HANDBOOK OF RESEARCH ON
Work–Life Balance in Asia

Edited by

NEW HORIZONS IN MANAGEMENT

Handbook of Research on Work–Life Balance in Asia

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INTRODUCTION

Malaysia is rich in primary commodities, but in recent years is moving its workforce from a labour-intensive market into a knowledge-based one, where work–life policies and practices are deemed to be one of the attractions to retain skilled and qualified employees. Before examining the available work–life balance policies and initiatives, a brief outline of the country's demographic makeup is crucial because of the contentious relations between the ethnic groups that have direct repercussions on the formulation of the country's labour market policies.

Malaysia is a multi-ethnic, multi-religious country with three main ethnic groups: Malay (50.4 per cent of the population), Chinese (23.7 per cent) and Indian (7.1 per cent). The rest is made up of indigenous peoples (11 per cent, mostly in East Malaysia) and other races (7.8 per cent; CIA, 2012). The 1969 race riots between Malays and Chinese were instrumental in deciding the direction of the country's labour market policies. The New Economic Policy (NEP, 1970–90; see Jomo, 2004) instituted the following year after the riots had two objectives: elimination of poverty and social restructuring. Though the policy was supposed to be racially blind, in reality it had been and continues to be one of giving preferential treatment to Malays. During the NEP years, import substitution industrialization (Inagami, 1998) was carried out with a concrete target to change the ethnic structure of the workforce and raise the proportion of Malay capital ownership from 2.4 per cent in 1970 to 30 per cent in 1990 (Sakai, 1993). To do so, the proportion of Malays in the workforce was to be increased to at least 30 per cent of the population, but this failed to work because 'there were just not enough qualified Malays to meet the 30 per cent employment target in each firm, and the policies did not result in the development of entrepreneurship' (Kuruvilla, 1995, p. 43). Thus, in the late 1980s, the country's labour policy changed to one of export-oriented industrialization (EOI; Inagami, 1998; Jomo and Wee, 2005) that saw the

government making a series of policies giving preferential treatment to foreign investors. This low-cost labour-intensive EOI led to a sharp fall in unemployment in the early 1990s. But as demand started to surpass supply, pressure for wage increases began to be felt, threatening the international competitiveness of these multinational companies. This resulted in tighter controls on unions and working conditions, importation of migrant labour, as well as development of stronger human resource policies (refer to the New Economic Policy, 1991–2000, and the Seventh Malaysia Plan, 1996–2000 [see Economic Planning Unit, 2013]). The sudden emphasis on human resource development is reflected in the change of name from the Ministry of Labour to the Ministry of Human Resources in 1990 following international trends and the need to recognize people as a key resource for national development (Yong, 1996). It was also meant to decrease dependence on cheap foreign labour with the aim of changing the direction of the country's labour market into skilled, knowledge-based industry.

At present, the Ministry of Human Resources is the central agency responsible for matters that relate to the labour market.[1] The Ministry plays a key role in shaping human resources management policies and practices in Malaysia, and is responsible for developing labour administration policy, promoting the welfare of employees and good relations between employees and employers. Via its Manpower Department and the Department of Skills Development, the Ministry formulates the curriculum of training programmes to provide the workforce with the necessary skills and training, as well as to minimize skill mismatches in industries. The Ministry also coordinates with the private sector[2] in supplying it with a skilled, disciplined (through controlling union activities) and efficient workforce (Abdul Malek et al., 2004). To do so, the Ministry regulates labour in accordance with various laws, notably the Employment Act 1955, the Industrial Relations Act 1967, the Employees Provident Fund Act 1951, the Employees Social Security Act 1969 and the Occupational Health and Safety Act 1994. The most important, however, is the Employment Act of 1955, which specifies the minimum conditions of employment. The Employment Act has been amended several times, the latest in 2012, with the aim of enhancing the country's human capital and promoting productivity. The Act and some problems in its implementations are next described.

THE EMPLOYMENT ACT 1955

The Employment Act (EA) is the main legislation covering the relationship between employer and employee, and specifies the minimum standards

with respect to wages, work hours, leave, termination and lay-off benefits. The Act covers those earning RM2000[3] or less (Amendments to the Employment Act Malaysia, 2012) and those engaged in manual labour. It also includes individuals responsible for supervising those engaged in 'manual work' regardless of their salary level. The terms and conditions of employment of others are regulated by common law or by their respective employment contracts.

The following are among some work conditions within the Employment Act that are directly relevant to this chapter:

- *Work hours.* Under the Act, a maximum of 48 hours a week is permissible, with daily working hours not exceeding eight. These eight hours of work must be performed within ten continuous hours from the time work begins for the day. Work performed after the completed ten-hour period is deemed overtime work even though an employee may not have actually done eight hours of work in a day. Rest or break times are excluded in calculating the work hours. The average number of hours worked per week may vary from industry to industry.
- *Minimum wage.* In the latest amendment to the Act, a minimum wage of RM900 has been introduced in Peninsula Malaysia (RM800 for employees in Sabah and Sarawak).
- *Annual leave.* Besides the ten official paid public holidays in a year (four of which are the National Day, the birthdays of the king and the ruler of the state the employee is employed in, and Labour Day), an employee is entitled to paid annual leave at the ordinary rate of pay after completing 12 months of continuous service with the same employer. The number of days of annual leave increases with the period of employment: eight days if the employee has been employed for less than two years, 12 days if the employee has been employed for two or more years but less than five years, and 16 days if the employee has been employed for five years or more.
- *Sick leave.* An employee is entitled to paid sick leave, without hospitalization, of 14 days in a year if the employee has been employed for less than two years, 18 days if the employee has been employed for two or more years but less than five years, and 22 days if the employee has been employed for five years or more. Where hospitalization is necessary, the periods above can be extended to a maximum of 60 days per year.
- *Women's employment.* The law prohibits female employees to work in any industrial or agricultural undertaking between

10.00 pm to 5.00 am and to start work again the next day without having had a period of 11 consecutive hours free from such work.

- *Maternity benefits.* In the latest amendment, maternity protection and entitlements are extended to all female employees irrespective of their salary. These include not less than 60 consecutive days of maternity leave, which can commence from the 22nd week of pregnancy. Maternity allowance is payable for the first five children if the employee has worked for the same employer for at least 90 days in the four months immediately before her confinement. Employers are prohibited from terminating the services of a female employee during this period, or during the 90 days following her maternity leave if she has been certified unfit to work due to pregnancy-related illness.
- *Paternity leave.* In the 2012 amendment of the Act, fathers employed within the public sector are entitled to seven days of paternity leave, in contrast with three previously. In the private sector, leave granted may range from one to four days, depending on the company.
- *Part-time work.* The EA specifies part-time work as the average number of hours that do not exceed 70 per cent of a full-time employee's number of work hours. However, because many terms and conditions relating to part-time work are left unspecified in the EA, the government in 2010 has drafted a set of regulations relating to part-time employment, known as the Employment (Part-Time Employees) Regulations 2010 for those covered under the EA.

In general, the public sector offers better working conditions than the private sector. Several questions that arise from the EA include the following: Are these minimum working conditions met within the workplace? Do employers and employees know these conditions and utilize them? To what extent do they assist employees in finding a balance between their work and non-work domains?

Work–life balance practices normally refer to an organization offering one of the following – flexible work options, organizational support for dependent care, and personal or family leave (Thornthwaite, 2004; McDonald et al., 2005). These practices are becoming more important due to technological advances that have blurred the boundaries between work and non-work domains, the increasing number of dual-earner families and single parents, as well as longer working hours, giving rise to work–home interference. Research on the negative effects of work–home interference on both employees and organizations has been well documented (Beauregard, 2011). According to the business case, by offering these practices, organizations not only attract new employees but are also able

to reduce work–life conflict among existing ones, hence increasing organizational performance by providing more control to employees to manage their work and family demands (Kossek and Friede, 2006; Beauregard and Henry, 2009).

Because the EA provides only for the minimum working conditions, work–life balance practices are not part of the normal employment package. The following survey by JobStreet.com (Digital News Asia, 2013), however, showed that even these minimum standards are not properly adhered to. The survey, carried out on 954 Malaysian employees across various industries in the country, reported that 63 per cent of workers do not spend enough time with their family due to long working hours, with many working two to five hours beyond their official 9-to-5 work hours daily (due to unreasonable deadlines and too much work), mostly unpaid. With respect to work–life balance practices, many employees reported that their organizations are not doing much to promote work–life balance. Indeed, 75 per cent of those surveyed mentioned that they were interrupted about work during their holidays. This final point supports more recent findings that technological advances have created a blurring of the boundaries of work and non-work (see Lewis, 2008), where employees may be contacted by employers at any time via emails, text messages, and so on. This blurring of work–life boundaries can be seen as a mechanism by which organizations maintain their hold on employees (Fleming and Spicer, 2004), which ultimately results in even more work–life interference for employees.

The survey also asked employees to suggest ways in which organizations can provide for more work–life balance in their lives. The majority mentioned the need for organizations to provide more flexible work hours, where they can choose from a range of start and end times to work instead of a fixed time slot. Though employees recognize the need to have more flexible work options, organizations are lacking not only in offering these flexi initiatives, but are creating more work to family interference in employees by rendering the work–life boundary more permeable and making it even harder for them to achieve balance. These results are consistent with past studies suggesting that employees, especially those in lower-income non-professional jobs have less access to work–life balance practices than their more privileged counterparts with higher education and incomes (Swanberg et al., 2005; Casper et al., 2007). Thus, those in lower-paying jobs, who are most in need of this support, are usually the least likely to have access to it (Kossek, 2005).

While the Employment (Part-Time) Regulations 2010 set out the legal entitlements like overtime, public holidays, annual leave and sick leave for part-time workers, they leave a number of questions unanswered

(see Freehills et al., 2010). For example, the Regulations provided do not apply to 'casual employees' (those hired only when needed). In other words, one might argue that 'casual employees' have access to the same entitlements as full-time employees under the Act, or with respect to entitlement of leave, where the Regulations have fixed the number of days of public holiday, annual leave, and sick leave that a part-timer is entitled to per year, rather than calculating them on a pro-rata basis as compared with full-time employees. As a consequence, a part-timer who works 15 hours a week and a part-timer who works 30 hours a week are both entitled to the same number of days of leave per year. There are also other problems with respect to the Regulations.

The Employment (Part-Time) Regulations are important because of repeated calls by the government for women to return to work on a part-time basis after taking time off for childbirth. While more women than men enter and complete tertiary education, many drop out of the labour market after childbirth because of difficulties in managing the demands of work and family due mainly to gender role expectations and a labour market that is not conducive to facilitating their return to the workforce after childbirth. Thus, despite their relatively high educational attainment, women's labour force participation rate in Malaysia is low compared to its neighbours (Thailand, Singapore, Indonesia and the Philippines). The next section discusses women's employment and work–life policies in more detail.

Table 11.1 summarizes these workplace conditions and some challenges to their implementation.

WOMEN'S EMPLOYMENT AND WORK–LIFE BALANCE POLICIES

Female labour force participation rates in the country have been maintained at between 44 and 48 per cent for the last three decades. Indeed, as shown by the Malaysian Economic Monitor (World Bank, 2012), this rate is even lower during certain periods in the women's lifecycle that correspond to the childbearing and childrearing years. Though women are initially employed, the report mentioned that many do not return to work after marriage and childbirth. Why?

Past studies in Malaysia have shown that the strong social norms that see women as being primarily responsible for the home and children, with men as the main breadwinner, have made it difficult for them to combine employment with family responsibilities without experiencing work–family conflict, overload, burnout and decreased well-being (Noor, 2003;

Table 11.1   Workplace policies and their challenges

Work Policies	Employment Act 1955 (including latest Amendment 2012)	Challenges to Implementation
Work hours	A maximum of 48 hours per week, with daily working hours not exceeding eight	Not strictly enforced and many workers work beyond these hours
Minimum wage	RM900 for Peninsular Malaysia, RM800 for East Malaysia	Amendment 2012, too new to make an informed judgement
Annual leave	The ten official paid public holidays in addition to an employee's entitlement following completing 12 months of continuous service with the same employer (eight days if employee has been employed for less than two years; 12 days if employed between two to five years; and 16 days if employed for five years or more)	With technological advances in ICT, many employees reported being contacted regarding work during their annual leave
Sick leave	Entitled to paid sick leave, without hospitalization, of 14 days in a year if employee has been employed for less than two years, 18 days if employed between two to five years; and 22 days if employed for five years or more	This is usually honoured unless prolonged hospitalization is required
Women's employment	Prohibition from night work (10.00 pm to 5.00 am)	This prohibition, however, can be overruled by the Director General of Labour, and most employers get this ruling almost upon application
Maternity benefits	In Amendment 2012, benefits include 90 consecutive days of paid maternity leave for the first five children; leave may commence from the 22nd week of pregnancy; and prohibition	Most private sector organizations offer the previous 60 days maternity leave. Termination of employment is no longer deemed to be an offence in

Table 11.1   (continued)

Work Policies	Employment Act 1955 (including latest Amendment 2012)	Challenges to Implementation
	against termination of employment during maternity leave	cases where a business has to close down
Paternity leave	Amendment 2012 has extended the number of days from three days previously to seven days	Most private sector organizations offer between one and four days
Part-time work	Part-time work is defined as the average number of hours that do not exceed 70% of a full-time employee's number of work hours	The Employment (Part-Time) Regulations 2010 are seen to be vague, leaving a number of questions unanswered
Sexual harassment	Amendment 2012 introduces the criminalization of workplace sexual harassment	The Amendment, however, does not require employers to have a written workplace sexual harassment policy. Thus, stakeholders may not be aware of the rights and obligations to identify and reduce incidences of sexual harassment

Abdullah et al., 2008; Din and Noor, 2009; Noor and Zainuddin, 2011). Many workplaces also lack work–life or family-friendly policies and practices such as affordable and quality childcare, and flexible work arrangements that can facilitate their return to work after childbirth. Indeed, this combination of work with domestic responsibilities has been shown to be the main obstacle preventing women from moving into senior roles in the corporate sector (McKinsey and Company, 2012). While many women are affected by this problem, it is more pronounced in Asian societies with strong cultural views regarding the roles of men and women. Indirectly, these traditional views influence the availability of work–life balance practices provided by organizations.

Studies in the West have shown that the development of family policies is strongly shaped by the strength of the political parties – religious and secular (Korpi et al., 2013). Whereas Catholic parties are averse to policies increasing women's paid work, secular centre-right parties have

avoided extending claim rights (securing material support like cash and services from public authorities) to facilitate women's advancement. The left parties, however, have supported family policies and have extended citizens' claim rights by transferring social care as paid work into the public sector. Left parties are reflected by Scandinavian countries, while right parties are made up of other countries in Continental Europe that are more influenced by Catholic parties that have pressed for more traditional family policies. Because political parties to a large extent reflect the culture of the society, this study indicates that culture to a large extent, can explain how social policies, in this case, family policies, are formulated.

Malaysian society is still traditional and religious. Moreover, the paternalistic state has raised concerns regarding the quality of family life due to women's employment. Some religious quarters have even gone further by calling for families to uphold and nurture the family institution and values so that they can act as a shield against the various social ills threatening the society (Stivens, 2007). Stivens also asserts that the term 'family values' has become a nostalgia-laden repository for reinvented versions of family life, motherhood and morality that often act as metaphors of the nation as a result of the changing role of women. Therefore, based on such traditional cultural sentiments and politics, it would indeed be difficult for Malaysia to meet the projected 55 per cent target of female labour force participation by 2015 (Prime Minister's Department, The Economic Planning Unit, 2010) unless the state aggressively changes its traditional socio-cultural religious stance.

Thus, there are socio-cultural and political obstacles in the implementation of work–family policies in Malaysia. Despite these problems, due to the increased number of women at tertiary-level education as well as to encourage them to remain in the labour force after having children (Noor and Mohd Mahudin, in press), the government has, in recent years, instituted a number of work–life balance policies meant especially to reconcile their work–home needs. The next section discusses these work–life balance policies, more commonly known as family-friendly policies, in the country.

WORK–LIFE AND FAMILY-FRIENDLY POLICIES IN MALAYSIA

While work–life and family-friendly policies and legislations have made great strides in the UK, the USA and Australia (Dex and Smith, 2002), similar policies have only been actively pursued in Malaysia over the last decade. Though the country has had family-based policies, specific

policies on work–life balance are scattered and largely incorporated into the general policies such as the National Family Policy 2010, the National Social Policy 2003, the National Policy for Women 1989, the National Child Policy 2009, and the National Child Protection Policy 2009. Action to advocate for work–life balance has only become more visible following the Malaysia Family First Movement under the National Blue Ocean Strategy that was launched on 17 June 2012. Under this initiative, several types of programmes are planned, including those relating to family-friendly issues. In particular, the flexWorkLife.my programme, a collaboration between the Ministry of Women, Family and Community Development and TalentCorp, was launched in July 2013. This programme aims to share best practices and address key issues such as governance, framework, implementation, strategy, evaluation, and impact of creating a flexible and supportive working environment. While the flexWorkLife.my programme has opened up more diverse family-friendly policies and options, three policies remain prominent. Details of these three major policies are discussed below.

Flexible Work Arrangements

Flexible work arrangements (FWAs) refer to arrangements that allow employees some degree of flexibility and control over when, where, and how their work is performed (Lambert et al., 2008). These arrangements may include flextime (e.g., compressed work weeks, staggered start and finish times, flexi-hours, shift swapping); flexplace (e.g., working from home); reduced time (e.g., part-time, weekend work, seasonal work); or choices in performing required tasks (e.g., job sharing, job exchanges, project-based work). Of these arrangements, the most common and currently practised in Malaysia are staggered working hours, working from home or telework, and part-time employment.

Staggered working hours were instituted in June 2007 in accordance with the Service Circular Number 2, Year 2007 (Public Service Department of Malaysia, 2007a), which allows the public sector to introduce a flexible system of attendance for civil servants. Employees are given three options as to when they start and complete work (i.e., 7:30 am to 4:30 pm, 8:00 am to 5:00 pm, and 8:30 am to 5:30 pm) with the fulfilment of a fixed number of working hours every day. Within the private sector, multinational companies are currently on the front lines of this initiative. For example, companies such as BASF, DELL, IBM, Intel Malaysia, Standard Chartered Bank Malaysia Berhad, and Sunway Group practise staggered working hours, but with more varying start and end times of workdays.

The second FWA implemented in Malaysia is flexplace in which work may be carried out at a different location, usually at the employee's home. Similar to staggered hours, flexplace is employed in both public and private sectors. For example, a work-from-home programme was introduced by Malaysia's Public Works Department (PWD) in 2010. Thirty-five drafters, the majority of whom were women, were allowed to work at home and only needed to report to the office once a week. More recently, Malaysia's Attorney General's Chambers (AGC) has introduced its Work from Home (Bekerja Dari Rumah: BDR) and Home as Office (Rumah Sebagai Pejabat: RSP) projects in October 2012. At present, 75 selected personnel are working under the BDR project while 16 Deputy Public Prosecutors assigned to rural districts participate in the RSP project.

The private sector, by contrast, offers a wider range of flexplace arrangements. Starting from a pioneer programme by the Ministry of Human Resources in October 2008, six companies agreed to offer a work-from-home option for their employees (Bernama, 2008). An important recent initiative on flexplace was the launch of fleXChallenge programme by TalentCorp in May 2013. As part of the challenge, more than ten companies within the private sector designed and implemented flexplace work options in the forms of teleworking and home working.

The lesser option but still fairly common form of FWA is part-time employment. Under the flexWorkLife.my programme, employees may choose to work shorter days, do weekend work, only work on certain days of the week, or a combination of these three options. The availability of this part-time option, however, is dependent on the employer's consent to such an arrangement. Although still afflicted with some administrative and transparency issues (as discussed in earlier sections), this option opens up significant opportunities for employees, particularly women and the disabled, who would otherwise have little prospect of finding full-time employment.

Despite the fact that the Malaysian government, including public and private corporations, has started adopting the appropriate steps on FWAs, it is still too early to claim success of this initiative as an enabler of work–life balance. Three issues have yet to be addressed. First, questions remains as to whether the FWAs apply to all employees or only to employees who are in certain job categories and levels, such as those who are in professional positions or full-time employment or those of high income. Furthermore, in both private and public sectors, FWA adoption is usually at the sole discretion of the employee's supervisor and the needs of the organization. This leads to a wide variation in procedures and practices adopted among the organizations throughout the country. Such variations may compromise the accessibility of work–life balance policies

to other employees, particularly those who are in lower-level positions or part-time status.

Second, anecdotal reports from participating companies of the fleXChallenge programme show that FWAs are more likely to be adopted by large, multinational organizations rather than the smaller domestic companies (e.g., Chew, 2005). This is understandable given that multinational companies tend to have established work–life policies and programmes for their employees. They are also more likely to be the first to register with the fleXChallenge programme to take advantage of its tax incentives. Although there may be examples of good practice in the small and medium companies that might be considered as FWAs, these practices are not always documented or registered with the government's programme.

Third, even among the multinational companies participating in the fleXChallenge programme, different views about the programme are noted. Common (mis)perceptions reported across participating companies include employees' feelings about the impact of using FWAs on future career opportunities as they are afraid that taking this work option may jeopardize their career growth. Employers also harbour concerns about the protection of company data as well as the supervision of their employees under the flexible work arrangements. To an extent, this type of uncertainty may explain the reluctance of companies, particularly the small and medium-sized ones, to opt for FWAs on a significant scale.

While these issues still persist as constraints, a major shift in the way government and organizations view the role and impact of FWAs has been observed. As an ongoing exercise, the fleXChallenge programme has made modest but significant progress in encouraging more organizations to take up FWAs and in seeking inputs on best practices and lessons learned from these organizations. For efforts that are only in existence since 2013, it is premature to judge the effectiveness of this programme at this time. Nevertheless, it is expected that the feedback obtained from participating companies can be used to build a solid foundation to achieve effective policy implementation and insight.

Childcare Policies

In contrast to FWA policies that aim to reduce time spent at the workplace, policies on childcare seek to enable employees to spend more effective time on the job. Within the framework of the Malaysian government's initiatives to address work–life balance, childcare policies also figure prominently as national priorities. There are several areas of childcare policy that contribute particularly to supporting work–life initiatives in Malaysia. Among them are grants and fee assistance as well as tax

exemptions and double deduction incentives. For example, the Service Circular Number 4, 2007 (Public Service Department of Malaysia, 2007b) offers a new initiative for civil servants whose monthly household income is below RM2000 to claim up to RM180 in subsidized childcare fees per child. This initiative was extended in 2009 to include those whose monthly household income is below RM3000 (United Nations, 2011). More recently, Malaysia's Budget 2013 provides double deduction on childcare allowance for employees, in which they can be exempted from tax up to RM2400 per year.

The government has also set up several financial assistance measures. Currently, employers who provide childcare centres to their employees are entitled to a 10 per cent corporation tax exemption. Under Budget 2013, two significant improvements to the tax provision were made. First, employers can now claim double deduction on expenditure incurred for providing and maintaining childcare centres for their employees. Second, employers also receive industrial building allowance at an annual rate of 10 per cent for buildings used as childcare centres. Tax incentives are also granted to operators of pre-school or kindergarten registered with the Ministry of Education Malaysia and Childcare centres registered with the Department of Social Welfare under the Childcare Act 1984 as well as to operators managing private pre-school that is integrated with private primary schools. These incentives include income tax exemption of 70 per cent on statutory income for a period of five years and industrial building allowance with an annual allowance rate of 10 per cent for buildings used as kindergarten or childcare centres.

Employer-supported childcare policies and initiatives, which may include on-site or off-site childcare as well as childcare subsidy, are also included under the flexWorkLife.my programme. However, the uptake of these provisions is lower compared to the utilization of FWAs. Two explanations are posited as to why some organizations choose to adopt these provisions while others do not. One of the major challenges to providing on-site childcare is finding suitable space within the workplace building to accommodate the facility. Out of 19 companies who shared their success stories under the flexWorkLife.my programme (Talent Corporation Malaysia Berhad, 2014), only eight reported taking up this initiative. And even within these eight companies, only four are offering on-site childcare while the rest outsource the task to off-site providers. Arguably, both on-site infrastructure construction and outsourcing of service providers involve significant practical and financial challenges, which, in turn, hinder companies in offering this initiative.

Challenges in funding childcare policies and initiatives are also compounded by the tensions and uncertainties associated with the consequent

minimization of costs and maximization of childcare quality. Despite the government's new initiatives, there is still a great shortage of affordable and high-quality childcare in the country. This problem is exacerbated by the increasing number of unlicensed and unregulated childcare centres. Statistics from the Social Welfare Department (JKM) show that although the number of registered childcare centres has increased from 245 in 2008 to 1962 in 2012, there are at least 1600 unlicensed centres still operating (Su-Lyn, 2013). Most of these unlicensed centres offer cheaper rates than other centres and with the increase in the cost of living, the choice to select a good yet affordable childcare service presents a challenge to many employees. More often than not, employees have to resort to using unlicensed centres, which are generally less expensive, and, in some cases, may be the only viable option available for them.

To reduce the resistance of employers to childcare policies, one strategy would be to present business case incentives for companies to be actively involved in their implementation. This can be done by showing the economic cost–benefit analysis of such policies in relation to increased employee productivity as well as reduction of turnover and absenteeism (Kelly et al., 2008). Another possible strategy is to adopt stakeholder and criterion approaches, which examine all stakeholder outcomes (e.g., employee outcomes, family outcomes, shareholders, and community strength indicators) and evaluate the effectiveness with which those policy goals are being met (Kossek, 2005). Increased uptake could be encouraged by educating more companies, especially those within the private sector, about the merits of childcare policies and initiatives as an economic benefit not only to organizations and shareholders, but also to all stakeholders such as employees, families, and society as a whole.

Leave Policies

Alongside policies on FWAs and childcare are those relating to leave options. In general, there are four types of family leave policies available in most organizations – maternity leave, paternity leave, parental leave and leave of absence. In the Malaysian context, maternity and paternity leave refers to a period of leave from employment that is normally taken after childbirth to help parents adjust to parenthood. The Employment Act (Section 37) provides 60 days of paid leave to women in both public and private sectors for childbirth. Paid maternity leave for those in the public sector has been increased to 90 days in Amendment 2012. The 60-day leave period, however, remains the same for female employees in the private sector. Although Amendment 2012 of the EA has increased fathers' entitlement to paternity leave (seven days for the public sector, as opposed to

three previously), the meagre number of days has forced many to utilize other leave options for this purpose.

The third and fourth types of leave relate to parental leave and leave of absence. Conventionally, parental leave refers to longer periods of leave for either or both parents, to be taken after maternity and paternity leave (Moss and Wall, 2007). In Malaysia, however, this leave is available mostly to women working in the public sector under the provision of Service Circular Number 15, 2007 (Public Service Department of Malaysia, 2007c), which enables them to take unpaid leave for up to five years, for a maximum of five children, to take care of their children. Whereas parental leave entitlement is provided for women, both male and female employees are eligible to take leave of absence related to family and caregiving. More specifically, under the provision of Service Circular Number 29, 2009 (Public Service Department of Malaysia, 2009), employees in the public sector are allowed to apply for a period of up to three years of unpaid leave to accompany a spouse on an overseas posting. This leave is designed to allow family members to stay together as a family unit.

Although the provision of leave policies is a positive initiative towards a more balanced workplace, it is important that these policies are consistently applied across organizations, be they public or private. At present, however, this is not the case. The Service Circular Number 14 (Public Service Department of Malaysia, 2010) extended paid maternity leave by four weeks, but this policy is not obligatory for the private sector. Female employees in the private sector who may need more days of extended leave have to rely on using their sick leave, annual leave, or other leave that they might have. This, in turn, decreases the number of balance leave days that they can take when they return to work. Nevertheless, extended maternity leave is now being incorporated into the flexWorkLife.my programme and it is hoped that more information will be collected about the uptake rates in the private sector.

Another area requiring further attention is the utilization of leave by male and female employees. Studies have demonstrated that women are more likely to take parental leave than men (Kossek, 1990; Grover and Crooker, 1995). A similar scenario is seen in the Malaysian context because of the strong cultural expectations for women to be responsible for matters that relate to the family. Men, on the other hand, are reluctant to take any time off from work for fear that they might lose their status at work or that their dedication and commitment to the job would be questioned when they take family-related leave. Studies have indeed demonstrated that men tend to be penalized more when they take family leave (Coltrane et al., 2013) because they are seen as 'poor workers' and 'more feminine' (Rudman and Mescher, 2013).

The unavailability of a robust leave policy, a lack of support from employers, and the lingering stereotype of men as the breadwinner of the family are preventing many male employees from taking family-related leave. The flexWorkLife.my programme can be seen as a first step in establishing more comprehensive leave policies that can ensure that employees who wish to be involved in the caring of their family can do so without jeopardizing their jobs or financial security. As discussed earlier, it is still too soon to evaluate the effectiveness of the family-related leave policies, as well as the flexWorkLife.my programme as a whole. However, nor can we ignore the evidence for the role of these efforts in achieving and maintaining a healthy work–family balance. This scenario indicates the need for more investigations on what family-friendly policies and initiatives are currently available in organizations, which one works and why it is working, and what employees and companies can do to ensure a successful balance between work and family life. One such study was undertaken by one of the authors (Noor) and the next section discusses this exploratory study, which examined the availability and utilization of the major work–life balance initiatives in a university setting in Malaysia.

AN EXPLORATORY STUDY: AVAILABILITY AND UTILIZATION OF WORK–LIFE BALANCE INITIATIVES

Studies in the West have consistently found that organizations that offer and implement work–life balance policies and initiatives are able to attract and retain a higher percentage of employees than those that do not have these policies (Houston, 2005; McDonald et al., 2005). These policies, such as flexible work arrangements, personal leave or care needs, aid employees by giving them more control over their work schedules. These, in turn, are related to better mental health outcomes and job satisfaction for employees (Jones and McKenna, 2002) and increased organizational commitment and productivity (Casey and Grzywacz, 2008).

However, in some organizations, work–life balance policies may be available but they are not taken up. Uptake or use of these policies has been found to be related to an organization's work culture such as support from supervisors and co-workers, or career consequences of using the policy, among others (McDonald et al., 2005). Thus, an organizational culture that is unsupportive of work–life balance issues undermines work–life policies, and those who use them are made to feel undervalued, marginalized (Gambles et al., 2006; Beauregard and Henry, 2009) and perceived to

Table 11.2   Availability and utilization of work–life policies (n = 160)

		Availability (frequency)			Utilization (frequency)		
		Yes	No	Did not respond	Yes	No	Did not respond
Flexible work arrangements (F)	F1: Start and end of work day	129	20	11	98	8	54
	F2: Take time off during office hours	131	20	9	93	20	47
	F3: Work from home and telecommuting	61	87	12	44	47	69
Leave options (L)	L1: Maternity	106	25	29	53	39	68
	L2: Paternity	105	25	30	44	40	76
	L3: Sick	139	11	10	98	15	47
	L4: Compassionate	106	35	19	60	34	66
Support for childcare (C)	C1: Workplace nursery/childcare	123	23	14	68	39	53
	C2: Subsidy for childcare	77	60	23	49	47	64

lack work commitment (Kossek et al., 2010). Thus, a distinction is made between availability and utilization of work–life policies.

Except for very few studies (Aminah, 2007; Subramaniam and Silvaratnam, 2010), there is a dearth of research on work–life balance policies and initiatives in Malaysia. Thus, an exploratory study was carried out to provide some information on the availability and utilization of these initiatives within a university setting in the country. The respondents who made up the study were academic staff of a local university and as part of a larger survey, they were asked to indicate whether the identified work–life initiatives are available at their workplace and whether they had used them. One hundred and sixty staff responded to the 250 questionnaires that were distributed, making a response rate of 64.0 per cent. They were all married with at least one child living at home. The number of males and females were about the same, 51.9 per cent ($n = 83$) males and 48.1 per cent ($n = 77$) females. The age range of the respondents was from 28 to 64 years with a mean age of 43.8 years ($SD = 7.2$ years).

The work–life balance identified included flexible work arrangements, leave options, and support for childcare. Table 11.2 shows the different specific policies as well as their availability and utilization. Three points are worth noting from the table. First, with the exception of working from home and subsidy for childcare, the majority of respondents reported that

these initiatives are available at the workplace. Second, availability of these initiatives is not the same as utilization, as indicated by the smaller number of respondents who reported using the various specific measures. Finally, respondents do not seem to be confident of whether 'working from home and telecommuting' and 'subsidy for childcare' are available within the workplace.

These two responses are low compared to the other work–life measures because the former initiative is not explicitly stated at the workplace, making academic staff unsure as to how to respond to this measure. Though the initiative provides some autonomy to academic staff by allowing them to work from home and telecommute at certain times, this practice is not the norm, and staff are expected to be at the office during the usual work hours. The organizational culture, even within a university setting, is one where face time at work is still perceived as a sign of job commitment.

On the other hand, the low response to 'subsidy for childcare' could be due to the fact that only those who actually make use of workplace childcare know whether the service is subsidized. Because the mean age of the sample is 43.8 years ($SD = 7.2$ years), many may not use the workplace childcare initiative as they no longer have children below seven years of age. This is in line with one of the criticisms regarding the kinds of work–life balance policies offered by organizations – that they may not be beneficial to all staff. In other words, organizations need to foster a culture that values work–life balance across the career life span and not to focus on parents with young children only; that is, there is no such thing as a 'one size fits all' employee, or one policy that is applicable to all (Darcy et al, 2012).

The table also shows a number of respondents who failed to respond. Because we did not ask respondents for the reasons, we can only speculate that maybe these initiatives are no longer relevant to them, they are unaware of the availability of these initiatives and thus refrained from responding, or they simply could not be bothered to respond.

Is there a relationship between the availability and utilization of these work–life balance initiatives? Yes: results in Table 11.3 indicated that respondents who reported the availability of a specific initiative are more likely to utilize that initiative. For example, those who say that there is flexibility in starting and ending of the work day are more likely to use this measure ($r = 0.40, p < 0.01$). Similarly, those who reported the availability of workplace childcare are also more likely to use it ($r = 0.23, p < 0.01$). Table 11.3 also shows that those who use one kind of leave initiative are more likely to use the other leave initiatives (correlations between all the different leave initiatives are significant). Similar significant correlations

Table 11.3 Correlations among all the policy variables

	A1	A2	A3	A4	A5	A6	A7	A8	A9	U1	U2	U3	U4	U5	U6	U7	U8
Availability/Start and end work (A1)																	
Availability/Time off (A2)	0.54*																
Availability/Work from home (A3)	0.00	0.04															
Availability/Maternity (A4)	0.13	0.20**	−0.04														
Availability/Paternity (A5)	0.24*	0.31*	0.06	0.39*													
Availability/Sick (A6)	0.12	0.20**	−0.03	0.40*	0.26*												
Availability/Compassionate (A7)	0.15	0.29*	0.15	0.17**	0.17**	0.26*											
Availability/Childcare (A8)	0.32*	0.38*	0.02	0.46*	0.35*	0.32*	0.15										
Availability/Subsidy (A9)	0.17**	0.15	0.14	0.19**	0.30*	0.22*	0.26*	0.29*									
Use/Start and end work (U1)	0.40*	0.20**	0.02	−0.00	0.09	−0.04	0.04	0.02	−0.08								
Use/Time off (U2)	0.09	0.37*	0.14	0.02	0.08	−0.06	0.04	0.17+	−0.08	0.43*							
Use/Work from home (U3)	0.07	0.07	0.67*	0.08	0.03	0.03	0.10	0.01	0.13	0.05	0.18**						
Use/Maternity (U4)	0.02	0.08	0.06	0.26*	0.02	0.08	0.06	0.08	0.08	0.12	0.23*	0.22*					
Use/Paternity (U5)	0.02	0.09	−0.15	0.07	0.29*	0.04	0.09	0.03	−0.01	0.22*	0.27*	0.04	0.31*				
Use/Sick (U6)	0.12	0.17**	−0.10	0.01	−0.05	0.14	0.14	−0.03	−0.13	0.42*	0.38*	−0.14	0.29*	0.29*			
Use/Compassionate (U7)	−0.03	0.04	0.02	0.02	0.07	0.02	0.19+	−0.02	0.11	0.20**	0.20**	0.02	0.29*	0.17**	0.20**		
Use/Childcare (U8)	0.03	0.24*	0.21*	0.16**	0.07	0.07	0.18**	0.23*	0.13	0.03	0.38*	0.23*	0.30*	0.16**	0.15	0.16**	
Use/Subsidy (U9)	0.14	0.15	0.20**	0.03	0.15	0.04	0.20**	0.10	0.47*	0.10	0.23*	0.26*	−0.19**	0.13	0.10	0.28*	0.58*

Note: *$p < 0.01$; **$p < 0.05$.

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are observed for flexibility and childcare initiatives, except for the correlation between 'use of start and end of work day' and 'work from home'.

Further analyses indicated that female academic staff are significantly more likely to report the availability of (1) flexibility to take time off during office hours ($t = -2.27, p < 0.05$), (2) maternity leave ($t = -2.90, p < 0.01$), and (3) subsidy for childcare ($t = -2.16, p < 0.05$) than male staff. Female staff also reported utilizing more maternity leave ($t = -7.56, p < 0.001$) and sick leave ($t = -2.12, p < 0.05$) than males.

These findings suggest that staff who perceive the availability of these work–life initiatives are more likely to use them because they recognize these initiatives can aid them in reconciling their work demands and home responsibilities. Consistent with past findings, women tend to use these work–life initiatives more than men. Research, however, has shown that if use of these work–life initiatives is not normalized as a core workplace practice, these initiatives have the unintended consequence of promoting in- and out-group dynamics, as employers differentially manage work–life issues for users and non-users (Lautsch et al., 2009). In this case, women would be more likely to be discriminated against because they tend to take up work–life initiatives more than men, especially those with dependent care (e.g., Houston, 2005).

However, men, too, are not spared. 'Organizational career cultures' can prevent them from explicitly choosing work–life policies over their career (Gregory and Milner, 2009). As a result, the kinds of policies that they use tend to be more gender-neutral such as flexitime options (Gregory and Milner, 2009). This gendered use of work–life initiatives is due primarily to gendered societal norms, reflected within the organizational culture that men's central role is to the workplace while women's claim is to the home.

Is usage of the three categories of work–life balance initiatives related to one another? Yes, it is: those who use flexibility policies are more likely to use leave ($r = 0.31, p < 0.01$) and childcare initiatives ($r = 0.33, p < 0.01$). Table 11.4 also shows that those who use childcare measures are more likely to use leave options ($r = 0.16, p < 0.05$).

This preliminary study examined the availability and utilization of work–life initiatives within a university setting. While only the minimum work conditions are legislated by the Employment Act (see the earlier section on the Employment Act 1955), a university tends to offer more work–life initiatives than would normally be found in other organizations, as part of its package to attract, recruit and maintain staff. In addition, as a government institution, it tends to provide more work–life balance practices compared to many organizations in the private sector. Thus, the findings of this study, showing that the university offered several different work–life

Table 11.4 Correlation among the three categories of work–life policies

	Use of Flexibility Policies	Use of Leave Policies
Use of flexibility policies		
Use of leave policies	0.31*	
Use of childcare policies	0.33*	0.16**

Notes:
*$p < 0.01$; **$p < 0.05$.
Use of flexibility policies = Use of start and end work + Use of time off + Use of work from home; Use of leave policies = + Use of maternity leave + Use of paternity leave + Use-of sick leave + Use of compassionate leave; Use of childcare policies = Use of workplace childcare + Use of childcare subsidy.

balance initiatives, may not be generalizable to other organizations. For example, currently, the private sector is excluded from having formal policies on flexible work arrangements, childcare, and parental leave. Even the extended 90-day maternity leave (Amendment 2012) is still contested, and many female employees, to safeguard their jobs, will return to work after 60 days. Similarly, only a few private companies provide childcare centres at their workplaces or offer some flexibility options to their employees (Ministry of Women, Family and Community Development, Malaysia, 2009; Subramaniam and Silvaratnam, 2010). Furthermore, due to the strong traditional division of labour within the society, most workplaces still consider face time at work an indication of work commitment. Thus, uptake or use of these initiatives tends to be gendered, with women more likely to use them than men. At the same time, there are also a number of obstacles that limit men's take up of these initiatives.

Addressing the Need for Work–Life Balance Policies and Initiatives

The findings of the exploratory study seem to reinforce the strong cultural norms regarding the roles of men and women. Though the Malaysian government has repeatedly made calls for women to remain in the workforce after having children and has instituted a number of work–life balance policies to help them reconcile their work–family needs, these may not be sufficient. For example, the study by Mescher et al. (2010) showed that while employers portray themselves as supporters of work–life balance policies via explicit messages (texts found on 24 websites of ten companies – KPMG, PWC, Accenture, Xerox, British Telecom, ING, Shell, Unilever, IBM, and BBC – in several countries – UK, USA, Netherlands, Australia), the implicit messages conveyed in the daily workings of the organizations shed a very different picture. In contrast to

explicit supportive messages, implicit messages present work–life balance practices as a privilege. The majority of the websites also reproduce traditional cultural norms regarding the ideal worker (one who is always available and who prioritizes work over family) and parents (man is expected to be work-oriented while woman is family-oriented). One implication from these implicit messages is that work–life balance initiatives and their use remain gendered; women are perceived to need these initiatives to help with their caregiving tasks. Men's use of these initiatives, on the other hand, is not constrained to care duties, but may be for other varied reasons such as to study or do charitable work. Thus, the authors concluded that work–life support does not always signify support. What this study and ours also suggest is that existing organizational cultures tend to reflect society's traditional norms regarding the roles of men and women.

How do we address these cultural norms regarding gender roles and promote uptake of work–life balance policies by both genders? One way, as has been carried out in Nordic countries, is for the state to directly intervene in how work and family are perceived, upheld and sustained (Datta Gupta et al., 2006). Though there are differences between the countries with respect to the kinds of strategies used, that is, a 'mother employment/public childcare strategy' in Denmark or a 'mother on leave/private childcare strategy' in Finland, in general the Nordic countries are characterized by an overall 'family policy strategy'. In these countries, the state had, long ago, intervened directly; for example in Sweden, with regard to maternity leave, the state in 1901 introduced the right to four weeks of unpaid maternal leave as part of a voluntary state-subsidized sickness insurance scheme (ibid.). In 1955, it introduced a three-month paid maternity leave – the first Nordic country to do so. Besides leave schemes (maternity, paternity, and parental), the state publicly finances and provides for quality childcare. In these Nordic countries, the state recognizes the needs of dual-earner families and they have transferred the major parts of care from the home to the public sector (Mandel and Semyonov, 2005; Datta Gupta et al., 2008). As such, in these countries, women's labour force participation rate is extremely high (between 80 and 86 per cent; Datta Gupta et al., 2008).

Because the gendered nature of work and family is still strong in Malaysia, one way for the government to encourage more women into the labour force is to mandate work–family issues as societal issues, rather than as individual problems to be handled by the individual woman and her family. Thus, not only the woman and her spouse are responsible for the well-being of the family, but also the workplace and the wider community. Such a collective responsibility is in line with the society's larger collective cultural values (Hofstede, 1991), and, establishing public policies that create systemic support for the families would reflect this view.

Related to the last point, the state can also directly mandate both the public and private sectors to provide work–life balance policies and practices within their organizations. This authorization is initially needed before the policies and practices can take root within the society, and for organizational cultures to reflect the wider societal norms supporting these policies. As argued by Kossek et al. (2010), work–life balance policies are likely to be most effective when structural support (e.g., flexible job design, dependent care, and leave options) and cultural support (e.g., recognizing and supporting employees' work and non-work roles, fostering positive group and organizational norms, and supportive work climate) are aligned and linked to organizational as well as societal social systems. In doing so, the use of structural support like flexible work schedules or leave options will be perceived as a right, not as an entitlement and a privileged accommodation (Holt and Lewis, 2011), otherwise uptake of these measures can have the unintended consequence of discriminating between those who use work–life support and those who do not use the measure (Lautsch et al., 2009).

In general, there is more support for the formal structural work–life initiatives than for the informal cultural work–life initiatives because the latter are less direct and will take time to have an effect (Kossek et al., 2010). Thus, it would be easier to start by providing for the former and to make these policies more integrated into the broader human resource system by using either the business case (offering these practices benefits both employee and organization) or the employee engagement perspective (offering these initiatives reduces stress, and increases personal and team resilience, enabling employees to cope with growing pressures in ways that are sustainable for their well-being and enhance organizational performance; see Ollier-Malaterre, 2010).

Currently in Malaysia, to attract businesses from multinationals and make the country more competitive, the private sector is excused from offering work–life balance initiatives in its workplaces. Indeed, a study found that only 16 per cent of respondents in private sector employment reported working in organizations that can be considered as family-friendly (Subramaniam and Silvaratnam, 2010). Though the commitment of the private sector may be increasing, there is still a lack of genuine effort or a strong enough desire to change the existing work patterns to maximize work–life balance for employees. Thus, mandating the private sector to provide for work–life balance policies within its organizations would be a good first step.

Because of the strong cultural views regarding the roles of men and women, women tend to use work–life balance policies more than men. Organizational cultures also prevent men from explicitly using work–life

balance policies (Gregory and Milner, 2009). Thus, how can we increase men's uptake of these work–life policies without constraining their career paths and at the same time increasing their visibility as fathers to enable women to have a more balanced work–home life? This is a challenge in Malaysia but some insight can again be obtained based on the experience of Nordic countries. Family policy in Sweden aims to encourage employment among parents – to enable women to work and men to take equal responsibility for childcare (Duvander and Ferrarini, 2013). Since 2002, of the total parental leave period of 16 months, 13 are subject to earnings-related taxable benefit of which two months are to be taken up by the father (these two months are not transferable to the partner and are lost if the father does not take them). In 2012, fathers on average use 91 days of leave (Duvander and Ferrarini, 2013). Similarly, in Denmark, though the number of days of paid paternity leave is much less, again this leave is not transferable and is lost if the fathers do not take it up. Doing so has increased uptake of paternity leave from 55 per cent in 1991 to 67 per cent in 1999 (Fine-Davis et al., 2004). These studies suggest that direct targeting of men through statutory, paid paternity leave does increase uptake, and it is a worthwhile step to consider.

One main criticism against work–life balance policies, however, is that these policies focus solely on work–family issues and omit other kinds of non-work factors like leisure activities, community involvement, volunteering commitments, and so on (Beauregard et al., 2009; Özbilgin et al., 2011). In doing so, these policies are perceived to be unfair even among employees. For example, employed parents with young children often identify maternity and paternity leave as being important, but this arrangement is less crucial for those with older children, and even irrelevant for the childless or single employees. In addition, those who take up these work–life balance arrangements are mostly women. The study by James (2011) showed that the work–life requirements vary not only within gender by job function, department, and household situation but also for individual employees over the life course. In other words, different home and work needs of men and women imply that policies suitable for one group of employees at one point in time may have little or no effect for another group. Thus, to make these policies more acceptable to all, there is a need to go beyond gender and family needs, to include other forms of diversity, family configurations, and socio-historical contexts. In addition, research examining what kinds of work–life initiatives work, for which group of employees and in what kind of job sector, would be most beneficial before designing and implementing these initiatives in the workplace.

Özbilgin et al. (2011) have suggested using an intersectionality approach to better capture the changing realities of the family and workforce. Intersectionality goes beyond the individual-level analysis to consider patterns of interactions between different aspects of power and inequalities within categories of individuals (see also McCall and Orloff, 2005). Put another way, by going beyond the usual individual-level analysis to include other intersections in life – social, economic and cultural – these studies would be better able to capture the complex, multifaceted reality of men and women's lives.

CONCLUSION

The chapter examines the work–life balance policies and initiatives in Malaysia, and shows that the country still has a long way to go in terms of making these policies available to most employees. The recent active push to implement these policies more aggressively via the flexWorkLife. my programme, however, still remains to be seen. To a large extent, the strong cultural norms regarding the roles of men and women are reflected within an organization's work culture with negative repercussions to those who tend to avail themselves of these work–life policies and practices. Thus, the uptake of these policies and practices remains gendered, with more women than men using them. The findings of the exploratory study within a university setting further showed that women tend to use these initiatives more than men. Hence, taking into account current realities and employees' needs for better work–life balance, we suggest treating work–family issues as social issues rather than as personal problems, managing both public and private sectors to provide for work–life policies, considering other forms of diversity besides gender and family like other groups (i.e., race, age, class, etc.), changing family structure and household configurations, as well as understanding men's experience in their fathering and caretaking roles. Furthermore, there is a need to recognize the different life courses of women and men and to consider the kinds of work–life initiatives that work for them.

NOTES

1. This applies only to Peninsular Malaysia. In East Malaysia, Sabah and Sarawak, matters relating to the labour market fall under the respective State Labour Departments.
2. The majority of employees in the private sector consist of non-Malays (Chinese and Indians) while most Malays are employed within the public/government sector.
3. At 23 March 2015 1 Malaysian ringgit = 0.27 US dollars.

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