



## REVIEW

# Factors that affects Emotional Abuse at the Workplace in Malaysia

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Received April 2017; Accepted June, 2017.

### Abstract

*This is a conceptual paper to study the factors that affects the emotional abuse at the workplace in Malaysia. This study reviews literature on the history of social development on the abuse of employees at the workplace. It aims to analyze the causes of emotional abuse at the workplace and the reasons why such incidents are rarely reported by the victims. In this paper, we review the existing literature surrounding the phenomenon of abuse at the workplace, paying particular attention to factors and causes of such conduct. We will also provide an overview of the perplexing nature of emotional abuse and the various concerns that have surrounded the topic leading to its recognition. In Malaysia, there is no specific law which governs the provisions for conduct of abuse in the workplace. This study aims to explore the causes and reasons for emotional abuse and also analyze whether the victims have received adequate protection and rights due to such conduct. Finally, lack of empirical evidence and focus on assessment and treatment for abusers is recognized in this paper, and several suggestions are made for future research and treatment avenues relating to the abusers.*

**Key words:** Emotional abuse, Victim's rights

## INTRODUCTION

This paper aims to study the factors that affect emotional abuses at the workplace. Abuses at workplace in the form of emotional are not a new phenomenon. However, it continues to attract the attention of researchers and the media. Though, it is ever expected to find human beings of the opposite sex attracting the attention of each other in the course of interaction. But abuse, can devastate one's psychological well-being. This is a problem that has always confronted human society with little or no solution. The problem is prevalent in in the workplace and in other aspects of the society at large (Adetunji, 2008). The issue of, "who abuses who" between male employers and female employees is yet undefined. But, in most cases the abuser is usually older, wealthier, in a superior position than the abused and has something most valuable that will benefit the abuser (Schuffer 2000). A number of studies conducted worldwide and locally on workplace abuse usually focused on the prevalence of

sexual harassment in general. They failed to address specifically the prevalence rates of physical, verbal and nonverbal harassments and their association with psychological health. Conceiving sexual harassment as containing one construct is not informative as the data might not make good sense; moreover, the extent of the various forms of sexual harassments should be investigated as they could call for different intervention strategies (Almaz, 2015). Thus, this research attempted to fill the gaps pertaining to the prevalence of the various forms of abuse and their association with emotional abuse.

Because of the negative implications of emotional abuse at the workplace has to the overall well-being of the organization, it is imperative that the emotional abuse be controlled and prevented effectively. One significant means is use of the legal mechanism. Although, in Malaysia there exist a number of statutory legislation that

can be used to this purpose, however, it is our contention to suggest that reliance on those legislations alone is insufficient to do the work effectively since they do not specifically address the issue of emotional abuse in the workplace.

The current statute which is in force in Malaysia; the Employment Act 1955 particularly s14 (1) An employer may, on the grounds of misconduct inconsistent with the fulfillment of the express or implied conditions of his service, after due inquiry—

- (a) Dismiss without notice the employee
- (b) Downgrade the employee or
- (c) Impose any other lesser punishment as he deems just and fit, and where a punishment of suspension without wages is imposed, it shall not exceed a period of two weeks.

To present our main idea, it is first necessary to examine the loopholes in some statutory legislation governing workplace relations before proceeding with the discussion on how a new proposed mechanism can be used to complement the existing legislation and to fill those gaps. Therefore, there appears to be a loophole in rendering protection for the employees who have been subject to emotional abuse at the workplace.

### **Purpose of Inquiry and Inquiry Questions**

This conceptual paper aims to achieve the following objectives:

- (i) To analyze the factors that affects the emotional abuse at Workplace
- (ii) To analyze the workplace abused victims' rights in the Malaysian context

This research paper aims to answer the following questions:

- (i) What are the factors that affect emotional abuse at work place?
- (ii) What are the rights of workplace abused victims' rights in the Malaysian context?

### **Rationale and Significance**

In the Malaysian context, the organizations have implemented firm policies on the violation of harassment and abusive conduct under the Penal Code Act 572 and the Criminal Procedure Code. There have been reported cases according to varying statistical reading which has displayed records of harassment in workplace and the actions taken to reduce such conduct. The significance of

the study will analyze the impact on the victims and the kind of rights that have been implemented to determine the victims' safety and well-being.

Malaysia is a multinational country, where the population of approximately 30,949,962 (July 2016; (ethnic groups Malay 50.1%, Chinese 22.6%, indigenous 11.8%, Indian 6.7%, other 0.7%, non-citizens 8.2%) with diversified ethnic groups are living. It is a country with rich cultural values and traditions which imposes the living standards in the Asian region. In the aspect of moral and self-values on the respective individuals, Malaysia has adopted the English common law applicable in Malaya as at 7<sup>th</sup> day of April 1956 and the Sharia law which is exclusively applicable to the Muslims only on their civil and family rights.

Evidence of empirical study found has stated that there have been an increase number of cases from year to year. The researches' aim in this study is to analyze the victims' rights' imposed in the Malaysian context and the psychological impact that the victims have experienced. To curb sexual harassment in the workplace, it was obvious that employers had to play a role. This led to the introduction of the Code by the Ministry of Human Resources in 1999. The Code serves as a guide to employers for establishing and implementing a preventive and redress mechanism for sexual harassment.

The Code encourages employers to establish

- (i) A policy statement prohibiting sexual harassment in the organization
- (ii) A clear definition of sexual harassment
- (iii) A complaints and grievance procedure
- (iv) Disciplinary rules and penalties against the harasser and against those who make false accusations
- (v) Protective and remedial measures for the victim
- (vi) Promotional and educational programmes to explain the company's policies on sexual harassment and raise awareness of sexual harassment and its adverse consequences.

Even as early as May 2000 however, women's rights organizations nationwide have called upon the government to enact a law on sexual harassment. It was felt that a law on sexual harassment ought to be enacted to ensure that all companies implement the Code as opposed to the current situation wherein the Code is implemented only on a voluntary basis. According to the Malaysian Employers Federation, only 400 of 450,000 registered and active companies have adopted and implemented the Code (The Star Newspaper, 1 August 2010).

Hence, a detailed research on this topic will further equip Malaysian law makers with the relevant policies that require further understanding of the workplace abuses in the country and actions to be taken to prevent such conduct. Furthermore, this study helps identify the determinants of the abuse and methods or approaches that can be established and implemented to ensure effective implementation of policy guidelines in the working environment.

### **Delimitations and Limitations**

This conceptual paper is delimited by several elements. Firstly, the paper only reviews one historical period of development of the employment laws. This is a delimiting because it excludes periods before the social system was in place and other periods where the system was being implemented. Second, the theoretical framework uses the sociological theories to explain and understand how people create the perceptions. This is delimiting because when understanding the needs of people must penetrate into other subjects such as psychology, politics and economics. This conceptual paper has its analytic restraints, for example, this paper relies on data that has been published because of the inability to collect data of my own on the topic. Another delimitation was that all the literature on the topics was not explored due to time constraint.

## **LITERATURE REVIEW**

### **Historical Perspective on Emotional Abuse**

Emotional abuse remains a source of debate in both research and policy. It is undoubtedly harder to identify than other forms of mistreatment. No injury can be seen, unless the person has also undergone physical or sexual assault (Penhale 1999; McKinnon, 2008). The impact of emotional and psychological abuse, while potentially severe, may be cumulative, reliant on a sustained attack on the person's psyche (Iwaniec et al., 2006). Unlike sexual or physical assault, emotional and psychological abuse may be unintentional on the part of the abuser (as in the case of an undertrained staff member following an unnecessarily restrictive behaviour management plan). It is also difficult to isolate from other forms of abuse because other forms of abuse also include emotional or psychological harm (Sobsey, 1994; Kairys et al., 2002). Some authors argue that it can be more strongly associated with the domain of omission whereas most other forms of abuse and assault reside within the domain of commission, or action – so neglect may have more

complex role to play than in other abuse areas (Glaser, 2002; Sobsey, 1994).

Workplace abusiveness can be identified by the occurrence of harmful physical emotional or verbal behavior. Leymann (1996) said that this anti-social behaviour could be also called bullying if it lasts for six months or more. Such behaviour, over a long duration, causes psychological, psychosomatic, and social misery. In 1992, British journalist Andrea Adams termed "workplace bullying" as "mobbing". LaVan and Martin (2008) mentioned that workplace bullying had been studied under a variety of terms, including employee abuse, workplace aggression, victimization, interpersonal deviance, social undermining, and workplace incivility. Leymann (1996) defined it as "psychological terror or mobbing" in working life that involves hostile and unethical communication, which is directed in a systematic way by one or a few individuals. Due to mobbing, the victims are pushed into a helpless and defenseless position.

A review of literature suggests that emotional abuse discusses risks to the psychiatry problems within internalizing spectrums such as depression (Courtney et al., 2008; Gibb, 2002; Gibb et al., 2004; Gibb et al., 2003; Gibb et al., 2001), anxiety (Iwaniec, 2006), and social withdrawal (Affizal, 2008; Shaffer et al., 2009). According to Rose and Abramson (1992), verbal abuse is more likely to predict negative attributional style because the negative self-schema is directly supplied by the abuser. Therefore, emotional abuse may confer a higher risk for the development of negative attributional style.

At workplace, emotional abuse can occur from a superior to subordinate or among the co-workers. It comes in forms of acts or verbal comments that create emotional pain or isolation. If the acts or comments are repetitive, intimidating, and are designed to humiliate or degrade, then it is clearly defined as bullying. Superiors could maintain a non-abusive and non-hostile working environment from the top down, but they might fail to recognize or address emotional abuse taking place at lateral levels among staff. Otherwise, it would be viewed as mere office gossip, isolated events, or issues that employees should resolve among themselves.

Workplace abuse is more common that many managers want to realize or admit and so it persists without diagnosis or treatment. But victims of workplace abuse suffer from frustration, anxiety and/or panic attacks, hopelessness, anger, fear, depression, inability to sleep, loss of appetite, and headaches. In the long run, the outcome is higher medical costs, high rates of turnover, and lower morale and productivity. If one becomes the

victim of emotional abuse in the workplace, it is a dreadful feeling recognizing the abuse and starting off the day with fear as to what would take place next.

### **Developmental Factors on Emotional Abuse**

Emotional abuse is the term coined in this review to capture the hostile verbal and nonverbal behaviors that are not explicitly tied to sexual or racial content yet are directed at gaining compliance from others. Examples of these behaviors include yelling or screaming, use of derogatory names, the “silent treatment, withholding of necessary information, aggressive eye contact, negative rumors, outbursts of anger and ridiculing someone in front of others. An all-inclusive view of emotional abuse was apparent from the first definition constructed for our study of undergraduate work experiences (Keashly et al., 1994). By defining emotional abuse as “hostile verbal and nonverbal behaviors (excluding physical contact) directed by one or more persons towards another that are aimed at undermining the other to ensure compliance” (p. 342), we explicitly left open the possibility of any non-physical behavior being construed as emotionally abusive.

Employee emotional abuse can be repetitive targeted and in destructive form of communication directed by more powerful members at work at least at those less powerful. Research indicates a link between workplace abuse and violence as the aggressor becomes increasingly more threatening to targeted employees (Namie and Namie, 2000). In addition to the increased threats of violence from the abusers (Leymann, 1990), employees who feel unfairly treated may express their anger and outrage in subtle acts of retaliation against their employers, including work slowdown or covertly sabotaging the abuser (Skarlicki and Folger, 1997). Yamada (2000) argued, “Intimidating, manipulative and sometimes high decibel behaviours are not unusual workplace occurrences, especially from supervisors and managers”. In support of this contention, one study estimated that approximately one in four managers abuse their employees. Evidence of employee abuse was found in a wide variety of organizations, including hospitals, universities, manufacturing plants, research industries and other social services (Ashforth, 1994; Bjorkqvist, Osterman and Hjelt-Back, 1994; Meares, Oetzel, Derkacs and Ginossar, 2002; Keasley, 2001). Emotional abuse may cause employees energy to divert from productivity to self-protection (Hirigoyen, 1998; Wyatt and Hare 1997). It may also intensify the use of sick leave (Thomas-Peter, 1997) and increase medical and workers’ compensation claims due to occupational stress

(Bassman, 1992). Furthermore, this may cause distortion in communication and dissection of teamwork (Lockhart, 1997), owing to this, organizations may endure loss of credibility and good reputation with the stakeholders and public at large (Davenport, Schwartz and Elliot, 1999).

It was evident on other researchers’ work corroborated that emotionally abusive behaviours were real and extensive in workplaces albeit using different terms. Among some of the most influential work was that on workplace aggression (Neuman and Baron, 1997) and workplace bullying (Hoel, Rayner and Cooper, 1999). Applying Buss’s theory on human aggression to the workplace, the workplace aggression literature had highlighted that the most frequent forms of aggression were not physical as depicted in the media but rather were verbal, passive and indirect (Neuman and Baron, 1997). It was perspicuous that the non-physical behaviours they described fell within the behavior domain of emotional abuse.

### **METHODOLOGY**

This conceptual paper is based solely on a review and analysis research of data from the literature and the reported number of cases in the Industrial Court. Several methods were used to collect and analyze the literature. The search was conducted by Google Search engine and online journals. There were reported abuse cases in Malaysia over the years on various areas of abusive crimes, as shown in (Table 1, 2 and 3).

(Table 1) reflects the number of cases which was reported to the Industrial Tribunal from 2005–2012 particularly the total number of cases referred to the courts have increased from 2005 to 2012. The total numbers of cases where the decisions have been handed down have also declined since 2005

(Table 2) shows the cases handled by the Industrial Courts for misconduct, retrenchment and constructive dismissal. The number of cases for misconduct appears to be on a down scale.

(Table 3) reports the non-dismissal cases. For this study, it would appear that (Table 2) figures are the most relevant to be considered, as it shows “misconduct” cases. The question for the study to deliberate on would be whether emotional abuse would amount to “misconduct”. The legislation is silent on this matter, the next question that needs to be asked is whether; is it wise to create another code or guideline that may overlap with one and another or is it viable to have different codes for different abusive acts in the workplace.

**Table 1. Number of Cases Referred to the Industrial Court (2005-2012) in Malaysia**

Subject	2005	2006	2007	2008	2009	2010	2011	2012
Total number of cases carried forward	4143	3723	4566	4612	3342	2627	2552	2251
Total number of cases referred	1859	2990	2346	665	647	1437	1346	1918
Total number of awards handed down	2403	2332	2599	2170	1485	1640	1838	1764
Total number of cases pending	3723	4566	4612	3342	2627	2552	2251	2559
Total number of cases disposed	2209	2233	2367	1980	1390	1528	1670	1615

**Table 2. Analysis of Awards of Dismissal Cases (2005 - 2012)**

TYPES OF DISMISSAL	2005	2006	2007	2008	2009	2010	2011	2012
Constructive	22	42	97	126	140	135	91	96
Misconduct	2144	2051	1200	878	613	608	639	540
Retrenchment	16	32	422	155	114	67	90	62
Others	0	0	402	573	328	479	640	735
TOTAL	2182	2125	2121	1732	1195	1289	1460	1433

**Table 3. Analysis of Awards of Non-Dismissal Cases (2005 - 2012)**

SUBJECT	YEARS							
	2005	2006	2007	2008	2009	2010	2011	2012
Non-Compliance of Award	60	136	109	124	113	131	107	84
Non-Compliance of Collective Agreement	60	66	30	40	34	27	27	21
Interpretation of Award / Collective Agreement	16	10	6	4	5	8	4	8
Variation of Award / Collective Agreement	7	1	7	2	3	3	5	3
Amendment to Collective Agreement (By Court Order)	1	1	0	0	0	0	0	0
Collective Agreement (Terms and Conditions)	46	37	61	39	37	47	36	34
Victimization	0	0	1	0	0	20	4	5
Trade Disputes	0	0	38	15	13	21	27	27
TOTAL	202	259	228	232	195	239	210	182

Source: *Industrial Court of Malaysia (2013)*

## DISCUSSION

With the review of the empirical study and the literature, it is gathered that the abusiveness creates psychological impact on the performance of the individual which had led to the increase of reported cases to the Industrial Courts in Malaysia. It is also evident that the cases of victimization were on the high rise, but eventually it was on the downscale. In 2010, the number of victimization

cases raised to 20 which was found to be result of high level of stress and inadequacy of appropriate mechanisms to address workplace abuse. This study shows that workplace abuse victims suffer from tremendous emotional, psychological and physical pain and suffering. Previous studies used the general notion of abuse giving little emphasis to its various forms. On the other hand, verbal abuse was the most prevalent abuse as consistent with other studies. Different explanations could be given

for the highest prevalence of verbal abuse. It seems that victims of verbal abuse rarely reported the incidences to legal bodies due to feelings of shame, lack of awareness on what to do and where to go (Gorfu, 2007). As a result, abusers are usually left unpunished and then they would be reinforced to abuse other people too in the future. In addition, according to social learning theory, people learn new behavior from observing others.

Similarly, the emotional abuse was the second most prevalent. It is not surprising to see high prevalence rate of nonverbal form of harassment when people have the means and easy access to technology nowadays which eases the exchange of information efficiently and rapidly. The expansion and innovation of technology like e-mail, facebook and mobile phone encourage people to communicate sexual messages or pictures to people around; and thus could contribute to the consistent increment of nonverbal forms of abuse (Jewskenn, 2008). Comparatively speaking, physical form of abuse was the least prevalent. The reason for this might be that people have no tolerance for physical abuse and may fight back the abuser or report the incidence to legal agencies.

As a result, fearing the consequences, perpetrators may not be engaged in physical abuse frequently as they exercise verbal and nonverbal abuse (Abebe, 2007). There was also a burgeoning literature on workplace bullying which appeared to be similar with workplace mistreatment (Price Spratlen, 1995), generalized workplace abuse (Richman et. al, 1996), verbal abuse (Cox, 1991), psychological abuse (Sheehan et al., 1990) and psychological aggression (Barling,1996). This plenitude of terms prompted by Keashly (1998), to review the literature and propose 7 elements of emotional abuse that were either explicitly apparent or implied in the literature at the time.

In her analogy, Keashly (1998) systematically reflected upon the relevance of each dimension. For example, some of these features are sufficient reason to consider behavior emotionally abusive, but are not in fact necessary. Therefore, there is the need to sensitize the public on the needs and legislations on workplace abuse. There is the need for workers to know their rights while the workplace, as well as ways to act within the workplace settings. This is in light of the fact that workplace abuse is rampant, but which is often unreported. The low reporting rates is attributable to lack of legal awareness. Workplace abuse might also be rampant because people do not understand the limits of workplace behaviours. Internal mechanisms should be implemented to protect people on the needs of workplace

safety, as well as on what to do in cases of workplace abuse.

## CONCLUSION AND RECOMMENDATION

In conclusion, this study indicated that the overall prevalence rates of emotional abuse among employees at the workplace were very high and the most common abusers were male superiors. Employees who were emotionally abused were more likely to experience psychological distress. These findings have important implications for the legal agencies and policy makers. The workplace should be free from any form of, and abuse thus, the officials should create abuse-free environment to smoothly ensure administration of the workplace. Otherwise, as a result of psychological distress that accompanies abuse the employees tend to resign and the government's effort for bringing the gender parity in the workplace would be at a stake.

Fortunately, there is much a management can do to reduce the occurrence of employee abuse for example Everton et al. (2005) stated to be fair, be empathetic, be informative, and be supportive and in short, be nice and Jackson et al. (2012) recommends to adopt green organizational behaviour regime to have environmental sustainability. The employment force should formulate policies against various forms of abuse and ensure its implementations. This study calls for the empirical research to investigate further into the presence of different kinds of workplace abuse and how the law can provide recourse on legal redress to the victims of such conduct.

Apart from legal enforces, some employers also have an indifferent attitude towards workplace abuse. Abuse prevention should be part of any organization's business plans because it is a means to enhance organizational effectiveness and profitability. Such prevention policies and procedures are necessary to ensure a healthy work environment that is a legal and a moral obligation as well.

## Conflict of interest

Authors have none to declare

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