



A Comparative Analysis of the Sufficiency of Employment Law Frameworks in Protecting Women Employees' Equal Pay Rights in Malaysia and the United Kingdom

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ABSTRACT

This paper assesses how adequately employment legal frameworks in Malaysia safeguard the equal pay rights of female employees in the country by comparing Malaysia to a country such as the United Kingdom. It examines the Employment Act 1955 (as amended) alongside the equality guarantees under the Malaysian Federal Constitution to determine whether these legal frameworks provide adequate protection against wage discrimination and unequal remuneration. Comparatively, the Equality Act 2010 of the United Kingdom is assessed as a more advanced framework governing discrimination and offering an opportunity to regulate equality in the workplace. The study employs the method of socio-legal research in a qualitative framework with the help of doctrinal analysis. The semi-structured interviews conducted on purposely chosen respondents who are representatives of NGOs, legal practice, academia, and industrial relations administration were used to gather primary data. Secondary sources consist of legislation, scholarly sources, policy files and reports. The paper also finds that the Malaysian framework is still weak because of definitional loopholes and enforcement vices, as well as cultural structural constraints. In contrast, the UK framework is clear and enforceable. The results advocate the reform strategies in Malaysia, such as better articulation of the rights to equal pay, and more effective enforcement mechanisms in the legislative framework.

INTRODUCTION

Equal pay is mainly known to be a pillar in workplace justice as well as legal equality, since it portrays the ideology that remuneration must be based on the worth of work, other than personal traits, which are irrelevant, like gender. The validity of equality safeguards in employment law is not gauged by the mere aesthetic symbolization of equality but rather by the ability of the legal construct to transform the principle into enforceable rights and viable remedies. The issue has been rather urgent in Malaysia as wage inequality is still an empirically observed phenomenon, and wage statistics in the country indicate that the median and mean wage of male workers is higher than that of female workers, indicating the continuation of disparity in remuneration results (Department of Statistics Malaysia, 2024).

The continuing unequal result of remuneration has far-reaching effects other than wage distribution. The formal guarantees of equality might not be adequate in cases where the legal framework is not sufficiently developed in terms of its precision, enforceability, and mechanisms of implementation. Here, equal pay cannot be considered merely a labour market problem, but as a legal sufficiency problem in the ways that the employment law is structured to avoid discrimination and achieve results that are in line with equality standards (Department of Statistics Malaysia, 2024). This leads to the need to question whether the current legal framework of Malaysia provides the women employees with sufficient and workable safeguards to both enjoy their rights to equality in pay, and when breaches are experienced, to seek redress by availing of effective enforcement mechanisms.



A major legal challenge in the Malaysian context is that the issue is not only the presence of wage inequality but also the fact that the domestic employment structure has structural constraints. The Employment Act 1955 still forms the primary statute of minimum employment standards in Malaysia. Although a recent reform under the Employment (Amendment) Act 2022 brought various protections against welfare and increased the legislative scope of the protection of employees, the model remains entirely devoid of an explicit and workable definition of equal pay or equal remuneration for work of equal value (Employment Act 1955 (Amendment) 2022). This exclusion is essential since the law can be applied only to the extent that definitions are clear. In the absence of a legal statement of what is taken to be equal pay and what the parameters are applied in comparison of remuneration, the right is hard to prove, hard to claim and inconclusive regarding remedies (Employment Act 1955 (Amendment) 2022).

Even though Section 69F was created to resolve discrimination cases, the effective clause is still general and has not been crafted as a detailed equal pay system (Employment Act 1955 (Amendment) 2022). What is under this insufficiency is not the presence or absence of a discrimination clause but whether the legislation provides a practical pathway through which women employees may challenge discriminatory wage consequences in a manner that is both legally predictable, procedurally obtainable and institutionally enforceable. Discrimination can therefore be accepted as a theoretical concept. However, it is hard to mitigate in practice, especially in the context of the private sector employment set-up, where monetary terms of labour are defensible as being discretionary and contractual (Employment Act 1955 (Amendment) 2022).

When this legal gap is looked at in relation to international obligations that Malaysia should have, it becomes even bigger. In 1997, Malaysia ratified the Equal Remuneration Convention of the International Labour Organization (No. 100), 1951, which is an indication of a formal adherence to equal remuneration of male and female workers to work of equal value (International Labour Organization [ILO], 1951). However, there is no domestic statutory definition and enforcement model, which makes the international obligation connected to the national implementation. As a matter of practice, ratification is not a guarantee of equality at the workplace, unless the national law contains definitions, standards and enforcement mechanisms that enable the principle of equal remuneration to operate as an enforceable right of employees (ILO, 1951; Employment Act 1955 (Amendment) 2022).

Besides the constraints of legislation design, the social context of wage inequality in Malaysia is also applicable since inequality in the workplace may be manifested in informal workplace practices and structural processes, such as gender roles based on cultures and patriarchal expectations that affect the progression of employment and wage outcomes of women. These social facts overlap with the inadequacy of law in that the burden of these facts falls on the individual worker to bring a complaint, demonstrate unequal remuneration and seek redress in enforcement frameworks that are not necessarily intended to bring an equal remuneration claim (Employment Act 1955 (Amendment) 2022).

These considerations mean that a comparative legal analysis offers a substantive point of reference on which one can gauge the potential of reform. The United Kingdom provides an established benchmark with its Equality Act 2010, which creates a new unified form of protection against discrimination and manages the issue of employment inequality by means of more explicit legal organisation (Equality Act 2010 (UK)). The UK model is more detailed in its approach to the legislation of equality in the workplace, not only in terms of conditions of employment but also in terms of discrimination control, which is more explicit in safeguarding gender equality in employment situations (Equality Act 2010 (UK)). This article assesses the adequacy of Malaysian legal safeguards of equal pay rights. It identifies potential reform paths to improving the definition and enforcement effectiveness, in line with the accepted goals of equality and international obligations (Employment Act 1955 (Amendment) 2022; Equality Act 2010 (UK); ILO, 1951), by comparing the Malaysian approach with the UK framework.

LITERATURE REVIEW AND LEGAL FRAMEWORK

Equal pay scholarship and legal commentary tend to converge on the suggestion that wage equality is impossible to obtain with the help of general equity commitments. Instead, legal adequacy demands a functional structure that determines equal pay legislation, aids in the determination of outcomes of discriminatory pay results and



offers avenues of enforcement and substantial redress that are available. In this respect, the legal issue is not the recognition of the equality of the sexes in principle, but rather the presence of a justiciable right that can be appealed to and implemented in reality. This ongoing wage gap between men and women in Malaysia makes the topicality of this question even more evident and suggests the urgency of considering the possibility of domestic labour regulation as a relevant expression of the right to equal pay of women employees (Department of Statistics Malaysia, 2024).

Malaysia: Statutory Equality and Employment Regulation of Constitutionality.

The protection against discrimination in Malaysia is normative based on the Federal Constitution, where the provisions in Article 8, which define the principle of equality, exist. However, constitutional equality is more of a constitutional guaranty of equality and is usually aimed at discriminatory activity of the State or of the people. In employment relations where remuneration determinations are generally occurrences in the context of intra-privately contracting relationships, significant protection must be defined through the statutory elucidation of rights and standards, as well as enforcement practices.

The Employment Act 1955 is still the leading one in the list of legislative frameworks used to regulate the minimum employment standards in Malaysia. However, it has not always been a form of an all-inclusive statute of anti-discrimination or equal pay. Despite the reforms provided in the Employment (Amendment) Act 2022 aimed at improving employee protection, such as the addition of Section 69F as a tool to address discrimination issues, the statutory framework does not explicitly identify equal pay as an enforced right (Employment Act 1955 (Amendment) 2022). This is an important omission within the law. There are no definitional and doctrinal standards, including equal pay, equal remuneration, or work of equal value, that can effectively adjudicate and administer equal pay disputes. Without such standards, claimants have the unpredictability of determining legally comparators of relevance, thresholds of evidence and the range of recovery available (Employment Act 1955 (Amendment) 2022).

Although Section 69F is a valuable move in curbing discrimination at the workplace, it is too broad and general to be useful in wage equality claims. Legally, an anti-discrimination clause broadly defined with no equal pay standards brings about interpretative confusion when applied. It puts the workers in a state of not having definite guidelines on how the unequal pay should be determined, and it limits the ability of the enforcement agencies to provide consistent rulings in all cases (Employment Act 1955 (Amendment) 2022). As such, the current policy of Malaysia could be described as a policy in which equality is normatively established but operationalised unfairly in terms of wage discrimination in a legal context.

Such inadequacy is more evident when compared with the international commitment of Malaysia. In 1997, Malaysia signed the ILO Equal Remuneration Convention, 1951 (No. 100). The Convention asks the Member States to encourage and guarantee equal payment between women and men workers in work of equal value (International Labour Organization [ILO], 1951). The normative framework in the Convention implies the clarity and enforceability of domestic law implicitly. However, in countries where the definitional norms and models of enforcement are not embedded in domestic law, the transfer of Convention No. 100 commitments into the workplace protection practice is not finalised (ILO, 1951; Employment Act 1955 (Amendment) 2022). The sufficiency issue in Malaysia, based on this, is not the complete lack of equality principles, but the lack of legal specificity and institutional enforceability that can translate equality principles into work results.

United Kingdom: United Kingdom Equality Act 2010 as a benchmark of Enforceability.

The legal system of the United Kingdom can provide a good example of how equal pay can, instead of being a wide-ranging equality ideal, be designed to be a legally binding workplace right. The Equality Act 2010 brings together anti-discrimination norms and presents a practical anti-discrimination framework between employment terms and remuneration (Equality Act 2010 (UK)). It has legal importance in the sense that the operationalisation of equality within enforceable mechanisms permits the discrimination claims to be pursued in a more specific and more organised statutory framework.



Compared to the UK model, the UK framework is more of a benchmark as it shows a more substantial balance of equality principles and enforceability. It does not discuss wage inequality as an issue of policy, but as an issue of legal regulation in the overall framework of workplace equality. That way, it minimises the uncertainty of interpretation and enhances the likelihood of the legal norms of employment disputes with discriminatory remuneration (Equality Act 2010 (UK)).

Comparative Analytical Gap: Sufficiency as Operational Protection.

It is the comparative sufficiency question, then, which concerns itself with the operational protection, not the symbolic recognition. Equality in Malaysia is realised with the help of the rules of the constitution and employment. Nevertheless, the statutory framework it provides is presently lacking in the definitional and procedural structure that would turn equal pay into a clear and justiciable right. By comparison, the UK framework exemplifies a more operationalised approach to workplace equality in which the enforcement mechanisms are encompassed in the statutory framework (Employment Act 1955 (Amendment) 2022; Equality Act 2010 (UK)).

This is the distinguishing feature in the evaluation of the sufficiency of the law. In case the wage gaps are proved empirically, the sufficiency of a legal framework should be gauged by its ability to provide practical equality of results instead of the ability to provide equality at the principal level (Department of Statistics Malaysia, 2024). The comparative analysis will therefore offer an organised foundation on the assessment of contemporary constraints facing Malaysia and the type of legal attributes that would be needed to enhance equal pay protection more realistically.

METHODOLOGY

This paper follows a qualitative socio-legal approach with the assistance of doctrinal analysis. It is also specifically the right choice when the research aims at studying law by means of its work in the real environment, by means of the real experience of legal norms and their restrictions, and not by means of analysing it in the form of abstract rules (Chui, 2019; Campbell & Wiles, 1976). It is well known that this is an appropriate method to use when researching the effectiveness and reality of the enforcement of laws, as the legal results of employment are not only determined by the statutory provisions but also by occupational practices, the capacity of institutions, and socio-cultural practices (Chui, 2019). Doctrinal analysis is another approach that accompanies the socio-legal approach and helps in harmonising the identification of legal standards, gaps and ambiguities in the applicable framework by giving a systematic interpretation of the primary legal sources like statutes and regulations (Chynoweth, 2008). A socio-legal enquiry combined with doctrinal analysis, thus, enhances methodological rigour by the connection of the law in text and the law in action.

Semi-structured interviews created the primary data. Semi-structured interviewing is a known qualitative method of acquiring detailed information with the ability to compare participants because of the structure of questions (Galletta, 2013; Leavy, 2017). This renders them specifically well-suited to socio-legal studies, as they can be used to study the experiences and perceptions of the participants in terms of enforcement, workplace conflicts, and institutional constraints, as well as to provide the opportunity to clarify and investigate the legal issues of complexity (Galletta, 2013). The interviews were also carried out online, which is becoming a valid qualitative method, especially when professional respondents are reachable effectively and securely without sacrificing the scope of analysis (Archibald et al., 2019).

Five respondents who had different perspectives of stakeholders within the NGOs, legal practice, academia, and industrial relations administration were purposively sampled. Purposive sampling suits when statistical generalisation is not a goal, but intensive, and informational data are sought based on the sample of respondents possessing appropriate professional knowledge of the phenomenon of interest (Palinkas et al., 2015; Patton, 2015). This is similar to the objectives of socio-legal research since legal adequacy and effectiveness can be most effectively analysed in terms of specialist views and practical experience of institutions, as opposed to the extensive sampling (Chui, 2019).



Thematic analysis was used to analyse the interview data. Thematic analysis offers a methodological procedure to discover meaning patterns within qualitative data sets. It is much more common in qualitative studies in legal and social-legal contexts in the sense that it allows researchers to formulate themes that portray similarities, as well as differences, within the accounts provided by the participants (Braun & Clarke, 2006). It is considered to be of specific value in the cases where the research is aimed at relating empirical data to conceptual and normative questions, e.g. whether the law framework offers sufficient protection in practice (Braun & Clarke, 2006). The secondary sources included legislation, scholarly sources, policy documents, and reports addressing the issue of equal pay regulation in the United Kingdom and Malaysia. A noble combination of doctrinal and empirical methods has the strength of triangulation and validity in the sense that the analysis should have its basis not only on authoritative legal texts but also on stakeholder evidence concerning enforcement realities (Chynoweth, 2008; Chui, 2019).

FINDINGS

Findings and Discussion

In this part, the findings are reported based on the five semi-structured interviews with purposely chosen participants whose professional functions were the different views of equal pay governance and enforcement in Malaysia. The respondents included NGO programme work professionals, legal work professionals, academics and industrial relations administration professionals. The variety of positions gave the study more strength by enabling the research to capture both the rights-based perspectives and the enforcement-based reality, as well as to encompass the doctrinal and practical issues of wage discrimination.

To maximise the transparency of the thematic analysis procedure, the results of the interview will initially be summarised in Table 1 to bring together the major themes and analysis sense as ingrained in the minds of the participants. The table serves as a qualitative findings interpretive map by showing how the recurrent issues, including structural workplace inequalities and a lack of legal enforceability, are intertwined to help justify the adequacy of equal pay protection. Each of the themes is expounded on in the discussion that follows, bringing together the interview evidence with the doctrinal and comparative legal analysis.

Table 1. Summary of thematic findings from semi-structured interviews (R1–R5)

Theme	Analytical interpretation	Legal significance of sufficiency	Indicative evidence (interview-derived)
Perceived persistence of unequal pay in Malaysia	Participants described wage inequality as continuing in practice despite formal equality norms and general labour protections.	Demonstrates a gap between formal legal provisions and actual workplace outcomes; raises questions about enforceability and practical effectiveness.	Respondents consistently perceived unequal pay as still experienced by women, including the normalisation of unequal outcomes and limited willingness to contest pay disparities.
Structural drivers: hierarchy and occupational segregation	Interview data attributed pay gaps to structural factors such as gendered job hierarchies, occupational sorting, and undervaluation of women-dominated work.	Shows that legal protection must address both direct discrimination and systemic drivers; exposes the limitations of narrow statutory remedies.	Participants linked wage inequality to seniority structures, job classification patterns, and occupational segregation, rather than only explicit wage discrimination.
Weaknesses of constitutional/anti-discrimination	Participants pointed out that equality guarantees do not translate into direct wage discrimination	Suggests legal insufficiency where equality principles exist but lack operational	Interview reflections highlighted that Article 8 equality does not automatically create workable equal pay



coverage for equal pay	remedies and do not provide accessible enforcement routes for employees.	mechanisms, burden shifting, or dedicated equal pay standards.	enforcement tools and is often indirect in employment contexts.
Enforcement barriers: proof, documentation, and pay transparency	Respondents emphasised difficulty proving discrimination due to limited access to wage information and the complexity of remuneration components.	Indicates procedural insufficiency: even where rights exist, enforcement fails if employees cannot access evidence or obtain comparative wage data.	Participants reported proof challenges due to secrecy norms, fragmented remuneration (allowances/benefits), and a weak transparency culture.
Hidden discrimination and gendered employment assumptions	Wage discrimination was described as embedded in subtle decision-making, including assumptions about women's commitment, roles, or "deservingness."	Shows the need for clearer statutory standards and workplace accountability mechanisms to detect indirect/subtle discrimination.	Interview evidence identified implicit bias and gendered assumptions influencing pay, promotion, and valuation of roles, often without explicit discriminatory statements.
Comparative reflections: UK legal clarity as a reform reference point	Participants noted the UK legal structure as more transparent, more direct, and more operationally enforceable through equality-based mechanisms.	Supports comparative conclusion: UK offers reform direction (clarity, standards, transparency expectations) that could strengthen Malaysian protection.	Interview reflections viewed UK equality protections as more precise and more structured, reducing reliance on indirect strategies and strengthening compliance expectations.

Note: Respondents are coded as R1–R5 to maintain confidentiality.

As can be seen in Table 1, the results were not confined to the doctrinal issues; instead, participants explained the effect of structural employment realities and procedural obstacles in undermining the practical implementation of equal pay norms. This is why the discussion will go in turn through each of the themes, beginning with the perceived continuation of unequal pay in Malaysia and then relating structural and enforcement obstacles to the assessment of legal sufficiency in general, including the relative applicability of the legal practice of the United Kingdom.

Perception of continuing unequal pay in Malaysia.

Another similarity that was evident in the interviews is that women and men do not receive the same amount of money in Malaysia, and unequal pay was especially linked to working in the private sector. Wage inequality was reported to be described by the participants as a persistent issue, regardless of the growing involvement of women in the workforce. Other interviewees also stressed that unequal pay is evident at the level of observable workplace practice, such as when male managers with similar job descriptions were given higher pay than female managers. Such narratives are consistent with the national wage evidence that there continue to be wage disparities between male and female employees (Department of Statistics Malaysia, 2024). In this respect, the interviews contributed to the topicality of studying the legal sufficiency, since the law protection can only be relevant in the sense that it can change the results that are still empirically and institutionally manifested.

It is interesting to note, though, that one of the participants understood equality mainly in terms of minimum wage compliance, claiming that the Employment Act guarantees equality in terms of the minimum wages through minimum wage requirements that apply to all employees regardless of gender. This perception was important as it demonstrates a definitional conflict between the equal pay rights as an equality-related doctrine



and equal pay as simply non-discriminatory minimum wage rights. The difference indicates that legal adequacy can also be corrupted through variations in interpretations of the sense of how equal pay protection is supposed to work in practice.

Systemic causes of the gender pay gap: occupational segregation and hierarchy at the workplace.

Essentially, the participants justified wage inequality on structural grounds as opposed to a situation of individual discriminatory actions. Some of them highlighted that the top jobs are still male-dominated and that gender differences in salaries are also related to job hierarchy, whereby seniority is correlated with better pay. The result of this finding is that unequal pay in Malaysia is partially maintained by obstacles to women achieving higher levels of pay ranges, such that pay inequality can be achieved by both structural patterns of workforce distribution and by direct decisions involving discrimination in payment.

It was also found that occupational segregation is another mechanism that supports gender-based wage results. The respondents said that male-dominated higher-paid sectors, whereas female-dominated care and service-oriented sectors were mostly lower-paid. It adds to the intractability of wage differentials even in the case where formal discrimination is hard to demonstrate, as the inequality is constituted in the distribution of employment and in the sectoral norms. These interviews hence gave credence to a socio-legal explanation that wage inequality exists as a result of the interplay of labour market structure, workplace norms and organisational practices and not as a result of blatant statutory breaches.

Another difference was made between the government and the business industry. The participants indicated that remuneration in the public sector was organised and scale-based, with remuneration based on qualification and experience. Conversely, compensation in the private sector had been characterised as relatively non-transparent and pay was regarded as a secret and even a cultural taboo. Such a difference is legally significant since wage disparity is more difficult to identify and challenge when the pay transparency is limited, which supports the thesis conclusion of the invisibility of wage information undermining legal safeguarding.

Sufficiency of the law: constitutional equality, the lack of operational equal pay standards.

The interviews were quite helpful in coming to the conclusion that the legal framework followed in Malaysia does not guarantee the right to equal pay to women employees in a practical way. Those involved identified that constitutional equality exists, especially in the Federal Constitution in Article 8. They, however, doubted the possible ability of such public law norms to work effectively in situations of wage discrimination in the context of private contractual employment relations. The main criticism was that the Employment Act 1955 lacks precise and enforceable equal pay principles and does not provide for equal pay or equal value of work. This loophole was noted to be a significant factor that makes women employees have trouble filing wage discrimination charges.

Though the Employment (Amendment) Act 2022 has added Section 69F on how to resolve discrimination issues, participants outlined the new provision to be too much of a general approach to be used as an equal pay tool. In this regard, the results indicate that the Malaysian framework has principles of normative equality but does not have operational legal machinery. In the absence of a defined standard and organised legal standards, the employees are not made clear on what the unequal pay is, how one is to make comparisons in work, and the burden of proof. This dogmatism supports the larger finding that equality is not the same as the protection of wage rights enforced in law.

One of the legal issues that was of legal merit was that Article 8 does not establish a direct statutory remedy of action against employees in the private sector. Consequently, the female workers will fail to present equal pay claims on a constitutional basis. Instead, the respondents described claimants as occasionally drawing upon indirect mechanisms, such as constructive dismissal arguments, which puts a heavy evidential and procedural burden on employees. The discovery highlights the impracticality of an equality framework where it does not have a specific statutory equal pay right, in that enforcement will rely on indirect approaches to the law instead of direct remedies that aim to tackle wage discrimination.



Limitations to enforcement: institutional constraints and costs.

Another theme that was predominant was the low efficacy of enforcement routes. Respondents outlined a complaint-based system in which the employees report inequality initially using the internal workplace mechanisms like the Human Resource Department and then file the complaints with the Department of Labour. Nonetheless, according to several respondents, institutional enforcement is still weak, especially where the employers fail to comply with the directions or recommendations. Such perception implies that the legal sufficiency cannot be assessed only based on the textual substance of the law but must also look at the presence or absence of sufficient authority and practical capacity of enforcement institutions to promote compliance.

Access to barriers to justice, especially the expense of legal representation, was also identified as a challenge by participants. Remedies that were done in courts were generally seen as not available to many employees, leading to a lack of enforcement of rights. Interview narratives indicated that in most instances, employees might be aware of the fact that their rights have been violated. However, they are not keen to speak up because they are afraid, are financially incapacitated or doubt whether the legal avenues work. These results support the thesis conclusion that the inadequacy of the law is partially structural and institutional: the channel is there, but the fact of practical barriers does not allow for making significant use of it.

Notably, the pessimistic perception of enforcement was not accepted by every participant. Among the respondents, one explained the institutional mechanism under the Ministry of Human Resources as open, because one can complain about terms of service at the Labour Department to be referred to the Labour Court, and one can appeal where the need be. This deviation increases scholarly plausibility since it demonstrates that the adequacy of enforcement is disputed. However, the general thematic trend shows that the results of the enforcement are pretty inconsistent and also heavily dependent on the accessibility and the ability of the employees to maintain the complaints.

Evidential burden and documentation: payslips as proper instruments of enforcement.

The results show that the issues of proof and documentation are core to the enforceability of equal pay claims. Participants indicated that documentation, which includes payslips, is a crucial piece of evidence to prove wage discrimination claims. Others stressed that employees usually do not keep payslips, or they are unaware of how to keep documentary evidence. Because equal pay claims involve comparison, payslips are therefore needed to prove that there is a difference in wage elements such as allowances and monthly pay patterns.

This subject is important to a legal sufficiency analysis as it depicts that a formally offered complaint channel might collapse in the absence of evidence. The reality of proving that is very difficult for the employees, and this is another disadvantage to the effectiveness of the equal pay protection. In this respect, the documentation lapses are not only personal failures but organisational implementation blocks, especially when employers are the ones to manipulate wage data and when the knowledge becomes limited by the norms of transparency.

Hidden discrimination and employment assumptions that are gendered.

The respondents indicated that subtle discrimination is likely to arise when workplace stereotypes about the commitment of women and their family roles are made. Women were interviewed on whether they were married or not, whether they planned to have children or not and the childcare duties. This kind of questioning was seen to be relevant to wages and employment. It is hard to argue against, though, since discrimination is frequently justified in an informal manner and not voiced in terms of making decisions on gender. This observation confirms the thesis argument that discrimination can be hidden in the form of neutral justifications, which are difficult to demonstrate, cannot be affirmed in a framework that does not clearly provide equal pay standards or even come up with a system that ensures transparency.

Comparative reflections: The UK legal clarity as a point of reform.

Another obvious thread in the interviews was the comparative one, where the UK Equality Act 2010 was used as a source of the level of seriousness and enforceability of laws. Some participants also pointed to the fact that a specific Equality Act or Equal Pay Act, like the one in the UK, would be beneficial to the situation in Malaysia.



as it would enable more open levels of accountability and repercussions to discriminatory forms of remuneration in the nation. This argument was actually not a mere theoretical proposal but a fundamental change in direction of reform to ensure employers became more compliant and did not rely on indirect legal strategies.

Participants further highlighted the use of non-legal remedies of education and awareness creation to the population to break the cultural stereotypes. This highlights the thesis statement that social change and law reform are mutually dependent. The comparative reference to the UK framework thus served both as a doctrinal and institutional reference point in that it shows that Malaysia needs to shift towards normative equality principles to operational enforceability.

Summary of findings

Overall, the interview findings support the central thesis claim that Malaysia's legal framework remains insufficient to protect women employees' equal pay rights in practice. The insufficiency arises from the absence of specific equal pay provisions, the broad framing of existing anti-discrimination pathways, the difficulty of proving claims due to limited transparency and documentation burdens, and enforcement constraints shaped by access to justice barriers and institutional limits. The comparative reference to the UK Equality Act 2010 reinforces the argument that legal sufficiency requires definitional clarity and enforceable mechanisms capable of securing workplace equality outcomes.

DISCUSSION

Adequacy of an equal pay regime should finally be determined not within the parameters of broad equality principles, but whether female workers can gain sufficient protection and redress in case of wage discrimination. This research report, which incorporates statutory analysis and interview data, reveals that Malaysia has remained in a state of unequal pay, which has not been well taken care of by the current Employment Act framework. The wage gap that has been reported in the country is not a one-day occurrence. Nevertheless, it indicates that there is an imbalance in the structure that needs the legal means that could be effective in both direct discrimination of wages and more subtle instances of inequality that manifest themselves in practices in the workplace and through institutional restrictions (Department of Statistics Malaysia, 2024).

One of the weaknesses found in the Malaysian structure is the presence of gaps in definition and structure. The Employment Act lacks a definition of equal pay, equal remuneration, or work of equal value and, as a result, limits the law as a means to operate effectively as an enforcement measure in wage discrimination claims (Employment Act 1955 (Amendment) 2022). The lack of such benchmarks would make it extremely difficult to prove that women employees are not given equal pay, as the legal standards of comparison, assessment, and evidential adequacy are not well-known. Despite the fact that Section 69F provides a general discrimination complaint mechanism, it has a general expression, and it is not wage-specific, which makes its application in remuneration cases less valuable. Practically, the lack of articulate statutory guidelines threatens to turn Section 69F into a broad statement of opposition to discrimination instead of a working mechanism that can achieve an equal pay result (Employment Act 1955 (Amendment) 2022).

This is also a failure that has an impact on institutional enforcement. In those cases where the law has not been drafted to provide a definitional effect in the claims of equal pay, the bodies charged with the enforcement are called upon to find it hard to bring about consistent and predictable benchmarks. Following the stated interview results, conflict management is still more of a form of complaints and responding, instead of a form of organisational control, accountability, or active employer responsibility. This design imposes a postponing load on the employees to make claims, find comparators, and evidence. There was also an implication of the significance of documentation, including payslips and records of employment, in interview narratives. Nonetheless, the actual dependency on personal documentation only indicates that the enforcement is inhibited by informational barriers and the limited ability of the employees to address the disagreements. As a result, there are chances of no challenge or no legal action taken on cases where workers are not documented, do not know their rights, or are afraid of retaliation at work.



Compared to the UK, the legal framework in the UK is more structured and enforceable. The Equality Act 2010 brings together discriminatory protection in the workplace and controls inequality on employment terms in a unified statutory framework. This is an indication of greater awareness that wage disparity is not an issue of discretion on the part of the employer but a workplace equality matter that should be regulated by law. Intervention elements that improve accountability are also linked with the UK framework, as it exhibits mechanisms that assist in discovering transparency and detectability of pay inequality patterns. By contrast, Malaysia does not have a similar regulation based on transparency, which restricts the capability to identify systemic wage disparity and constrains enforcement capacity even in the context where discriminatory acts are in place (Equality Act 2010 (UK)).

The results also suggest that socio-cultural challenges strengthen legal inadequacy. The patriarchal systems of work and gender stereotypes are still affecting the outcomes of remuneration, such as obstructed career advancement among women and presumptions about the dedication to work by women. These aspects imply that the problem of wage inequality can only be resolved by legal reform unless it is reinforced by institutional and awareness. Where workplace conventions may affect decision-making and obscure discriminatory argument, legal adequacy can be both statutory and needs to be provided with a mechanism that can render inequality as visible, provable, and remediable.

Another limitation present in the discussion is the limitation of international commitment; this is where local legal translation is not done thoroughly. In 1997, Malaysia ratified ILO Convention No. 100 and thus became a signatory to the principle of equal remuneration as an international labour standard. Nevertheless, this commitment cannot operate as working workplace protection since there are no domestic legal definitions and enforceable equal pay machinery. This discrepancy between international responsiveness on the one hand and domestic enforceability on the other supports the argument that treaty obligations can never be brought to bear a practical effect unless they are applied using clear statutory standards and appropriate enforcement mechanisms (Employment Act 1955 (Amendment) 2022; ILO, 1951).

Last but not least, the socio-legal method used in the study enhances the credibility of such findings. The fact that the similarity of themes is present among participants of different professional backgrounds is evidence of the fact that the issues of legal insufficiency are not confined to one group of stakeholders. Instead, overlapping views of NGO advocacy, legal practice, academia and industrial relations administration support the conclusion that definitional gaps, enforcement limitations and structural impediments are viewed as widespread barriers to the realisation of equal pay rights in Malaysia. This confirms the more general doctrinal finding that the current framework in Malaysia is still normatively dedicated to equality but operationally restricted to achieving wage equality results.

On the whole, the results and discussion prove the fact that the existing framework in Malaysia is not sufficient to secure equal pay rights on the part of women employees. Definitional ambiguity, narrow enforcement channels, significant dependence on individual complaints, and no transparency-based apparatus all limit the ability of the law to act as an effective equal pay regime. In addition to other inferences made based on the UK framework, there is further support that legal sufficiency involves specific statutory formulations, enforceability, and institutionalisation that can help to convert equal pay protection under a mere commitment to a practical and justiciable right.

RECOMMENDATIONS

To reinforce the defence of equal pay rights of women employees in Malaysia, reform interventions must be based on better legislative clarity, enforceability and institutional efficacy. The main vulnerability in the Malaysian structure is not the lack of equality principles, but the lack of particular legal tools that will make equal pay an enforceable right in the workplace. Reform should therefore focus more on translating commitments of equality into practicable legal norms that will be able to fulfil the formulation of claims, evidence presentation and remedial consequences.

To begin with, Malaysia needs to present an explicit statutory articulation of equal pay and work of equal value, whether by alterations to the Employment Act 1955 or with an explicit legislation on equality (or equal pay).



Currently, the lack of a standard definition poses a problem and does not allow uniform enforcement. A clear legal definition would give a standard by which to evaluate discriminatory remuneration, enable work comparison to be legally organised and make the way equal pay disputes are tried clearer. This could also enhance compliance with domestic laws in Malaysia regarding its undertaking of the ILO Equal Remuneration Convention, 1951 (No. 100), which mandates equal remuneration of male and female workers to do the same work of equal value (ILO, 1951).

Second, the discrimination dispute process established by Section 69F must be enhanced by more explicit procedural directions and remedies for wage discrimination. Although Section 69F offers a means of making complaints on discrimination, its wide phrasing restricts its application in equal pay claims. To reinforce this mechanism, it is more important to provide the statutory guidelines on what may be viewed as discriminatory remuneration, which evidence may be taken into account, and what relief may be imposed in case of unequal pay instituted (Employment Act 1955 (Amendment) 2022). In the absence of these refinements, the existing mechanism is likely to be aspirational as opposed to being operational in ensuring wage equality.

Third, the third strategy is that Malaysia should think about implementing transparency-oriented intervention actions as a part of the implementation of equal pay. A structural problem that has existed since the inception of wage discrimination cases is the inability to demonstrate unequal payment in situations where wage data is unavailable or a secret. The measures connected with transparency would decrease the informational obstacles between employees, allow them to detect the pay disparities at an earlier stage, and enhance the capacity of the enforcement agencies to assess systemic trends in wage inequality. Such intervention is similar to that in the United Kingdom, where the equality law is framed so as to facilitate enforceability and workplace responsibility (Equality Act 2010 (UK)).

Fourth, institutional and awareness setups must be strengthened to help in legal implementation. Equal pay protection is still weak, even where there exist legal provisions, when employees do not know about their rights or cannot find more enforcement avenues. Enhanced community education and institutional advice would promote the keeping of documents, enhance the knowledge of the complaint procedures and minimise vulnerabilities of women employees seeking redress to wage discrimination. These steps would also facilitate the greater goal of making the equality norms a practical workplace protection.

In general, these reforms are geared towards transforming the equal pay protection of Malaysia to be normative rather than operational. By doing that, Malaysia would increase the sufficiency of local legal frameworks and the international adherence, as well as an easier and more convenient way, through which the women workers in Malaysia would, in practice, acquire their equal pay rights (Employment Act 1955 (Amendment) 2022; ILO, 1951; Equality Act 2010 (UK)).

CONCLUSIONS

This paper concludes that the Employment Act 1955 of Malaysia, with the addition of Section 69F, is still inadequate to provide proper protection of equal pay because of the gaps in definitions and low enforceability (Employment Act 1955 (Amendment) 2022). In answering the research question of determining the sufficiency of the Malaysian legal framework to safeguard the equal pay rights of women employees, the analysis highlights that there is still insufficiency in the law since the current statutory framework fails to operationalise equal pay as a definite, justifiably right, backed by definitional accuracy and facilitated enforcement procedures. The presence of continuing wage inequality is also evidence of the fact that unequal pay remains a quantifiable structural issue in Malaysia (Department of Statistics Malaysia, 2024).

In comparison, the Equality Act 2010 of the United Kingdom is more protective with a unified system of equality that has more specific means of workplace equality, such as the control of remuneration-based discrimination (Equality Act 2010 (UK)). The paper thus underpins the reform agenda to give better explicit definitions of equal pay, greater statutory enforceability, and actions taken to increase transparency and institutional intervention (Employment Act 1955 (Amendment) 2022). In its contribution, this article sheds light on how far the current strategy used in Malaysia is normatively but operationally constrained and creates parallels in the legal



provisions that can be used to enhance the efficacy of the protection of the equal pay rights of women employees in the country.

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REFERENCES

1. Department of Statistics Malaysia. (2024). Salaries & wages survey report 2023. https://storage.dosm.gov.my/labour/salaries_wages_2023.pdf
2. Employment Act 1955 (Malaysia) (Act 265), as amended by the Employment (Amendment) Act 2022.
3. Equality Act 2010 (UK), c. 15.
4. International Labour Organization (ILO). (1951). C100 – Equal Remuneration Convention, 1951 (No. 100). https://www.ilo.org/dyn/normlex/en/f?p=normlexpub:12100:0::no::p12100_ilocode:c100
5. Archibald, M. M., Ambagtsheer, R. C., Casey, M. G., & Lawless, M. (2019). Using Zoom videoconferencing for qualitative data collection: Perceptions and experiences of researchers and participants. *International Journal of Qualitative Methods*, 18, 1–8. <https://doi.org/10.1177/1609406919874596>
6. Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2), 77–101. <https://doi.org/10.1191/1478088706qp063oa>
7. Campbell, C. M., & Wiles, P. (1976). The study of law in society in Britain. *Law & Society Review*, 10(4), 547–578. <https://www.jstor.org/stable/3053297>
8. Chui, W. H. (2019). Introduction and overview. In W. H. Chui & M. McConville (Eds.), *Research methods for law* (2nd ed.). Edinburgh University Press.
9. Chynoweth, P. (2008). Legal research. In A. Knight & L. Ruddock (Eds.), *Advanced research methods in the built environment* (pp. 28–38). Wiley-Blackwell. <https://usir.salford.ac.uk/id/eprint/16542/>
10. Galletta, A. (2013). *Mastering the semi-structured interview and beyond: From research design to analysis and publication*. NYU Press.
11. Leavy, P. (2017). *Research design: Quantitative, qualitative, mixed methods, arts-based, and community-based participatory research approaches*. Guilford Press.
12. Palinkas, L. A., Horwitz, S. M., Green, C. A., Wisdom, J. P., Duan, N., & Hoagwood, K. (2015). Purposeful sampling for qualitative data collection and analysis in mixed-method implementation research. *Administration and Policy in Mental Health and Mental Health Services Research*, 42(5), 533–544. <https://doi.org/10.1007/s10488-013-0528-y>
13. Patton, M. Q. (2015). *Qualitative research & evaluation methods* (4th ed.). SAGE.