunities, rights, and treatment to all individuals regardless of gender. It aims to ensure that everyone has equal access to resources, opportunities, and benefits, regardless of gender identity. It works to eliminate gender-based stereotypes and biases to promote a society where all genders can participate equally and prosper.</p>

2. In the context of gender equality, how does it affect the workplace?

<p>Ms. Lee:</p>	<p>It is important to note that gender equality plays a significant role in the workplace in terms of factors such as recruiting, pay, company culture, and opportunities for leadership. Here are some of the effects of gender equality at work:</p>
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	<p>When there is gender equality, recruitment and advancement are determined by skill and experience, not by gender. When recruiting and promoting women on an equal basis, a diverse set of candidates is attracted, facilitating a more creative and effective work environment.</p> <p>In order to reach leadership positions, women must have the same opportunities as men. In this way, the organization as a whole may be able to make better decisions as a result of more diverse viewpoints and techniques.</p>
<p>Ms. Er:</p>	<p>Gender equality promotes diversity and inclusion in the workplace, creating a diverse and inclusive work environment. This can improve morale and productivity. Companies gain benefits from the unique strengths and perspectives of men and women. Also, improve employee satisfaction, engagement, and retention rates. Companies can attract and retain talent and fit employees according to where talents are needed.</p> <p>Gender diversity can improve decision-making by bringing different perspectives and experiences - more informed and balanced decision-making.</p> <p>Gender equality promotes equal opportunities for career growth and advancement - improves job satisfaction and employee morale, as individuals feel valued and not discriminated.</p>
<p>Mr. Koh:</p>	<p>There is a great deal of importance placed on gender equality at work.</p> <p>In the workplace, it can have the following effects:</p> <ol style="list-style-type: none"> 1. An equal opportunity for all: Gender equality refers to equal opportunities for both men and women in the workplace and in the promotion process. It is encouraged that employers hire and promote employees on the basis of their skills and qualifications rather than based on their gender. 2. Pay equality for equal work: Women and men should be compensated equally for equal work. In this manner, there will be no gender pay gap between men and women who do the same job.

3. Could you briefly talk about the history of gender equality in the workplace in Malaysia?

<p>Ms. Lee:</p>	<p>The process of achieving gender equality at work has been slowly progressing in Malaysia. Early in the 20th century, women were largely excluded from the workforce, caring for their families and performing household duties. However, in recent decades, Malaysian society has experienced significant changes that have led to greater gender equality in the workplace. From the data presented by the Department of Statistics Malaysia, women make up 55.5% of the labour force, and 24% of senior management positions are filled by women.</p>
<p>Ms. Er:</p>	<p>Since before independence, women were mostly confined to homes, with traditional roles as wives, mothers, and caregivers. They had limited access to education and job opportunities. In fact, families vied to have sons than daughters, especially in the Chinese and Indian communities. For Indians, daughters were a “burden” as dowry money was needed when the time came for them to be married off. As for Chinese, the perception was that the daughter would no longer be part of the family one day when they were married off.</p> <p>After Independence, with Malaysia needing to grow on its own, there were increased demands for labour, especially in the factories and offices. More job opportunities arose, but mostly at the lower rung of the corporate hierarchy. Women took up jobs that require physical labour, e.g. construction workers. Salary and wages remained unsatisfactory, with men being paid more than women for the same type of work.</p> <p>As Malaysia entered the industrial age, gradually, gender equality became acceptable, partly due to the declining male birth and increase in female births. By the end of the 20th century, except for certain sectors (e.g. military and religious places), women formed half or even more than the number of males. Gradually, women “broke the glass ceiling” by becoming pilots, engineers and in the oil and gas industry.</p>

<p>Mr. Koh:</p>	<p>There has been gradual progress toward gender equality in the workplace in Malaysia. Over the years, the Malaysian government has implemented a number of policies and laws to promote gender equality at work. In 2012, the government passed the Gender Equality Act, which prohibits discrimination in all aspects of life, including employment. Although these efforts have been made, gender inequality still persists in the Malaysian workplace. There is a persistent gender pay gap and underrepresentation of women in leadership positions.</p> <p>In recent years, gender equality has increased in Malaysia. The advocacy efforts of NGOs have increased in recent years, as have efforts to encourage businesses to pay more attention to gender issues.</p>
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4. After knowing the history of gender equality in India, what is the basic difference that you can see between both countries?

<p>Ms. Lee:</p>	<p>India –</p> <p>India has a long history of advocating for gender equality, having put laws and policies to support it in the workplace. In India, a number of programs and organizations, under the Indian Constitution, have been created to support gender equality at work. There were, for example, 33 percent quotas for women's representation in local self-government institutions in 1993.</p> <p>The gender inequality problem persists in India despite all these efforts. Women still face major obstacles to accessing education and work, and there is a large wage gap between men and women. It is common for women to be harassed and discriminated against at work.</p> <p>Malaysia –</p> <p>The United Nations has listed Malaysia as a leader in encouraging women to participate in science, and half of all researchers in Malaysia are women. In addition, in 2004, the government committed to filling</p>
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	at least 30% of key roles in the public sector with women, and in 2017, women comprised 36% of the public-sector workforce. Also, in 2015, the government mandated that women comprise at least 30% of the boards of large corporations by 2020, making it the only country in Asean with such a directive.
Ms. Er:	You can find it in the literature or from those who do research on the Indian position.
Mr. Koh:	It may be beneficial for you to consult other journals on this topic.

5. What is the legal framework in places basically for gender equality in Malaysia?

Ms. Lee:	<p>Malaysia's legal framework for gender equality is primarily governed by the Federal Constitution, which prohibits discrimination based on gender. A number of laws and policies are in place to promote gender equality in the workplace, including:</p> <ul style="list-style-type: none"> ● Under Article 8(1) of the Federal Constitution -- All persons are equal before the law and entitled to the equal protection of the law. ● Article 8(2) -- Except as expressly authorized by this Constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent, place of birth or gender 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.
Ms. Er:	Malaysia ratified the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in August 1995, excluding parts that were in conflict with the Federal Constitution and Syariah laws.

	<p>The Employment Act 1955 – provides basic labour standards and protections for employees. No discrimination in recruitment, training, promotion, and dismissal. Also, provisions for equal pay for work of equal value and provisions against sexual harassment.</p> <p>Federal Constitution – Article 8, which was amended in 2001, provided for equal protection of the law - no discrimination on the ground only of religion, race, descent, place of birth, or gender. No discrimination in the appointment to any office or employment, holding of property and carrying on any trade or employment.</p> <p>Penal Code and Domestic Violence Act 1994 – made domestic violence a crime and provided protection for victims of domestic violence.</p> <p>National Policy on Women 2009: promoting gender equality and women's empowerment in the areas of education, employment, health, and political participation.</p> <p>Sexual Harassment Act 2019 - legal protection against sexual harassment in the workplace and in other contexts.</p>
<p>Mr. Koh:</p>	<ol style="list-style-type: none"> 1. Employment Act 1955: This act prohibits discrimination against women in the workplace, provides equal wages for equal work, and prohibits the termination of employees due to pregnancy. 2. Gender Equality Act 2012: The Act prohibits all forms of discrimination on the basis of gender, including discrimination in the workplace. As part of the law, equal pay for equal work is provided, and sexual harassment in the workplace is prohibited. 3. National Policy on Women 2009: It is aimed at empowering women in the workplace and promoting gender equality. In addition, it ensures that women are treated equally in the workplace and have equal access to education, training, and job opportunities. 4. Sexual Harassment Act 2019: This act defines sexual harassment and provides legal remedies for individuals who may have been victims of this type of behavior.

6. What is the legal framework for gender equality in India?

<p>Ms. Lee:</p>	<p>India has a number of laws and policies that contribute to the legal framework for gender equality in the country, including the following:</p> <ul style="list-style-type: none"> • Section 4 (1) of the Protection of Women from Domestic Violence Act, 2005 states: "Any person who has reason to believe that an act of domestic violence has been, or is being, or is likely to be committed, may give information about it to the concerned Protection Officer." • Section 19 (a) of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013;(a) provide a safe working environment at the workplace with shall include safety from the persons coming into contact at the workplace • (c) organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the Act and orientation programmes for the members of the Internal Committee in the manner as may be prescribed
<p>Ms. Er:</p>	<p>You can find it in the literature or from those who do research on the Indian position.</p>
<p>Mr. Koh:</p>	<ol style="list-style-type: none"> 1. The Equal Remuneration Act, 1976 - The act guarantees gender equality in remuneration when the same or similar work is performed by men and women. 2. The Maternity Benefit Act, 1961 - Under this act, pregnant women are entitled to maternity leave and other benefits. 3. The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 - This Act prohibits sexual harassment at the workplace and outlines a procedure for redressing complaints. 4. The Domestic Violence Act, 2005 - a law that protects women from domestic violence and abuse.

7. What are the agencies involved in Malaysia’s gender equality? Is it effective in your opinion?

<p>Ms. Lee:</p>	<p>All Women’s Action Society (AWAM), Persatuan Kesedaran Komuniti Selangor (EMPOWER), Persatuan Sahabat Wanita Selangor (PSWS), Women’s Aid Organisation (WAO) and others.</p> <p>In my opinion, Malaysian institutions involved in gender equality work effectively and they bring the following advantages:</p> <ul style="list-style-type: none"> • Gender-discriminated individuals can receive legal assistance, education, training, career opportunities, and more from these organizations. It is possible for discriminated individuals to gain empowerment through these materials. • It is possible for them to provide advice to governments and others in relation to issues relating to gender equality. By providing research, analysis, and recommendations, they may assist the government in creating gender equality policies. • A community action program can be coordinated by these organizations in order to promote gender equality in the community. It is possible for them to organize protests, petitions, marches, etc., in order to condemn sexism and demand reform.
<p>Ms. Er:</p>	<p><u>Government</u></p> <p>Ministry of Women, Family and Community Development - the main government agency on promoting gender equality and women's empowerment. It oversees various programs and initiatives related to women's rights, e.g. National Policy on Women, the Women's Development Program, and the Women Entrepreneurship Fund.</p> <p>Department of Women's Development: A unit under the Ministry which focuses on implementing policies and programs to promote gender equality and women's empowerment.</p> <p>Human Rights Commission of Malaysia (SUHAKAM): An independent government agency that monitors and promotes human rights in Malaysia, including women's rights and gender equality.</p>

	<p><u>Non-Governmental organisations</u></p> <p>Malaysian National Council of Women's Organizations (NCWO): to promote women's rights and gender equality through advocacy, research, and capacity building.</p> <p>All Women's Action Society (AWAM): provides services and support to women who have experienced violence or discrimination and also engages in advocacy and awareness-raising activities.</p> <p>Women's Aid Organization (WAO): provides shelter, counselling, and support services to women who have experienced domestic violence or other forms of gender-based violence. Also engages in advocacy and public education on issues related to women's rights and gender equality.</p> <p>Tenaganita: a human rights and non-profit organisation dedicated in helping, building and protecting migrants, refugees, women and children from exploitation, discrimination, slavery and human trafficking.</p> <p>So far, the NGOs have made much impact on raising awareness on gender issues and rights. However, the response from the Government has been rather dismal, probably because of many pressure groups, which include foreign multi-national companies that look to Malaysia as a source of cheap labour, which unfortunately includes largely women labour.</p>
<p>Mr. Koh:</p>	<ol style="list-style-type: none"> 1. Ministry of Women, Family and Community Development 2. Human Rights Commission of Malaysia (SUHAKAM) 3. Malaysian Association of Women Lawyers (MAWL) 4. All Women's Action Society (AWAM) <p>The effectiveness of these programs resides in the formulation of policies and programs that promote gender equality and women's empowerment as well as the monitoring of the implementation of these policies and programs.</p>

8. What are the agencies involved in India’s gender equality and is it effective from your perspective?

<p>Ms. Lee:</p>	<p>Beti Bachao Beti Padhao (BBBP), Mahila Shakti Kendra (MSK), Working Women Hostel (WWH), Scheme for Adolescent Girls.</p> <p>A variety of services are provided to women who face gender discrimination, including legal assistance, medical treatment, employment training, and more.</p> <ul style="list-style-type: none"> ● These organizations promote awareness and education about gender equality. As a way of educating women about their rights and possibilities, they can organize workshops, training sessions, community meetings, etc. ● These agencies provide women with opportunities to gain economic independence and self-fulfilment through employment and vocational training. It may be possible for them to collaborate with companies in order to increase opportunities and equality for women at work.
<p>Ms. Er:</p>	<p>You can find it in the literature or from those who do research on the Indian position.</p>
<p>Mr. Koh:</p>	<ol style="list-style-type: none"> 1. Ministry of Women and Child Development 2. National Commission for Women 3. National Institute of Public Cooperation and Child Development <p>It is these agencies that promote gender equality and women's empowerment in India through a variety of programs, campaigns, and advocacy efforts, and play an important role in the fight against gender-based violence and discrimination in the country.</p>

9. In your opinion, are there any suggestions or recommendations for the agencies to build gender equality in Malaysia?

<p>Ms. Lee:</p>	<p>As a result of its recommendations, agencies were urged to provide equal access to education through appropriate legislation, policies, monitoring, and campaigns, to enable women to participate in the labour force more effectively, to promote family-friendly policies, to increase the participation of men in unpaid housework and care work, to improve gender balance within the public and private sectors, and to foster women's entrepreneurship.</p>
<p>Ms. Er:</p>	<p>Handling gender preconceptions and biases: Addressing gender stereotypes and prejudices in media, education, and other cultural contexts. There should be initiatives like gender-sensitive education, media literacy courses, and public awareness campaigns.</p> <p>Strengthening legal and policy frameworks: Actions like putting laws against gender-based violence into effect and upholding them, advocating for equal pay for equal labour, and boosting women's participation in political and decision-making processes.</p> <p>Education and training for women: Activities like expanding access to education and vocational training, encouraging STEAM education for girls, and giving women opportunities for mentoring and leadership development.</p> <p>Encourage women to enter the workforce: E.g. encouraging flexible work schedules, expanding access to quality day-care, and support female entrepreneurs.</p> <p>Eliciting support of men and boys: E.g. programmes that foster healthy masculinity, encourage men to take up domestic and caring duties and encourage males to support women's rights and gender equality.</p>
<p>Mr. Koh:</p>	<p>As part of Malaysia's efforts to further build and promote gender equality, here are some suggestions and recommendations for the agencies involved:</p>

	<ol style="list-style-type: none"><li data-bbox="434 197 1332 392">1. Increase awareness and education: Young people need to be informed and educated about gender equality. It may be possible to accomplish this through school curriculums, public campaigns, and community outreach initiatives.<li data-bbox="434 414 1332 667">2. Address gender-based violence: It is essential to address gender-based violence in order to achieve gender equality. Efforts should be made by agencies to strengthen laws and policies, enhance access to services for victims of violence, and promote attitudes and behaviours that are gender sensitive.<li data-bbox="434 689 1332 943">3. Increase women's participation in decision-making: The participation of women in decision-making is crucial to the achievement of gender equality. There should be a concerted effort by agencies to increase women's representation in decision-making at all levels, including in politics, business, and civil society.
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