



Old Wine in the New Bottle: Dress Code in Malaysia Hotels

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Abstract

The female workforce in Malaysia has increased tremendously over the years. Ironically, despite Islam position perpetually enshrined in the constitution of the country as the official religion and the ever increasing number of Muslim women in the workplace, the prohibition of hijab or widely called 'tudung' is widely and openly practiced by the hotel industry. In the hospitality industry, employer requires employees to abide the industry grooming standard and this is usually done through a clearly defined dress code policy. However, dress code standards are usually challenged due different treatment based on religion or gender. Hence the research determine to acquire further understanding on the policy or practice of the dress code in Malaysia hospitality industry by determining the management's acceptance towards religious requirement of employees' dress code. A qualitative approach utilizing 15 in-depth interviews among the human resource managers in Malaysia was conducted to gain an understanding of underlying reasons and opinions regarding this issue. The research findings indicated that the hotel's grooming standard, norm and leadership role as major elements that determine the management's acceptance towards religious requirement of employees' dress code. The outcome of this research can be used as a basis for the policymakers should any reformation for any relevant legislation to be carried out in future.

Keywords: Dress Code, Grooming Standard, Hotel Management, Women, Hijab, Malaysia

1. Introduction

The female workforce in Malaysia has increased tremendously over the years. In 1982, there were less than 1.8 million women employed with 44.5 percent labour force participation rate and 4.6 percent of unemployment rate. In 2013 statistic, the number of women employed almost tripled to about 5 million with 52.4 percent labour participation rate and 3.4 percent for unemployment rate. The statistic shows that more than half of the women at work in Malaysia are employed since 1982. ILO statistic 2008 showed that female comprised of 48% of the workforce in Hotel, Catering and Tourism (Baum, 2012: pg 50)¹. The number of women wearing hijabs joining the workforce in hospitality industry is progressively increasing (Ahmad et al, 2015)². Nevertheless, there are few hotels that banning hijab for Muslim women employee, especially for the frontliners. This paper determines to identify the hotel managements' acceptance towards religious requirement of employees' dress code.

Article 3(1) of the Federal Constitution of Malaysia enunciates that Islam is the official religion for the Federation of Malaysia. Thus, does it mean that there is no restriction for the female Muslim employees in hospitality industry to practice their religious belief at their workplace? Muslim women in Malaysia are more fortunate compared to their counterpart where women are still a second-class citizen in a few Middle Eastern countries. Muslim women in Malaysia had evolved tremendously. From traditional to the modern lifestyle that witnessed changes in perception, action and artefacts. Their position in the society had changed from being a mere housewife to a career oriented woman (Hassan, 2015)³.

However, women in the hospitality industry in particularly, would face additional challenges due to the nature of the industry which is physically exhausting, repetitive, and demands long working hours (Ahmad, Rashid, & Zainol, 2015)². It is noted that, Muslim women

encountered more challenges than other women as most large hospitality establishment provide employee uniforms and these uniforms hardly comply with the Muslim women dress code. As stated in the Al Qur'an, wearing the hijab is compulsory to the Muslim women. Veils, hijab, or head scarves are a woman's most striking signifier of the Muslim religious identity. The hijab covers the hair, neck, and shoulders.

O Prophet! say to your wives and your daughters and the women of the believers that they let down upon them their over-garments; this will be more proper, that they may be known, and thus they will not be given trouble; and Allah is Forgiving, Merciful. (33:59).

It is ironic despite placing Islam as the official religion in Malaysia and the number of Muslim women is increasing in the workplace, there is still limitation for Muslim women who work in hotel industry to wear hijab. The Constitution of the Federation of Malaysian, being the highest law in the country, has guaranteed that all citizens are equal before the law. This right is enunciated in Article 8 of the Federal Constitution.

Article 8 (1) that all persons are equal before the law and entitled to its equal protection.

Article 8(2) states: "Except as expressly authorised by this Constitution, there shall be no discrimination against citizens on the ground only of religion, race, descent, gender or place of birth in any law or in the appointment to any office or employment under a public authority or in the administration of any law relating to the acquisition, holding or disposition of property or the establishing or carrying on of any trade, business, profession, vocation or employment"

Table I: Fundamental Guidelines in Islamic Clothing for Muslim Women

Guideline	Rationale
Garment must cover the whole body from the view of unpermitted man	All the rules basically tell the Muslim women not to expose their body shape of form in any manner as it may draw the attention from men. Albeit not all men have nasty desire towards women, but the guideline is made for prevention
Dress must not be transparent or semi transparent	
Dress must not be tight fitting that will resembles the body shape	
Not to use strong perfume until it will draw attention of others	
Not to show off their jewelry or even make indication of it	
Not to dress like non-believer. They must not display act to attract man	A Muslim woman must differentiate themselves from the non-believer by dressing according to the guidelines; but still not losing their grace as woman
Dress should not be resembling men	
Garment must not be a form of showing honor/wealth	Men and women should be humble by not showing off their material wealth or being arrogant

Apart from the constitutional rights bestowed upon its citizen, Malaysia should ensure that its law adhere to Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Malaysia has formally acceded to CEDAW since 5 July 1995. The main objective of CEDAW is seeking for the elimination of all forms of discrimination against women. By becoming a member to CEDAW, Malaysia is obligated to take all appropriate measures to ensure that all forms of discrimination against women are eliminated with exception to the three reservations.

Article 11 of CEDAW requires states parties to "take all appropriate measures to eliminate discrimination against women in the field of employment to ensure, on a basis of equality of men and women, the same rights".

From employers' point of view, they require their employees, who directly have guest contact or to the public, to obey to standard grooming, hygiene and appearance standard (Robinson, Franklin, & Hamilton, 2010)⁴. This is usually done through a clearly defined dress code policy. Moreover, employers emphasised of the importance of employee appearance to the image of their respective organisations and believe that it is their right to require their employees to meet minimum grooming expectation. Employees are required to be accepted to societal expectations of dress and behaviour in their workplace. Dress

code standards are usually challenged due different treatment based on religion or sex (Robinson, Franklin, & Hamilton, 2010)⁴. Employers are aware of the importance that employee appearance has on the image of their businesses, but there is an increasing likelihood of having appearance policies and dress codes challenged as religious discrimination (Robinson, Franklin, & Hamilton, 2010)⁴. For example, a Muslim woman may request to wear a hijab as part of her religious practice in her workplace, such as in the hotel.

We have used dress for various purposes such as for modesty, protection, and beautification (Flugel, 1966)⁵. For Muslim, the main source, Qur'an has focused on modesty and beautification, and at the same time it emphasized dress of piety (Fayyaz, 2014)⁶. Apart from that, the attire we wear is also associated with the sense of one's self or identity (Flugel, 1966)⁵. For example, different classes of society wear different dress to show their position in the society. We also use different uniforms to mention our jobs or institutions. People of different cultures wear different dresses.

Besides culture and region where we live, dress code is also determined by the faith we espouse. This way dress becomes a symbol of one's religious identity and the modesty associated with it (Fayyaz, 2014)⁶.

Jamali et al. (2005)⁷ suggested that the policy to permit Muslim women wearing the hijab at the workplace might make the employees to be more engaged with their work and they may serve clients better. A study by Reeves et al. (2013)⁸ in the United States discovered that there are prejudices, discrimination, or barriers in the workplace due to the wearing of the hijab. Those wearing the hijab experiences hiring difficulties, prejudice or discrimination, and fear. They felt uncomfortable wearing the hijab in the workplace due to the treatment received. According to Reeves et al. (2013)⁸, they lack the courage, confidence, or strength required in wearing the hijab, and this level of discomfort may lead to a negative workplace engagement. Reeves et al. (2013)⁸ suggested that organizations should prevent discrimination and accommodate employees' religious beliefs and practices, unless such accommodation would interfere with business operations. In fact, the organizations will lose potential high-calibre and talented employees had they do not accommodate employees' religious belief.

Baum (2012)¹, who conducted an international survey in the issues concerning employment of female in hotel, catering and tourism (HCT) industries, however he had overlooked the issue of discrimination faced by the Hijabis. The working paper draws upon a broad range of published sources from international, regional and national studies of the sector and of wider analysis of gender roles within the economy. It also draws upon the outcomes of a survey of international hotel companies and a focus group meeting with senior industry executives which explore both current practice and the barriers to the more effective use of women within the industry workforce.

Apparently, the bulk of women employment in the country are categorized as the low-level workforce. In hindsight Malaysia has a long way to go before its obligations under Article 11 of CEDAW are to be fulfilled. Women do not enjoy equal treatment in the field of employment at present. This is the result of a range of factors which deserve urgent attention in law and policy. It is thus interesting to determine whether the Hijabis in Malaysian hotel are discriminated? Whether the social dialogue as recommended by Baum can be applied in Malaysian scenario. Hence this research will be able to fill in the gap to further understand the policy on

dress code in hospitality industry in Malaysia. It can be used as a basis for the policymakers should any reformation for any relevant legislation to be carried out in future.

2. Research method

A qualitative approach (Leavy, 2014)⁹ was adopted to gain an understanding of underlying reasons, opinions and motivations for this research. To explore current practice with respect to dress code in the lights of religious perspective in hospitality industry, in-depth, face-to-face interviews were considered the most appropriate method to achieve goals of the explanatory process (Fisher 2007)¹⁰ and enable the researcher to explore, identify and clarify important elements that require in-depth exploration (Sarantakos, 2005)¹¹. Since large numbers of participants are not necessary in a qualitative study, the numbers of interview conducted were based on both redundancy and the theoretical saturation of significant data from additional informants (Lincoln et al 2011)¹². Therefore, there were fifteen (15) hoteliers interviewed in this study. The interviews lasted approximately 45-60 minutes and were audio recorded with noted transcribe for data coding. With the assistance rendered by the Malaysia Hotel Association (MAH), face-to-face interview of member hotels was conducted to obtain insights into policies and organizational practice with respect to dress code.

Theoretical thematic analysis that was adapted from Braun & Clarke (2006)¹³ was applied to identify, analyse and report themes and patterns within the interview data. This analysis would tend to be motivated by the researcher's theoretical or analytical interest in the area and is thus more explicitly analyst-driven. Theoretical or deductive thematic analysis can provide a more comprehensive analysis of the specific characteristic of the data. Thus, the researcher will code for a specific research question which maps onto the more theoretical approach. This analysis also adapts Braun and Clarke (2006)¹³ six phases thematic analysis process to analyse the data- familiarization with the data, coding, searching for themes, reviewing themes, defining and naming themes and writing up.

3. Results and discussion

Based on the interviews conducted with the hoteliers, it is deduced that the hoteliers prefer to maintain the current status quo regarding grooming or dress code. The reasons are as discussed below:

3.1. Normalization

According to the Malaysian Association of Hotels (MAH) Chairman, Mr Cheah Swee Hee, the policy of prohibiting frontline staff from wearing the hijab or headscarf is an international policy (Hamid, 2017)¹⁴, but a few hoteliers do not agree with his statement and stating that there is no written policy, it is merely a practice or an industry code:

P3: There is no concrete saying in the policy that staff cannot wear hijab, it is just, the situation already like this since, I don't know, forever, at least from when I started this career way 20 plus years back. That time, only non-Muslim willing to work in this industry because of stereotype of people when they heard the word 'hotel', nowadays, the perceptions has changed and more women with hijab starting join the industry. Who knows one day the culture too will change

P9: There is no such thing as international policy or guidelines that banning hijab, it is rather a practice. For hotel and inns, it is all started in the west, and we from Asian country look at them for sampling. The west does not have people with hijab. We have an image how a hotel supposed to look like. Besides, if you look at the history, hotel never left a good impression in the society, even when I first joined the industry, my father say that hotel is not for good people. This is because of the impression of people who work in hotel wear sexy but facts are because of the sampling of the west.

There is no such thing as international policy for dressing code but it is understood that who wants to work in the hotel they have to accept certain codes, example if you work in lobby lounge, you know that your uniform will be fitted, if you work in Chinese restaurant you need to wear Cheongsam

The prohibition of wearing hijab norm that if employees want to join the industry, they need to of today seems to be a norm in hotel industry in Malaysia due to 'best practices' had influence the Malaysia hotel industry psychic on normalization of the current system and deep rooted practiced and conducts of the colonial past. As the hotel industry in developing country such as Malaysia mushrooming and the well-established international hotel brand from the developed country expended their wings and firmly landed in the country, it is understandable for the established hotel to bring along their 'best practices' to the new shore. Soon after they become the formidable industry leaders and other hotels started to adopt their 'best practices' in order to compete with them. Thesethe very nature of the western values principles and wearing hijabs is not included in the 'best practices'. Thus, it becomes a accept the hotel industry's code, such as letting of the hijabs for Muslim woman. The act of banning headscarf for frontline Muslim women in hotel industry is a systemic discrimination (Mitchell, Beninger, Donald, & Howard, 2015)¹⁵. The so called 'best practices' had created limitation for Muslim women to work in the industry. Lest must we forget that the so called 'best practices' are based on the western norms.

This is supported by Singapore-based Deloitte Touche Tohmatsu (Deloitte) operations manager risk advisory Chong Yoon Ong that stated such policies are even in practice in the Middle East, where the policy is commonly adhered to in international hotel chains (Brah & Phoenix, 2004)¹⁶. Because of the risk of potential litigation, if an appearance policy is not a component in the performance of the job, perhaps it should be avoided. It is recommended that hotel should be taken into considerations that the bans declared and enforced by the hotels themselves apply to displays of other religious apparel as well, but because of Malaysia's predominant religion the headscarf is the most common thing someone might wear to work. (Starnes & Rusche, 2012)¹⁷ suggested that though federal courts have recognized the importance employee appearance plays in advancing a desired organizational image, they have also acknowledged that employers have an obligation to make reasonable accommodation for an employee's sincerely held religious beliefs, provided such accommodations do not create an undue hardship on the employer. Thus, this practice should be taken into deliberations, considering that Malaysia is multiracial country with Islam as the official religion for the Federation of Malaysia.

3.2. Hotels' Grooming Standard

One of the 'best practices' that Malaysia hotel industry had adopted from the international chain hotel is the dress code. What one wears to work can have a substantial impact on how one operates within a work-defined role. This is due to the nature that dress code serves as a symbol and provides consensus in meaning to others, influencing their reactions to the wearer (Ziller, 2009)¹⁸. The symbolisms include uniform that communicate a corporate image which ensures that guests can easily be identified. As a subject area, dress codes and appearance at work are becoming more important in the workplace, especially in service industry such as hotel. A human resource manager had stated that:

P10: Dress code is what we called grooming standard. It is stated clearly in our handbook. I remember the page 37. Female Muslim may use a headscarf, provided it is in line with hotel's uniform standard and business ethics. As long as the hijab is in line with our current uniform and grooming standard, the management has no problem with it. Even though there is no statement in the hotel's policy or guidelines that prohibit the employees to wear hijab, but the uniform standard especially for the front-liners are not aligned

with the Muslim's clothing standard. This was supported by a Human Resource Director:

P9: We don't practice it for the front office as we are looking at the practices and practicality of the uniform. Our hotel in a week, we change our uniform 2 to 3 times, the 2 time is sleeveless (traditional attire), original attire of Penampang which are sleeveless. In the restaurant, we don't really implement as it may distract the operation, or simply it doesn't go well with the theme like in Chinese Restaurant they will wear Cheongsam which are sleeveless.

Even though there is no written policy that prohibits the Muslim women to wear the hijab, it is still barrier for them to work in the hotel industry, especially the front line. This is due to the uniform or grooming standard of a hotel is not supporting the Muslim woman clothing standard.

3.3. Leader's role

The role of leader in regard of banning the wearing hijab among frontline Muslim women in the hotel industry is essential. As the term leadership has wide concept, and it can included religious and political aspects. The most comprehensive definition of leadership was provided by social psychologists that they know it as the process whereby a member of group will affect the other members (Bakhtyar & Rezaei, 2012)¹⁹. Leader has the power to make necessary changes that needed, for an example, a human resource director in an independent five-star hotel:

P9: In the beginning, the management view this as a very sensitive issue and prohibit me to discuss this issue... but at the same time, they never rejected my request as well. So, when my staff in the back office requested to wear hijab, I just approved because it is sad for me to see them taking off their hijab when they working...After sometimes, the management realise that this doesn't affect the hotel's operation and no complaints from other employees or guests, so they just silently approve my decisions...and the back office staff can wear hijabs since then...

Even hotels under the same management company may have different acceptance toward employees wearing hijab due to the leader intervention. A human resource manager confirmed that:

P4: For H Hotel in Kota Kinabalu, we do not really allow all staff to wear hijab. But, in H Hotel Kuala Lumpur, they do allow the back-office staff to wear hijab...this is because in Kuala Lumpur, the turnover rate is high and if they stick with the no hijabs rule, it is hard for them to keep up with competition to get and retain the staff, so the management in Kuala Lumpur change their practices...we face similar challenge but not as severe as them, so we still continue our current practices.

Although both hotels shared the brand and are managed by the same company in the same country, but due to different environment and challenges faced, they applied different strategy and the leader has the power to make the call to make necessary changes. It is undeniable that hoteliers enjoy prerogatives to decide what is best for their business survival. However, such prerogatives must not be at the expense of those who would like to practice their religious beliefs and teachings. It is put forth that the hotelier especially international hotel chain would stick to the current dress code until and unless the management is headed by a person who understands the values in religious teachings (Islam to be more specific). Hence, the discrimination against Hijabis will continue.

4. Conclusions

Old wine in new bottle- the issue of hijabs in Malaysia hotel industry is not new and still unsolved. This issue was never been discuss openly due to the sensitivity of the religious dogma. Despite there is no specific guideline or written policy that forbids Muslim women from wearing hijabs in the Malaysia hotel industry, the hotel industry still reluctant to change their so called 'best practices' to align with religious need for Muslim woman. The findings

uncovered the hotel management's acceptance toward employees wearing hijabs are influenced by the normalization of the industry, the hotel's grooming standard and leadership or management's role. Therefore, it is pertinent for the government to intervene and become the driver to amend the existing employment law to incorporate explicit provision which prohibits discrimination against Hjabis at any workplace. Without the government's intervention, this issue will continue to exist and thus-new bottle.

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