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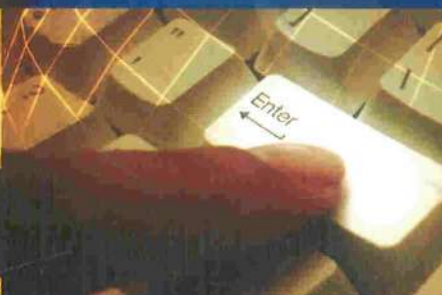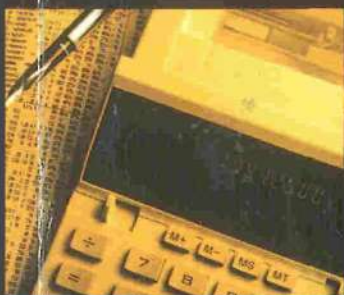
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VIOLENCE IN THE WORKPLACE – A CASE STUDY OF CONSTRUCTION COMPANIES IN THE SHAH ALAM AREA

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ABSTRACT

The phenomenon of workplace violence has increasingly come under scrutiny in many developed countries. The effects of workplace violence are well documented from the perspective of the employer and employee, society in general and even on a country's economic well-being. This research project was undertaken to fill the current void in statistics from developing countries in relation to workplace violence. It consisted of a survey of construction companies in the Shah Alam area. Company and employee profiles, reported incidents of harassment, threats and assaults together with the attendant issues of employer responses and employee concerns over their safety were also considered. Lastly the scope of employment, occupational safety and health and social security laws with reference to our international commitments were also examined.

INTRODUCTION

Background to violence in the workplace

Most employees spend the majority of their work time in workplaces which may range from the office, a school, a hospital, a post office etc. In recent years, the occurrence of violence in the workplace has become a topical issue. We are frequently coming across instances of these violent cases in newspapers and the rest of the media. Both employees and employers have faced episodes of violence in various forms and from various sources. The main reason for this is that, the workplace can be a "generator" of violence. It has been noted that although most workplaces are considered to be "relatively benign and violence-free" environments, they are also environments in which confrontation and dialogue are part of working life. Thus anxieties, frustrations, personality clashes, aggression, stress and anger erupt in various ways. "Violence may enter the workplace and transform it into a hostile and hazardous setting" .

In the European Union, survey findings revealed that 17% of workers have experienced one form of violence or another at the workplace which indicated that:
- 2% (3million) workers are subjected to physical violence from people belonging to their workplace
- 4%(6 million) workers are subjected to physical violence from people outside the workplace

- 2% (3 million) workers are subjected to sexual harassment
- 9% (13 million) workers are subjected to intimidation and bullying

In Britain, the findings of the British Crime Survey revealed that there were 1.3 million violent incidents . In Japan, as a result of the economic downturn, corporate downsizing has caused loss of jobs in a country renowned for its lifetime job security and the seniority system. As a result, increased bullying of white collar workers resulted. A "bullying hot line" set up by the Tokyo Managers' Union, reported 1,700 requests for consultation in June and October 1996. Severe mental health problems associated with stress was the main complaint and even family members of workers who had committed or attempted to commit suicide were involved .

Besides that, some occupations have been found to be particularly prone to workplace violence such as health care, social service groups, the retail trade, post, banking, transport, security, police, education, child care etc . Thus workplace violence has gone global, crossing borders, work settings and occupational groups.

This research will study the issue of violence in the workplace from the perspective of the construction industry. From the mid 1980s to the 1990s, the construction industry has played an important role in the development of the Malaysian economy. Unfortunately, the boom of the construction industry caught many unaware and as a result it faced critical shortages of workers – skilled and unskilled. The construction industry has relied heavily on foreign workers to fill the shortage of workers . Initially, Indonesian and Bangladeshi workers were the primary sources but recently the government has decided on a policy of diversifying the workforce and brought in workers from Thailand, Vietnam, Nepal and most recently from China. Malaysia's over-dependence on foreign workers has caused many problems with the growing crime rates and staggering costs to our health and education sectors not to mention our resources. It is no wonder then that this industry was selected because of its widely publicized incidences of violence. Clashes between workers resulting in injury and even death, have regularly appeared in the local newspapers .

The economic, health and social effects of workplace violence are well known and explained later in this paper. In fact, workplace violence is recognized as "soft" issue from the occupational safety and health or OSH aspect. Safeguarding the safety and health of workers is not just a "moral and legal responsibility" of the government and employers under relevant legislation, it also is economically important. According to SOCSO reports, industrial accidents in the workplace are costing the nation in man-hours lost and further expenditure. In 2003, SOCSO paid out RM147 million to 9,585 permanent disabled workers and another RM 158.37 million to 2,481 invalid workers . Together that amounts to RM305.37 million in direct compensation costs. This figure excludes the hidden costs such as rehabilitation, retaining, loss of man-hours, legal costs, reduced worker morale which means lower productivity for the economy.

OBJECTIVES OF THE RESEARCH

1.   The primary objective of this research is to investigate the nature and extent of workplace violence particularly in the construction industry. In the 2003 Bank Negara Report, the economy was expected tp grow by 6-6.5% in 2004 from 5.2% in 2003. The construction industry has contributed to the GDP ranging from 1.9% in 2003 to 2.3 % in 2002. It represents an important sector of the Malaysian economy, suitable area for investigation into this issue. Shah Alam was chosen as the target area for conducting the research not just because of its proximity but also due to its rapid physical transformation since acquiring city status. It is in fact the fastest growth corridor in the state of Selangor today.

2.   The research also sought to investigate the effects of workplace violence from the perspective of both the employer and employee. As noted previously, workplace violence affects both the employers and the employees. While the violence generated may arise from either party its effects also have an impact on the other. Thus while the violence may result in injury, death or loss of pay and property of the worker, stigmatization, physical and mental problems employment implications such as job losses or pay cuts and family costs; the employer its affected by the absenteeism, staff turnover rates, reduced productivity, transfers, training and retraining needs, delays in construction projects, expenses incurred to settle the issue and even possible legal action. Their workforce may suffer from lowered morale, lack of motivation, satisfaction and creativity. Society as a whole would have to bear the burden of unemployment, disability issues, loss of productivity and in turn the lack of competitiveness of the economy .

3.   An important objective was to consider employer responses to workplace violence. This would appear in the form of employer's policy on the issue, its reporting procedure, actions taken and the availability of training for risk assessment and conflict management to address the issue. Employers have to know their responsibilities and liabilities to the workers in such instances which may attract penalties for work and safety violations.

4.   Finally, the legal issues involved are to be identified, loopholes examined and possible redress and recommendations for all parties involved. What this means is that workers must be educated on their rights as (construction) workers in Malaysia under our current labour legislation, the possible risks they face on site and the redress available to them. The agencies involved such as the Department of Safety and Health or DOSH, the National Institute of Safety and Health or NIOSH, the Police, the Immigration Department and the Ministry of Internal Affairs need to be made aware of this issue and their respective roles.

RESEARCH METHODOLOGY

Research Design

The research study was basically a cross-sectional survey of construction companies in the Shah Alam area with questionnaires addressed to both employers and employees in various categories such as management, supervisory, clerical and general workers. An exploratory search was made of related literature available from the International Labour Organisation or ILO, international perspectives on workplace violence and relevant internet sites. Interviews with representatives from relevant bodies or organizations such as NIOSH, DOSH, and the CIDB were also made for a local perspective of the issue and current policies and practices. Observations were made based on newspaper articles and reports of workplace violence and anecdotal information from Human Resource personnel and employees such as project managers, engineers and supervisors.

The research utilized quantitative research designs to investigate the nature, extent and impact of workplace violence with a focus on employee and employer responses and the legal ramifications that follow. The study focused on the organizational background, employees' experience and background and employer responses. Thus a descriptive analysis of variables within each focus area was involved such as the size of the company, gender of employees, nature of employment, job title, previous and current experience with workplace violence.

Scope of the research

The focus of the research was on a cross-section of employees and employer within the Shah Alam area involved in the construction industry. The scope of the research involved:
(i)   a cross-section of construction companies/employers –small, medium or large.
(ii)   in the Shah Alam area.
(iii)   a cross-section of employees – managerial, supervisory, clerical and general workers.
(iv)   relating to violence - which may take the form of assaults or physical attacks, threats, harassment including verbal abuse and bullying/mobbing.
(v)   in the workplace – which may be in the company premises, off-site or on-site.

Sampling Design

A convenient sampling framework was used whereby a list of a cross-section of construction companies around the Shah Alam area was made. The list was compiled after making a visual survey of construction sites in the Shah Alam area and gathering information on the project details from the public notice boards placed outside such sites and enquiries from the project managers. Ultimately, the list was narrowed to 10 companies with a sampling of 30 employees from each company.

Data Collection

Data was collected via a survey questionnaire administered through face to face interviews and mailed questionnaires to the Human Resource Managers. In-depth interviews using structured questions were posed to the project managers to get the employer's perspective. Internet searches and interviews were conducted with staff from NIOSH, DOSH and CIDB where possible. Other relevant data was collected from annual reports of agencies and bodies such as Bank Negara, SOCSO, DOSH, CIDB etc and newspaper reports.

Data Measurement

Measuring the nature and extent of workplace violence was firstly dependent on the definition of it. Thus the ILO definition which include harassment, threats and assaults to the workers relating to their work and which explicitly or implicitly challenged their safety, well-being or health was used. By this definition, it was possible to measure the instances of harassment (physical and psychological), assaults and threats to the workers via the survey responses and cross tabulations where possible, were used to determine the nature and extent of workplace violence.

Research Instrument

The employee survey questionnaire consisted of 6 pages which were divided into 4 parts consisting of:
  (i)   personal and workplace information.
  (ii)   experience of workplace violence
  (iii)   employer responses
  (iv)   respondent's personal opinion on the issue.

For the employer's perspective, a 4 page questionnaire was sent to the company Human Resources Manager at the company's address. Further, face to face interviews were - carried with project managers, supervisors, engineers as employer or management representatives on site using structured questions.

FINDINGS

Analysis of results

A total of 317 respondents from 10 construction companies participated in the survey. The final survey sample however amounted to 292 being the actual site workers while the balance were excluded because of small numbers of particular groups of staff and incomplete or inadequate responses. The workers represented a proportionate cross-section of the population of the total workforce on sites of the companies selected.

Personal and Workplace Information.

Job Description:

It is clear from Table 1 that most of the workers represented unskilled and semi-skilled workers involved in a wide variety of construction work on site. This excluded the engineering, supervisory and clerical staff on site as in most sites they are in the minority and represent but a fraction of the total work force on site. This small number would have made analyzing their responses pointless. In fact, on one site, two blocks of low cost apartments were apparently constructed with only one engineer and a supervisor present on site as management representatives throughout the construction period.

	Frequency	Percent	Valid Percent	Cumulative Percent
Brickworks	26	8.9	9.0	9.0
General worker/labourer	91	31.2	31.4	40.3
Iron/steel	13	4.5	4.5	44.8
Roofwork	7	2.4	2.4	47.2
Carpentry/woodwork/doors/ Windows	34	11.6	11.7	59.0
Drains	11	3.8	3.8	62.8
Fencing	1	.3	.3	63.1
Wiring/electrical works	11	3.8	3.8	66.9
Canteen worker/cooking	4	1.4	1.4	68.3
Painter	9	3.1	3.1	71.4
Cement/concrete work	39	13.4	13.4	84.8
Crane operator/machine Operator	8	2.7	2.8	87.6
Pipework/plumbing	8	2.7	2.8	90.3
Landscaping	2	.7	.7	91.0
Tiling work	11	3.8	3.8	94.8
Security guard	3	1.0	1.0	95.9
Site workers	12	4.1	4.1	100.0
Total	290	99.3	100.0	

Company Description:

The companies selected for the survey were all local Malaysian companies for purposes of comparison. In fact most of the companies awarded the contracts had sub-contracted out their work to sub-contractors who then in turn contracted out particular aspects of the work to other smaller contractors. The single response in Table 3 in relation to the company description by the workers will be overlooked as it represents a negligible error.

Table 2: Company Description

		Frequency	Percent	Valid Percent
Valid	Local	272	93.2	99.6
	Multinational	1	.3	.4
	Total	273	93.5	100.0
Missing	No Response	19	6.5	
Total		292	100.0	

Size of company

The number of workers on site was helpful in ascertaining the size of the companies. Being contracting companies, they were commonly small sized companies and represent what is called the "sub-cons" who work for the bigger contracting firms who were originally given the contracts. It is unsurprising to find that 91.1% had employees of less than 150 workers on site.

Table 3: Number of employees

No of employees	Frequency	Percent
Less than 50	29	52.1
50– 99	260	5.8
100– 149	289	32.2
200 or more	3	9.9
Total	292	100.0

Number of years of experience

From Chart 1 below, we can see that a large proportion of the workers (58.5%) have very little work experience. 10.3% of the respondents in fact had less than a year's experience. 29.% had 5 years or more experience. What this means is that many of these construction workers are inexperienced workers. From the perspective of workplace violence, this would mean that such workers could be identified as risk factors as they may not be familiar with the work patterns and requirements of construction sites and require training from the OSH perspective. By implication also, the lack of overall work experience discloses that the respondents are in the younger age groups and therefore create a greater risk for workplace violence as opposed to older more experienced workers. On the other hand, as work on construction sites can be tough and grueling, the preponderance of younger workers, is a necessity for most employers.

Number of years at current job

Concurrently, Table 4 below indicates that most of the respondents (90%) have been working on site for three years or less. This is supportive of the fact that most workers are younger workers with little work experience. It should be remembered that as most of the construction projects seldom last for more than 2-3 years, the results are indicative of

employment trends in the construction industry.
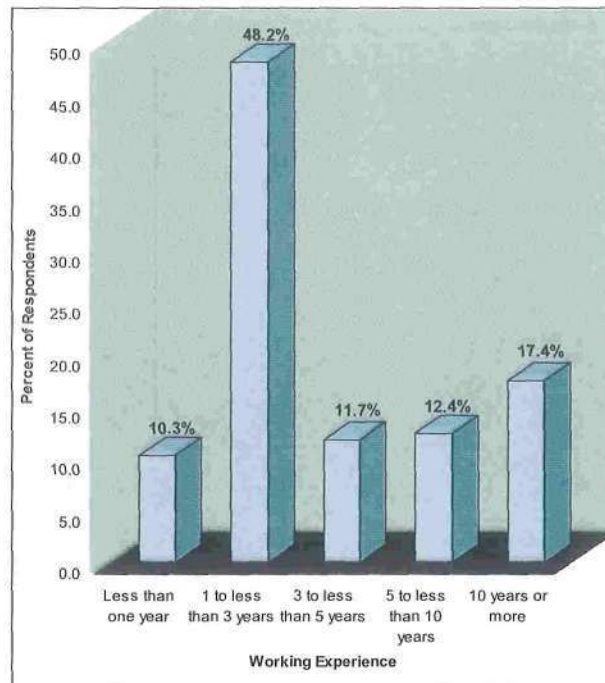
Table 4: Number of years at current job

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Less than one year	167	57.2	59.2	59.2
	1 to less than 3 years	101	34.6	35.8	95.0
	3 to less than 5 years	9	3.1	3.2	98.2
	5 to less than 10 years	4	1.4	1.4	99.6
	10 years or more	1	.3	.4	100.0
	Total	282	96.6	100.0	
Missing	No Response	10	3.4		
Total		292	100.0		

Employment Status

Chart 2 highlights the fact that most construction workers are contract workers. 55.6% of the respondents were contract workers, while only 1.8% were permanent workers. While 32.2% were fulltime employees, the balance 7.4% were part-time employees. Again, the results indicate a large pool of contractual labour on construction worksites which reflects cuurent government policy of giving such workers two year work permits which may be extended for a further two years, if requested by their employers.

Chart 2 : Distribution of respondents by employment status
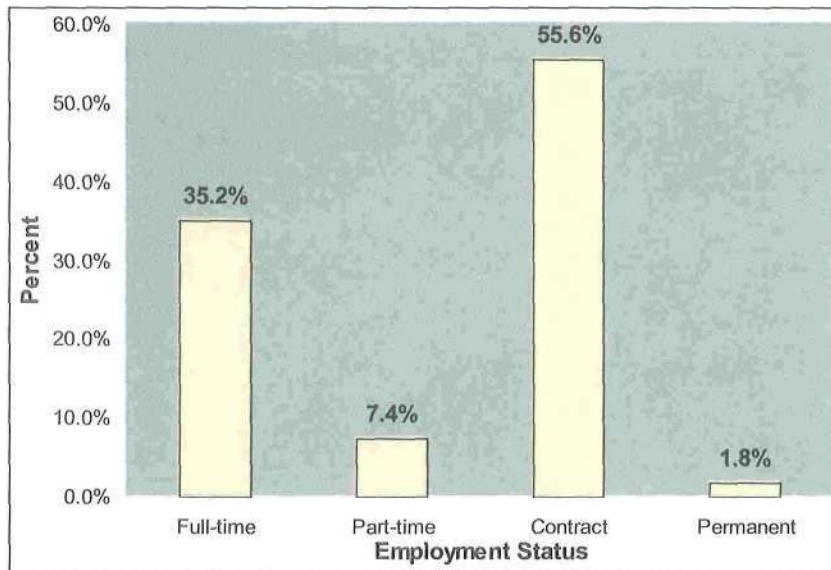
Gender

It is clear that construction sites are dominated by the male workers as in the case of the respondents of this survey which revealed a disparity of 94.2 % male employees to 5.9% female employees. While gender disparity is a risk factor in the case of mobbing, bullying and sexual harassment situations, it is an undeniable fact that construction sites do not attract female workers. Thus the few female workers could pose a risk factor in the assessment of workplace violence.

Chart 3: Distribution of Respondents by Gender
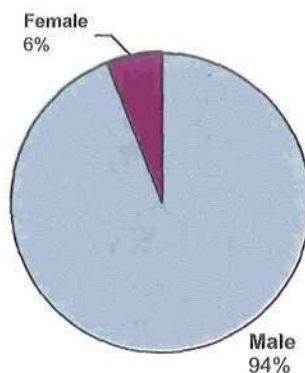
Nationality

As has been highlighted by all media reports, an overwhelming majority of workers on construction sites are foreign workers representing 87.3% of the workforce interviewed.

Table 5: Distribution of respondents by nationality

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Local	37	12.7	12.7	12.7
	Foreigner	254	87.0	87.3	100.0
	Total	291	99.7	100.0	
Missing	No response	1	.3		
Total		292	100.0		

Nationality Types

Out of the foreign workers, the majority were Indonesian workers representing, 91.4% of the workers, while the minority were Bangladeshi, Nepalese and Vietnamese workers. Recent government policy in the recruitment of workers from new source countries is showing effect here as 3.2% of the workers were from Nepal and Vietnam.

Table 6 : Distribution of respondents by types of nationalities

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Bangladesh	14	4.8	5.5	5.5
	Indonesia	233	79.8	91.4	96.9
	Nepal	4	1.4	1.6	98.4
	Vietnam	4	1.4	1.6	100.0
	Total	255	87.3	100.0	
	No response	37	12.7		
Total		292	100.0		

Conclusion

The profile of the companies surveyed represents a common trend in construction companies in Malaysia in the small-medium range construction works projects. Predominantly Malaysian, they employ relatively inexperienced, largely male, foreign workers, the majority with less than 3 years experience and who are employed on a contractual basis. Out of these workers, the majority of these workers are Indonesian in nationality.

While these smaller capacity contracting companies generally undertake smaller sub-

contracted works, it is not quite clear if the OSH requirements apply to them as such works could have been sub-contracted out by a company required to adhere to government regulation but which regulations do not apply to the sub-contractor. What happens is a two-tier system whereby the top tier company which originally successfully bid for the contract and is bound to be regulated, then sub-contracts the work to smaller sub-contractors for certain works to economically administer the contract awarded. The sub-contractor then brings its own workforce for its particular section of the project. Even then, it is common for sub-contractors to get their supply from labour agents who in turn then sub-contract out their labour or workers to these construction sub-contractors.

What we have is a tangled web of contracted out labour, predominantly male, young and inexperienced and largely foreign. From the perspective of risk assessment using the interactive model discussed earlier, this is a potent mix of risk factors of great volatility.

Experience of Workplace Violence

As noted, workplace violence can take a variety of forms whether physical or psychological. For the purposes of this research however, only the most common forms of violence – ie harassment, threats and assaults were considered. This would enable easier identification from the pool of respondents. Questions 7 to 17 related to the respondents experience of workplace violence.

Harassment

Harassment was explained to the respondents as any form of disturbance that affected work performance. Workplace harassment can again take forms such as constant chatter, noise, to constant demands for money or bribes, police checks, verbal abuse and quarrels. From Table 7, it was interesting to find that 29 or 10% of the respondents admitted to being harassed at work.

Table7: Harassment at current job

	Frequency	Percent
Yes	29	10.0
No	260	90.0
Total	289	100.0
No Response	3	
Total	292	

Next a cross-tabulation was done between the nature of the harassment and the sources of such harassment in Table 8.Note that 5 respondents did answer the questions posed. The total respondents thus amounts to 24 here. As we can see, the most number of harassments were from other sources which were identified as mainly being police checks and demands for money/bribery at 75% of those respondents harassed. Robberies, thefts and ransackings were also admitted by 12.5% respondents, while 6.25% alluded to verbal

abuse and quarrels from others which included former colleagues and agents. In the case of mangers and co-workers, verbal abuse and quarrels followed by demands for money or bribes stood at 50% and 25% of the respondents who admitted to being harassed.

Table 8: Cross-tabulation - Nature and Source of Harassment

Nature of Harassment	Source of Harassment					
	Manager/supervisor		Co-worker		Others	
	Frequency	%	Frequency	%	Frequency	%
Asking for money/bribery/police checks	1	25	1	25	12	75
Verbal abuse/quarrel	2	50	2	50	1	6.25
Robbery/theft/ransacking	0	0	0	0	2	12.5
Work related harassment/disturbance	1	25	1	25	1	6.25
Total	4	100	4	100	16	100

From the figures in Tables 7 and 8, it is clear that verbal abuse and demands for money or bribery remain as the two most common types of harassments faced by the corkers on site. This reflects the tenuous situation of these foreign workers and the high possibility that those subjected to such forms of harassment could be illegal workers. However, the fact that police checks and demands for money/bribery ranked high in the harassment type and source was disturbing. While we could say the members of the police force were   their job in conducting checks on these workers, the fact that bribes were demanded from these workers was worrying.

From the perspective of the managers and co-workers, it should be noted that the verbal abuse and quarrels involved complaints about salary or pay disputes (25% of the harassment). This was another common complaint from the respondents who claimed that salaries were paid late and in some cases were not even paid after three or more months. Thus it is hardly surprising to find that this is a major source of contention among the workers.

Another observation that can be made involves the respondents' susceptibility to thefts and robberies. As they are foreigners, many find themselves at the mercy of outsiders and thus easily conned into handing over their personal belongings or money. Moreover, their living conditions in the "kongsi" make thefts and robberies common occurrences. Refer to the Appendix for photographs of selected "kongsi" which shows how small, dilapidated and crowded they are. As police figures were not available, it would have been interesting to cross reference these observations from police data although the fact that they are foreigners may indicate a lack of reporting due to language difficulties and fear of authority. It is usually left to the management or the supervisors to deal with these issues.

Threats

Threats were explained to the respondents as anything that created a fear that they would be subject to injury or harm or death, loss of property etc. As we have already seen, threats can be a virulent and negative impact on the workplace. The main difference between threats and harassment as described above is that while harassment is seen as a form of disturbance, threats are more sinister and directly affect the workers concerned. In Table 9, 28 respondents or 9.8 % of the respondents admitted to being threatened.

Table 9:Threats at Current Job

	Frequency	Percent
Yes	28	9.8
No	258	90.2
Total	**286**	**100.0**
No Response	6	
Total	**292**	

As in the case of harassment, a cross-tabulation of the nature and sources of the threats was done. Table 10 below reveals that the majority of the threats emanated from outsiders identified as the police, acquaintance/friend, robber/thief and the guard. Serious threats of harm to person, property and even to the life of the respondents constituted the majority of the threats ie.50% of all the respondents who admitted to being threatened. Interestingly, 44.4% of the threats from the manager/supervisor consisted of threats involving money or pay. Again, the statistics support the workers contention that pay issues are a constant bone of contention with management. The threats involving termination were actually the possible reporting of some misconduct against the worker concerned which could result in job termination or dismissal. The threats emanated from co-workers and the "others" category including the police.

Table 10: Cross-tabulation – Nature and Source of Threats

Nature of Threats	Source of Threats					
	Co-worker		Manager/Supervisor		Others	
	Frequency	%	Frequency	%	Frequency	%
Threat to injure or kill you	3	50.0	3	33.3	8	61.5
Threat of property damage	1	16.7	2	22.2	1	7.7
Involving money/pay	0	0.0	4	44.4	1	7.7
Involving a woman	1	16.7	0	0.0	0	0.0
Termination work	1	16.7	0	0.0	3	23.1
Total	6	100.0	9	100.0	13	100.0

Assaults

Assaults were described to the respondents as any kind of physical attacks and included the most common forms of assaults were grabbing, kicking, pushing, slapping and hitting. Table 11 discloses that 12 or 4.2% of those who answered this question admitted to being assaulted at the workplace. It must however be noted that when asked further about details of assaults, it did emerge that the total assaults reported amounted to 31 or 11% of the respondents.

Table 11: Assaults at current job

Assaulted	Frequency	Percent (%)
Yes	12	4.2
No	271	95.8
Total	283	100.0
No Response	9	
Total	292	

Next, a cross-tabulation was carried on the results between the nature of assaults and the sources of the assaults. Table 12 discloses that surprisingly, the assaults mainly emanated from co-workers (24 out of the total 31 assaulted) followed by others (7 out of the 31 assaulted) which involved complaints of police assaults. The assaults from co-workers were mainly kicking (20.8%) followed by grabbing, slapping, pushing and kicking (16.7% each) and knife attacks followed by others which were identifies as being tied or bound up.

Table 12: Cross-tabulation – Nature and Source of Assaults

	Source of Assaults			
	Co-worker		Others	
Nature of Assault	Frequency	%	Frequency	%
Grabbed	4	16.7	1	14.3
Slapped	4	16.7	1	14.3
Pushed	4	16.7	0	0.0
Kicked	5	20.8	1	14.3
Hit with a fist/object	3	12.5	2	28.6
Stabbed/Knifed (or attempted)	2	8.3	0	0.0
Others	2	8.3	2	28.6
Total	24	100.0	7	100.0

We next considered the location and injuries suffered by the respondents who answered these questions and found that some were either unwilling to give details of the incidents or simply did not want to talk about them Thus, as before there still remains a discrepancy in the responses from the total number of reported incidents of assaults.

Table 13 shows that the majority or 83% of the assaults took place of the construction sites while the balance occurred outside on the streets. The injuries suffered meanwhile ranged from cuts (23.1%) and bruises (38.5) to broken teeth (7.7%). There were two reported cases of deaths (15.4%) in Table 14. Further, Table 15 discloses that only 6 responses were received to this question and only 3 respondents admitted to seeking medical treatment for their injuries.

T able 13 : L ocation of assaults

Place	F r equency	Per cent
On the S treet	1	17
C onstruction S ite	5	83
T otal	6	100.0

*Others did not specify the place they have been assaulted

T able 14 : I njur ies suffer ed

T ypes	Fr equency	Per cent
C uts	3	23.1
B ruises	5	38.5
B roken bones	2	15.4
B roken tooth	1	7.7
Death	2	15.4
T otal	13	100.0

*Others did not specify the injuries suffered

T able 15: M edical T r eatment Sought

M edical T r eatment	F r equency	Per cent
Y es	3	50.0
No	3	50.0
T otal	6	100.0
No response	15	
Not applicable	271	
O ver all T otal	292	

Reports to Management and Police

The next aspect considered was the issue of reporting such incidences to management or the authorities especially the police. Table 16 shows that out of the 8 responses received, 4 or 50% reported the incident(s) to management. Table 17 shows that upon having the matter reported to management only one third were investigated or reported to the police or did nothing after the report to management. In Table 18 meanwhile, we note that 50%

of respondents who answered this question reported the incident to the police on their own. Thus out of the total 31 cases of assaults as seen in Table 1 on assaults, only 4 the matter to management and another 3 directly to the police. Statistically this represents 22.5% of the reported cases involving assaults.

Table 16: Reports to Management

Types	Frequency	Percent
Yes	4	50.0
No	4	50.0
Total	8	100.0
No response	13	
Not applicable	271	
Overall Total	292	

Table 17: Management response

Actions	Frequency	Percent
Investigated Complaint	1	33.3
Did Nothing	1	33.3
Reported to Police	1	33.3
Total	3	100.0

Table 18: Police Reports

Reports	Frequency	Percent
Yes	3	50.0
No	3	50.0
Total	6	100.0
No Response	286	
Overall Total	292	

From the above data on assaults, 11% disclosed experiencing physical assaults mostly from co-workers (24 out of 31) and outsiders (7 out of 31) which were identified as the police. Assaults from co-workers can be explained on the basis of the diverse backgrounds of workers even in the case of the Indonesians for eg Madurese, Javanese, Achenese and Flores who have been identified by employers to possess particular skills. For instance, the Javanese are good at cement work while the Madurese are good at woodwork. They are also known by employers not to get along. It is this cultural conflict between the workers that has erupted into the most vicious forms of workplace violence . The fact that 7 out of the 31 respondents reported assaults by the police is also a concern. It is an unfortunate aspect of the working lives of these workers.

Also of concern is the nature of injuries suffered which ranged from cuts, bruises, broken bones and teeth to stab wounds and even death. It is unfortunate that police statistics were not available to cross reference these injuries. Note too, that as half of the number of respondents admitted to receiving medical treatment for their injuries, we can see how

serious the injuries must have been to require the medical treatment. Thus together with the low levels of reporting to management and the management responses thereon, assaults are a serious form of workplace violence.

Conclusion

From the above data, it can conclusively be said that approximately one third of the respondents faced some form of violence at the workplace . There were 10% reported incidents of harassment, 9.8% cases of threats and 11% cases of assaults. Further, a look at the sources and forms of violence experienced shows that management (as represented by supervisors, engineers etc), co-workers and outsiders (predominantly, the police) are all involved in way or another.

From the low levels of reporting to management and to the police, we can surmise two levels of apathy, one from the respondents themselves and the other from management. The workers' apathy to reporting to management could have resulted from lack of trust, fear of retaliation for complaining especially if it involved management staff or even thinking that it is part and parcel of working life.

On the management side, the fact is that such reports from workers are generally investigated and dealt with accordingly. Thus an internal investigation and disciplinary action including termination of employment of the culprits concerned were the usual responses followed by police reports should the matter turn out to be more serious.

Employer Responses

The next part of the survey related to employers responses to the incidents of workplace violence. Questions 18 to 24 related to this area of the survey. Table 19 discloses that 69 respondents or 24% have undergone some form of employer sponsored training. Thus a large proportion of the respondents at 76% have not received any form of employer sponsored training. Note that further inquiries from the management revealed that this included not just employer initiated training but also DOSH and CIDB training on safety at the worksite and general advice on good working practices on site.

Table 19: Employer Sponsored Training

Training	Frequency	Percent
Yes	69	24.0
No	219	76.0
Total	288	100.0
No Response	4	
Overall Total	292	

Table 20 reveals that out of the 69 respondents who received employer sponsored training, 56 or 87.5% considered themselves prepared to deal with workplace violence after the training given. This data supports the general perception that employer sponsored training is vital to prepare workers to deal with workplace violence.

Table 20: Preparedness to Deal with Workplace Violence after Training

Preparedness	Frequency	Percent
Yes	56	87.5
No	5	7.8
Don't Know	3	4.7
Total	64	100.0
No Response	10	
Not Applicable	218	
Overall Total	292	

Again the 69 respondents who disclosed in Table 19 to receiving employer sponsored training also alluded to some prevention programme in Table 20. The data in the two tables is complementary in that employer training correlates to a workplace violence-prevention programme organized by management at the workplace. However, 72.4 % responded in the negative.

Table 21: Workplace Violence Prevention Programme at Workplace

Employer's Work Violence Programme	Frequency	Percent
Yes	69	23.8
No	210	72.4
Don't Know	11	3.8
Total	290	100.0
No Response	2	
Overall Total	292	

Table 22 meanwhile shows that only 53 or 18.5% respondents could attest to some violence prevention policy at the workplace while the majority at 72.8% did not know of the existence of any such policy. While the statistics are not exactly the same, the range of respondents in the 20% - 24% shows some consistency of an employer sponsored training programme and policy on workplace violence. Undoubtedly, the majority (72% - 76%) of the employers thus did not have such programmes or policies.

Table 22: Workplace Violence Prevention Policy

Employer's Work Violence Policy	Frequency	Percent
Yes	53	18.5
No	209	72.8
Don't Know	25	8.7
Total	287	100.0
No Response	5	
Overall Total	292	

An interesting aspect of the survey was the availability of counseling to victims of workplace violence. Counseling was explained to the respondents as any form of support or help available to them. In Table 23 out of the 165 respondents who answered this question, 82 or 49.7%. knew of some counseling programme while 50.3% did not know if there was one. In Table 24, counseling was available to those who had experienced it (51.2%) and those who were concerned about it (42.7) followed by those who had witnessed such incidents (6.1%). Enquiries to management on this issue revealed that counseling was not necessarily available from management but rather from within the community of the workers themselves, their agents and even in extreme cases their embassies. Within the construction sites interviewed, none had a counseling programme for workplace violence victims.

Table 23: Workplace Violence Counseling

Employer's Work Violence Policy	Frequency	Percent
Yes	82	49.7
Don't Know	83	50.3
Total	165	100.0

Table 24: Workplace Violence Counseling Available To

To	Frequency	Percent
Victims of assaults	42	51.2
Those who were witness	5	6.1
Those who are concerned	35	42.7
Total	82	100

Conclusion – Management responses

Management responses indicate the employer's commitment to preventing workplace violence and addressing its' issues such as reporting procedures and risk assessment.
Thus the low level reporting to management and lack of training programmes and support or counseling show that not enough is being done to deal with this issue if at all it is recognized by management at this juncture.

Employee Concerns about Workplace Violence

This was an important aspect of the survey as concerns over workplace violence can be judged against the frequency of such incidences and management responses to them. Using the Likert scale, we rated employee concerns over the issue from 1 to 10 ie not worried to extremely worried. Taking the lower and upper three levels of the scale as indication of the rating (1, 2, 3 and 4 – not worried; 7, 8, 9 and 10 – worried) and the middle 5 and 6 as an indicators of ambivalence, the data reflects the earlier findings. Approximately 30% of the respondents admitted to experiencing workplace violence, their concerns are seen here as in Table 25, 34.1% of the respondents expressed concern over the issue. 12.4% were unsure while 53.6 were not worried about it.

Table 25: Rating of Employee Concerns About Workplace Violence

Scale	Frequency	Percent
1 (Not worried)	89	30.6
2	35	12.0
3	20	6.9
4	12	4.1
5	15	5.2
6	21	7.2
7	18	6.2
8	30	10.3
9	13	4.5
10 (Very worried)	38	13.1
Total	**291**	**100.0**
No Response	1	
Total	**292**	

We next undertook to gauge the employees' preparedness to handle situations involving workplace violence by giving them a simple scenario in which they witnessed or were involved in such a situation and were asked if they knew what to do eg who to report the matter to, what emergency response had to be activated, how to render assistance etc.

Using the same approach as above (ie responses 1,2,3 and 4 - not prepared; 5and 6 ambivalent and 7,8,9 and 10 – prepared) in gauging the employees' preparedness to handle situations of workplace violence, we can see from table 26, that 52.2% of the respondents described themselves as being prepared to handle such situations while 24.2 felt unprepared to handle them.

Table 26 : Rating of Employee Preparedness to Handle Workplace Violence

Scale	Frequency	Percent
1 (Not prepared)	54	18.7
2	7	2.4
3	6	2.1
4	3	1.0
5	48	16.6
6	20	6.9
7	22	7.6
8	52	18.0
9	38	13.1
10 (Very prepared)	39	13.5
Total	**289**	**100.0**
No Response	3	
Total	**292**	

In the next question, the respondents were asked to rate their employers' commitment to workplace violence and this was to be judged against their responses to employee complaints on the issue, their safety programmes, policy and counseling availability. Again using the same approach as above in reading the scale, Table 27shows that 32.8% felt that the employer was not committed to the issue, 16.9% were ambivalent and 50.4% reckoned that the employer was committed to the issue.

From Table 28, we can see that 32% would consider changing their jobs due to workplace violence incidents which they were involved in, had witnessed or knew about, while 68% stated that they would not change their jobs. The results are again fairly reflective of the earlier observation that about a 30% range were concerned having experienced it and as such would consider changing their jobs over their own personal safety concerns.

Table 27: Rating of Employer Commitment to Workplace Violence

Scale	Frequency	Percent
1 (Not committed)	70	24.1
2	6	2.1
3	8	2.8
4	11	3.8
5	21	7.2
6	28	9.7
7	34	11.7
8	35	12.1
9	28	9.7
10 (Very committed)	49	16.9
Total	**290**	**100.0**
No Response	2	
Total	**292**	

Table 28 : Respondents Considering Changing Jobs Due to Workplace Violence

Scale	Frequency	Percent
Yes	91	32.0
No	193	68.0
Total	**284**	100
No Response	8	
Total	**292**	

The last question was an open-ended question asking for the respondents' comments on the survey and in particular their opinions about the issue of workplace violence. 37.4% of those who answered considered it to be an issue that involves all parties, 23.4% thought employers should shoulder the responsibility while 14.6% think it is an employee related issue only. Many of the side issues relating to workplace violence also cropped up in the responses (12.3%) such as the need for training, concerns about work safety and employment rights, assistance from the embassies and the authorities and police and outsider induced problems. The balance considered workplace violence not to be an issue

as they were mainly here to earn a living and as such did not want to get involved in any aspect of it. This group comprising 12.3% of the respondents were usually the older more experienced workers, who being more mature are perhaps able to handle such situations better and thus expressed less concern over the issue.

Table 29: General Comments on Workplace Violence

Comments	Frequency	Percent
Everyone is involved/responsible	64	37.4
Need guidance /training	5	2.9
Worried about risks and safety, rights	7	4.1
Workers'/employees' responsibility to avoid violence	25	14.6
No help available from employer/embassy/authorities	3	1.8
Not worried -here to do work only	21	12.3
Employer's responsibility	40	23.4
Police interference	5	2.9
Outsiders cause problems	1	0.6
Total	171	100
No Response	121	
Total	292	

Conclusion and Observations

The above analysis clearly proves that violence in the workplace is a workplace concern as there were approximately 10% each of cases of harassment, threats and assaults reported or a collective response of 30%. Compared to the statistics from the European Union survey of 17%, we must note that these survey results should be cross-referenced with other industrial sectors and crime surveys to give a clearer picture. However, the survey results are demonstrative of the nature and types of the workplace violence experienced in the construction sector.

The profile of the construction companies that emerged from the survey results were small to medium range companies, employing minimal local staff to manage or oversee the construction process with an overwhelming majority of 87.3% workers being foreigners. Comparatively speaking, it is difficult to them conclude that workplace violence is a concern for local workers.

From the perspective of employer responses, it is not surprising to find that not only is there a severe case of under-reporting at the disclosed 22.5% reporting rate, but that management response in terms of investigating the incidences and disciplinary action and even making police reports were at minimal levels.

Meanwhile, from the perspective of employee concerns, about 30% were concerned about workplace violence and would thus consider changing their jobs as a result of their own personal safety concerns.

What can generally be concluded from the above findings is that the construction sector

creates a conducive environment for workplace violence. This is because it is an industry in which tight time schedules and costs and budget constraints trickle down as top management concerns and become enmeshed into employee or worker concerns in the terms and conditions of employment. This is reflected in the way in which work is carried out and the workers that are employed.

It is also an industry where outsourcing of work is commonplace. It is virtually impossible for any construction company to undertake all works connected with any project undertaken. Thus contractual undertakings are usually sub-contracted to individual contractors more capable to handle the different aspects of the work concerned. Hence employer and employee rights and liabilities can become a complicated issue.

Further, the nature and extent of workplace violence in the sites we visited is at a level where attention must be given to dealing with it before it becomes a serious workplace concern. Harassment, threats and assaults are taking place in the local workplaces and they affect workers both physically and psychologically.

Dealing with workplace violence is important from the perspective of occupational safety and health. This puts employers under a duty under the law to deal with employee safety concerns at the workplace rather than applying mere lip service. Employer responses such as training, violence prevention programmes and policies and counseling will all have an impact in reducing the workplace violence. From the employees' perspective, concern over workplace violence is reflected in the extent to which the violence pervades the environment in which they work – the greater the risk of violence, the greater the concerns of the employees.

RECOMMENDATIONS

1. One of the most glaring problems that merged from the survey was the under-reporting of incidents of workplace violence. As noted before, there were a number of reasons for the reluctance to speak about the issue and this made reporting them even more critical. Thus there is an urgent need to report such matters so that comparative analysis can be made especially in the case of developing countries such as ours. To encourage reporting of such incidences, awareness campaigns must highlight the issue of workplace violence. Further, employers from the perspective of the workers OSH must realize the need for proper incident reporting procedures and monitoring as part of their legal duty to their employees.

2. The survey also revealed the need for more transparency and openness from the authorities, especially those related to criminal acts of violence committed at the workplace. Data on crimes can be cross-referenced with the survey results to give a clearer picture of the workers claims. For future surveys on workplace violence, it is hoped that such information will be more forthcoming from the police, in particular.

3. In recognition of the fact that many sectors of economy aside from the construction

industry also employ foreign workers, greater emphasis must be placed on risk assessment in relation to workplace violence. This would allow authorities the opportunity to foresee the likelihood of violence erupting in all sectors of the economy.

4. There is also an urgent need to amend current labour, social security and OSH laws to include the rights of foreign workers who are currently not covered adequately under these laws. In fact, it is time to enact a Foreign Workers Act as in the case of Singapore to specifically deal with foreign workers' issues and even a Foreign Workers Registry dealing specifically with the immigration and employment issues of such workers.

5. Government agencies should be more actively include violence prevention programmess and training from the perspective of developing policies, risk assessment, reporting, monitoring and training needs of employers and employees. Thus NIOSH, DOSH and the CIDB could play more pro-active roles here.

6. This study should be extended to other economic sectors and cover a wider range of violence. This would allow for a thorough study to be conducted and the results of which could be used to assess the true nature and extent of workplace violence in Malaysia. The data collected would also provide a database for other connected research which as disclosed earlier is not much available in developing countries.

BEST PRACTICES AND STRATEGIES

a) International Labour Organisation Standards

The International Labour Organisation or ILO was established in 1919 with the aim of promoting social justice. With the increased rate of global industrialization, the human cost has become apparent and has resulted in the awareness to protect manpower and establish a universal set of standards to ensure equal protection for all. This is how the call for international social regulation led to the development of the ILO's International Labour Standards and Recommendations for social stability, economic progress and lasting peace. These international labour standards are essentially tripartite in nature and call for the participation of the state, the workers representatives and employer organizations. It has been acknowledged that this system of tripartism allows for "dynamism and universality" as they are usually adopted by member countries after consultation and consensus from the various parties involved.

The ILO's international labour standards are essentially reflected by international human rights laws today. The right to association and equal pay for equal work of equal value were its earliest fundamental rights. These international labour standards on fundamental principles and rights are supported by the 1998 Declaration on Fundamental Principles and Rights at Work and its Follow-up. While the fundamental Conventions are an expression of the principles contained in the ILO Constitution, the Declaration is focused on getting member states to comply with the fundamental principles through technical cooperation. Of interest from the perspective of workplace violence is the 1958 adoption

by the International Labour Conference of the Discrimination (Employment and Occupation) Convention (No.111) which addresses all forms of discrimination concerning employment and occupation. Thus while the Preamble to the ILO Constitution calls for member countries to" ...adopt humane conditions of labour...", the Declaration affirms that "...all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity..."

It was not too long later, that such fundamental rights, started then to be equated with occupational safety and health standards. Thus in 1998 the ILO targeted workplace violence as a key issue within the fundamental scope of safeguarding the dignity and equality of workers. The right to a violence-free working environment is falls within the ambit of such fundamental rights. In its report on Decent work , it was noted that:
"... The primary goal of the ILO today is to promote opportunities for women and men to obtain decent and productive work, in conditions of freedom, equity, security and human dignity..." .

One of the ILO's major initiatives has been the SafeWork inFocus programme which involves taking the "highroad" approach whereby investment in workers' health, safety and well- are not just costs to the employer and indirectly to the state but also an integral part of the economic sustainability and organizational development of the enterprise especially at small and medium sized companies where health and safety promotion measures and programmes are less likely than in larger companies. Therefore, research studies and training programmes are its main focus in this area.

b) National Occupational Standards in Managing Workplace Violence

The OSH – MS is a systems approach to making safety and health an integral aspect of total business management. This is the "high road" approach discussed earlier adopted by the ILO which the Malaysian standard reflects. More particularly, it would be appropriate at this juncture to consider the U.K.National Occupational Standards (NOS) in Managing Work-related Violence. The priority for these standards was to identify and minimize the causes of violence to prevent it from arising rather than developing competence in dealing with violent incidents. As a result, these standards emphasize the manager's role in preventing violence rather than the individual's role in defusing a possible violent situation.

Importantly, the new NOS will provide employers a framework of actions that they are expected to undertake in preventing and managing workplace violence. Labour and health and safety legislation impose a duty on employers to manage risk including that of violence. The NOS guide employers by providing a benchmark against which their actions can be judged when considering their response to the risks of violence in their workplace. Totaling eleven in all, not all are required to be fulfilled for competency purposes . They include:
-   Assessment of the risk of violence to workers by identifying the risk factors, assessing

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the level of risks and preparing an action plan and a review of the risks.
- Development and implementation of an effective policy and procedures for minimiz ing risk.
- Developing and maintaining an effective management information system for report ing, recording and monitoring incidents of workplace violence.
- Providing adequate training.
- Establishing post-incident management.
- Promoting a safe and positive working environment.

What the standards disclose is that dealing with workplace violence does not only involve policy matters, reporting and monitoring procedures, risk assessment and training, it also requires workers and employers to change their attitudes to and awareness of OSH issues as important steps in reducing and finally preventing it. The standards provide a good example for developing countries to follow suit. Violence can no longer be tolerated as an occupational hazard and these standards must be adopted to minimize the possibility of harassment, threats, assaults and abuse to employees in the workplace.

c) Current Local Strategies and Policies

As a global player and in achieving fully developed status by the year 2020, the requirement for Malaysia to adhere to international standards by ratifying international conventions has become increasingly more pressing.

For example, it has been noted that in industrialized countries, the numbers of OSH related accidents in the building sector are 4 to every 1000 cases while our as we have seen earlier as in the range of 7.4 per 1000. In fact, the building sector has been identified as having a workforce of 350,000 and the highest occupational accident and death rates in the country . Work is currently underway for the Malaysian standard on the OSH managing system which will greatly enhance our ability to deal with occupational safety and health issues which also include workplace violence.

From the perspective of the foreign workers who have been recognized as a valuable source of manpower to fuel our development needs in achieving the 2020 vision of fully developed status, the government via its various agencies has embarked on a number of approaches to counteract the many problems faced in relation to them. Currently the Ministry of Human Resources requires host countries to educate workers arriving in Malaysia to familiarize themselves with aspects of Malaysian laws, culture and workplace communication especially in the use of the English and Bahasa Melayu
languages. Tighter immigration controls over visa requirements and job permits, mass deportations of illegal immigrant workers and the amnesty periods are all aimed at managing the foreign workers problems.

A local response at handling safety concerns particularly in the construction industry has been the Construction Industry Development Board or CIDB's introduction of the Construction Personnel Registration Card more popularly called the "Green Card". It was

the CIDB's attempt to enhance safety standards at construction sites to help reduce workplace accidents. It was a new ruling under the Construction Industry Development Board Act 1994 which took effect on May 2000 but implemented in 2003. It covers anyone entering a worksite whether a visitor or worker.

The Green Card programme was introduced to complement its Construction Safety and Health Programme under which construction workers must be appropriately geared by wearing safety boots and safety helmets before going into a worksite. Under the Green Card programme, all construction personnel who enter the construction site must undergo the one day Safety and Health course for construction workers as defined by DOSH to include management to general workers. After the course, they are registered with CIDB (at a cost of RM50.00 per worker) and then issued the Green Card. Under the Green Card scheme, the workers will be covered by 24 hours insurance for the holder. Laudable as it was, the Green Card programme was understandably not popular with the employers due to the financial burden and the logistical impossibility of training day visitors on construction sites such as potential house buyers.

The Department of Occupational Safety and Health or DOSH has also produced a manual as a "guidance for the prevention of stress and violence at the workplace" as a result of a collaboration between DOSH, the ILO's Safework programme and the United Nations Development Programme. The "guidance" is a useful guide to employers generally to deal with stress and violence at the workplace. The approaches considered to dealing with workplace violence are preventive in nature. Thus risk assessment by recognition of potential causes of workplace violence together with creating awareness, proper intervention via a quality workplace culture, inculcating a participatory approach via open consultation with employees, issuing a policy statement and improving the general work environment and changing work practices form the main thrust of the "guidance".

While certainly a step in the right direction, the "guidance" needs to fully state a "zero tolerance" to workplace violence and include the legal implication for such incidences along with proper policy, programmes, risk assessment, training needs, incident reporting and monitoring to satisfy the OSH standards.

CONCLUSION

Just as the spectrum of behaviours considered within the definition of workplace violence is wide and varied, so are the factors or causes of this problem. We have seen that the workplace is recognized as a "generator of violence" or even built up elsewhere but triggered here. There is much media focus on it and all occupations are affected by it although in different ways and depending on the circumstances. Therefore from the perspective of the construction sector, workplace violence is a definite occupational and safety concern not just because of the particular risks of construction sites but also because of the heavy reliance on foreign workers which adds to the risk factors of workplace violence.

Due to the problems noted earlier especially with the under-reporting of the issue, the data collected is considered to be only the tip of the iceberg. Much more has not been disclosed and developing countries remain far behind in responding to it because of this under-reporting. Due to this, dealing with workplace violence from the OSH aspect is minimal.

To become a global player as a developed country, we need to achieve the levels of OSH standards required internationally and particularly from the ILO's fundamental rights of workers and international labour standards.

ENDNOTES:

[1] D.Chapell and V.Di Martino, "Violence at Work", ILO Publication, p 7.

[2] Third European Survey on Working Conditions (2000) available at www.euro found.eu.int.

[3] B.Fox, C.Polkey and P.Boatman, "Tolley's Managing Violence in the Workplace" (2002), Butterworths Lexis Nexis, p 3.

[4] V. Di Martino, Violence at the Workplace: The Global Challenge, ILO Publication, p 2 available at www.ilo.org.

[5] SafeWork – Violence at Work in the European union, Recent finds, (Pascal Paoli, Project Manager, European Foundation for the Improvement of Living and Working Conditions, Dublin, Ireland 2000),p 1, available at www.ilo.org.

[6] There is a shortage of unskilled workers required for "dirty, difficult, dangerous" or the 3Ds. See Keynote address YB Dautk Wira Dr..Fong Chan Onn, Minister of Human resources, Malaysia at the Seminar on Foreign/Migrant Workers and Current Issues in Employment Law, 18 February 2004,Bar Council Auditorium, Kuala Lumpur at http://www.mohr.gov.my/makluman/spm358.htm.

[7] For example refer to the Star nrewspaper report dated 27.10.2003 which relates the clash between 40 Vietnames and Indonesian foreign workers and the 17.1.2002 incident involving 500 Indonesian workers.

[8] See para 2.5 Impact of Workplace Violence.

[9] Star article dated 14.1.03

[10] Safework the cost of violence and bullying at work report

[11] See for instance the Star report dated 6.2.04 on the inter tribe clashes.

[12] Note 1,ILO Decent work, report of the Director-General, International Labour Conference, 87th Session, Geneva 1999, p 3.

[13] available from www.empnto.co.uk or refer to Note 3 pg 46.

[1] See note 42.

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