

## **DISCRIMINATION AGAINST WOMEN IN WORKPLACE: A CASE STUDY ON HOTEL DRESS CODE**

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### **ABSTRACT**

The development of discrimination case which is now extended to the issue of female workers dress code in the hotel sector seen as a challenging topic and a solution is needed. Discrimination generally gives a negative impact to the victim and if seen in the hotel sector, it has a direct impact on female workers if it involves the issue of this dress code. Hence it is not appropriate if these women are subjected to discrimination that prohibit them from wearing a hijab and wearing a short skirt during working hours. On this basis, this study discusses the major problems pertaining to dress code faced by female workers in the work place. This research is essentially a qualitative research using an interviews with relevant parties from selected hotels to gain the findings and supported by materials that obtained from libraries, archives and other databases. Through the research findings, several recommendations were introduced to reduce and eliminate the discrimination issue in Malaysian working sector, in order to achieve the equality among men and women in workplace.

**Keywords:** *Discrimination, Dress Code in Hotel, Impact on Female Workers*

### **INTRODUCTION**

Discrimination in employment in Malaysia can be said as not a new issue in a company or industry organization. The problem of discrimination is often seen as a result of an attitude of employers who practice bias and favoritism [1]. This happened because some workers do not know their rights as workers and cause them to be freely abused by the superior. There are several types of discrimination in the world [2], amongst them first, age discrimination, where an individual is given unfair service because he belongs to a certain age range and causes them to receive unfair service due to age factor; furthermore, health discrimination whereby an individual is given improper service because they suffer from illness or have any particular disability and cause the employer to fear they will often not go to work; thirdly, religious discrimination in which an individual is treated unfair because they are judged by their religion, and the fourth is racial discrimination which causes an individual to be given improper service or is not given equal treatment due to racial differences. While the last discrimination is gender discrimination where an individual is treated unfairly because they are of value through their sex. This discrimination is often faced by women because they are considered physically not fit and only capable to do light work. In discussing the dress code issue in the hotels industry, it has been recently reported that there are nearly twenty hotels rated five to six-star in the

Malaysian capital known to practice dress code discrimination against female workers who serve at the front desk of the reception. This paper is in its attempt to study the practice and existing policy on dress code in the hotel industry with relation to discrimination against female workers and to recommend suggestions towards the issue.

### **LITERATURE REVIEW**

Discrimination is an unfair service to a particular individual as the service is based on the characteristics or groups represented by the individual [3]. This discrimination attitude is a common practice among human societies who like to compare and differentiate people [4]. Employment discrimination cover unfair practices in several different areas of employment, including hiring, promoting, assigning tasks, compensating and firing. There are many different ways employment discrimination can occur, and in many different areas of employment. Discrimination obviously

includes outright mistreatment of an employee, but it can include treating other employees or job applicants better than a particular employee, too. It can also occur when the employment practices merely perpetuate previous or ongoing discrimination. The recent issue of discrimination in the hotel industry is the issue of restriction for women to wear hijab at hotel's front desk. This issue is still happening in a country with a majority of Muslims. Following this issue, the argument raised that the allegedly policy is more discriminatory and does not exist in international Standard Operating Procedures (SOPs) which impede Muslim women to impose hijab as it is difficult to see the connection between the hijab ban and the employee's ability to perform her job competently or effectively. The hijab should have nothing to do with the employee's performance at work. This paper is totally focus on the discrimination issue that becomes the topic of the discussion here, that is, discrimination in term of gender and about the dress code.

## **A. Gender Discrimination**

Discrimination against women constituted under gender discrimination. Any preference, importance or elimination made on the basis of gender or sex of an employee is considered as gender discrimination. If a company doesn't provide equal opportunities to its employees then it is committing gender discrimination. It is unfair, unequal treatment in employment opportunities of an individual on the basis of his or her gender. Employment opportunities include promotions, an increase in pay and benefits. Mostly women are subject to gender discrimination but men can also be victims. Transgender are also the target of gender discrimination in the workplace.

The achievement of women in various fields of career is no longer doubtful, as their ability to compete with men are proven. However, women are still not fully trusted by certain organizations. Women are considered weak as there is a negative perception of this gender, that women are incapable of being a leader as well as men. This causes women not to be given a promotion opportunity especially when they work in technical fields [5].

## **B. Dress Code Discrimination**

Dress code is a set of applications set by the company to help providing their employees with guidance on appropriate application and the responsibilities falls on employers in establishing the standard [6]. The right dress code will not only protect employees from any form of discrimination but, the role of each employee in adhering to the dress code is very important in establishing a work culture or orderly working environment. Employers are entitled to have and implement a dress code in their business as they may even be required to do so because of health and safety standards. However, employers should ensure that their dress codes are not discriminating against certain members of staff.

When implementing a dress code that specifies different treatment for men and women, employers need to ensure they have a genuine business reason for the difference to justify the policy. Some employers may want different dress for authenticity reasons or because the job role requires it, though it may be hard to prove this. It is essential that employers take time to speak to members of staff about the dress code and take on board any individual concerns, especially if these are related to gender [7].

Additionally, the Ontario Human Rights Commission (ORHMA) focuses on women that asked to dress in a sexually explicit manner at work such as requiring women to wear high heel shoes, short skirts, tight clothing or trousers [8]. Such a code of conduct would give a bad impression to women. Through formal or informal practices, women become contributors to the working environment pattern and become a source of discrimination against the dress code. Female employees sometimes face problems in compliance with dress code due to the inconvenience of adhering to dress codes. In addition to discrimination, disparate dress code standards can also subject employers to potential liability for sexual harassment. Employees can bring harassment claims if they are selectively required to wear provocative or suggestive clothing for example, only waitresses being required to wear short and or tight skirts. Employees can also bring "stereotyping" claims if they are required to wear outfits that are traditionally "expected" of their respective genders, such as women being required to wear dresses or skirts instead of pants.

## **METHODOLOGY**

This study used qualitative methods whereby it is a study of the situation and the individual to get detailed and in-depth information [9]. The stage one of the studies was exploratory in nature as this stage where framework was developed through extensive review of the literature. The population of the study was selected from three to five star rated hotel in northern area of Malaysia. A purposive sampling method was selected in this study based on the information required by the researcher from a particular group as well as responding to the objectives of the study to be studied and to save cost and time.

Semi-structural interview used where the questions asked to the respondents on a semi-formal basis, planned and implemented according to a list of questions that were arranged during the interview sessions. This method was used to create a comfortable and less formal atmosphere between researchers and respondents during the interview sessions [10]. The interview session arranged with the officers in the Human Resources Department as they know better pertaining to the policies of hotels as they have involved quite some time in hotel industry. The data was analyzed using content analysis. Content analysis is a systematic process of disseminating information to researchers on a matter

## **FINDINGS**

The purpose of the interview is to study and get first-hand information regarding the practice and existing policy on dress code in the hotel industry. A total of four respondents who are employed in management level in four selected hotels located in the Northern Territory of Malaysia were interviewed and tagged as in the Table 1 below. Together with this findings, the issue of dress code discrimination in hotel industry will be disclosed through the analysis of responses of the respondents.

**Table 1: Respondents List**

No	Respondents	Tagging
1.	DoubleTree Resort by Hilton Penang	Respondent 1(R1)
2.	Park Avenue Hotel	Respondent 2(R2)
3.	Pure Hotel	Respondent 3(R3)
4.	Swiss Inn	Respondent 4(R4)

## **DISCUSSION**

Based on the responses from the interviews showed that there were standard of uniforms for hotel workers. The differences can only be shown through the colour and design of uniforms depending on the person's rank. Uniform are provided to employees is also a common practice in the hotel industry particularly when they have different departments. This means that the dress code should depend on the needs and suitability of the divisions. As long as it is proper and suitable with the nature of the job and not discriminatory, it should be allowed.

Looking at the issue of hijab restrictions for female workers, it can be seen that high rated star hotels are still acting inadequate for their female workers especially in front desk office to forbid them wearing hijab as they believed it may attract more tourists. However, this issue does not exist for those hotels in lower star rated.

Next, in the dress code compliance issues of employees, the results of interviews shown that employees are subject to the dress code regulations provided and they will be liable to action if intentionally violates the rules.

Thus, also reported from the interview was the issue of hijab should not be the main criteria in hiring employees for the hotel sector. This is because there are no specific provision in the law on said prohibition. Furthermore, workers should not be ordered to not wear hijab and short skirts just because they need to be at the front desk of the hotel.

The practice of discrimination in dress code for female workers in the hotel sector has been proven to exist and is evidenced by interviews with respondents. However, this discrimination can be

said to be frequently reported in high star rated hotels. This is because of the misunderstanding of the hotel in practicing the employee's dress code policy by saying the restriction to wear hijab is legitimate and does not violate any policy. International standard in dress code for hotel employees also play a role in this discrimination issue. This is not supposed to happen due to Malaysia as a country that practices the teachings of Islam thus, every employer regardless of the religious background should consider this factor in the work-related affairs.

## **RECOMMENDATION**

It is on this basis that the researcher intend to put forward the recommendations that are classified into good practice in work place.

### **A. Develop an Anti-discrimination Policy at the Workplace**

Employers need a non-discrimination policy that is put into practice. Therefore, it is necessary to develop and institute appropriate anti-discrimination programs designed to train employees on how to understand and abide by the employer's anti-discrimination policy. More generally, these programs should highlight the employer's goal of eliminating discrimination and otherwise reinforce the employer's values of professionalism and mutual respect in the workplace.

Both employers and employees must clearly understand the concept of discrimination. This includes the type of discrimination, how it applies and what is the impact on the worker's work performance. Employers as involved in making this policy should be aware that discrimination may exist when there is a difference in the distribution of duties between male and female workers. It can also happen when it involves the element of practicing religious teaching in the workplace. Employers should act wisely to adjust their employees with working conditions and avoid discrimination. The designed policy is also to be regularly review so that the rights of employees and employers are guaranteed in line with the company's performance.

### **B. Establish Clear Criteria for Evaluation**

It is a customary practice for an organization to provide promotion opportunities to employees who have reached the criteria of the set criteria in a given time. However, the obstacles often faced by employees such as no clear explanation of the criteria required in the promotion process make them fail in the application process. This indirectly creates a clear and significant gap of discrimination if it involves male and female gender differences as the main condition in the assessment.

The main aspect that should be emphasized to an employees in understanding the criteria for promotion should be clarified to the target group. For example, term terms such as gender, age limitation and relevant experience must be understood by employees who have the intention of applying for this promotion. Employers shall not make the main conditions of promotions only to a particular gender unless there is reasonable justification to avoid the existence of elements of discrimination in employment. However, every layer of the said organisation is expected to have different eligibility criteria, so it is not an offense for the employer to conduct a positive discrimination involving certain terms and conditions. For instance men are required to make heavy work based on their physical capacities and so women are placed in the scope of work that is appropriate to their abilities.

## **CONCLUSION**

Overall, it can be seen that discriminating women have become increasingly serious issues in the workforce, whether in the public sector or the private sector. Not only that, women's discrimination also occurs in all types of jobs whether they are skilled, partly skilled or skilled.

Through this writing, we can conclude that discriminatory women comprise various forms of discrimination which each have negative effects on women as well as creating an uncomfortable

working environment and affecting the productivity of the company. In this case, all parties should work together to curb this problem.

With regards to the research conducted, it is confirmed that there is a form of discrimination to female workers in the hotel sector due to the way these people dress. The main cause of this discrimination is with respect to the employer's own perception that the way their dress is closely related and influences the reception of tourists to take the accommodations service offered. Although this discrimination is not exhaustive and there are still hotels that treats their female workers accordingly, this is not an act that can be left prolonged and the employer should be aware of the rights of women workers irrespective of their field of work.

Empowering women in the employment sector is not an efforts that can be evaluated in the short period of time as it requires the extensive involvement of all parties involved.

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