



## Providing House of Women Workers Protection in Workplace, Indonesia's New Policy

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### Abstract

Based on the results of the 2022 survey of violence and harassment in the Indonesian World of Work by the International Labor Organization, psychological violence and harassment is the most common occurrence. However, unfortunately this was not balanced with a strong policy where the results were that 34.53% of respondents stated that their company did not have an anti-violence and harassment policy, 42.55% of victims stated that they could only remain silent and did not know what to do when they experienced it and only 10, 94% of victims reported the case to HR and only 1.80% of victims reported it to the police. This means that these results can illustrate how important comprehensive legal protection is to protect Indonesian workers from violence and harassment in the world of work This research is to describe how Indonesia's policy on women workers protection. This research uses qualitative methods. The result is Indonesia's has doing their job to protect the women workers in their policy such as in year 1984: Law No. 7 concerning Ratification of the CEDAW Convention, year 2000: Presidential Instruction No. 9 concerning Gender Mainstreaming in National Development, year 2003: Law No. 13 concerning Manpower, year 2020: Regulation of the Minister of PPPA No. 1 concerning Provision of Women Workers Protection Houses in the Workplace, year 2022: Law No. 12 concerning Criminal Acts of Sexual Violence, year 2023: Decree of the Minister of Manpower No. 88 concerning Guidelines for Prevention and Handling of Sexual Violence in the Workplace.

## Introduction

Everyone, including female workers, has the right to receive protection from employment problems, discrimination, violence and human rights violations. The concept of protection is an effort to protect carried out by the government or authorities in a number of existing regulations (Hukumonline, 2023). So, what does the government protect female workers?

According to the Directorate of Labor Norms Inspection of the Ministry of Manpower Indonesia, the policy for protecting female workers consists of 3 (three), namely protective policies, non-discriminatory policies and corrective policies (Dit Bina Riksa, 2022; Adnyani & Landrawan, 2023; Wulandari et al., 2023; Brown, 2016).

Protection during menstruation as regulated in Article 81 of Law no. 13 of 2003 concerning Employment, where female workers are not required to work on the first and second day of menstruation, provided that the worker feels sick, notifies the employer and the implementation is regulated in the work agreement, company regulations or collective work agreement.

Protection before and after giving birth as regulated in Article 82 paragraph (1) of Law no. 13 of 2003 concerning Employment, where female workers have the right to rest 1.5 (one and a half) months before giving birth and 1.5 (one and a half) months after giving birth based on the

obstetrician or midwife's estimate. The length of rest can be extended based on a certificate from the obstetrician or midwife, both before and after giving birth.

Protection after miscarriage as regulated in Article 82 paragraph (2) of Law no. 13 of 2003 concerning Employment, where female workers are given a rest period of 1.5 (one and a half) months after miscarriage based on a certificate from an obstetrician or midwife;

The opportunity to breastfeed as regulated in Article 83 of Law no. 13 of 2003 concerning Employment. In this case, labor workers who are still breastfeeding must be given the proper opportunity to breastfeed their children, for example by providing a lactation room so that workers can express breast milk in a safe and comfortable place;

The prohibition on night work for pregnant women is regulated in Article 76 paragraph (2) of Law no. 13 of 2003 concerning Employment, where employers are prohibited from employing pregnant female workers between 23.00 WIB and 07.00 WIB if according to a doctor's statement this is dangerous for her and her womb (Dit Bina Riksa, 2022).

If an entrepreneur is proven to have violated the provisions of not providing the right to rest before or after a miscarriage, and does not pay wages in full, then based on the provisions of Article 185 paragraphs (1) and (2), a minimum criminal sanction of 1 (one) year and a maximum of 4 (four) years in prison and/or a minimum fine of 100 million rupiah, maximum 400 million rupiah (Dit Bina Riksa, 2022).

### **Corrective Policy**

Corrective policies include that employers are prohibited from terminating female workers because of marriage, pregnancy, childbirth, miscarriage, or breastfeeding (McNulty, 1987; Kessler, 2022; Dini & Sa'adah, 2023; Koto & Hanifah, 2021; Kessler, 2023). This is regulated in article 153 of Law no. 13 of 2003 concerning Employment (Dit Bina Riksa, 2022). Apart from that, female workers are also protected when working at night, namely employers who employ female workers at night are required to provide nutritious food and drinks (1400 calories), maintain decency and safety, provide pick-up and drop-off transportation, and specifically for workers aged 18 (eight twelve) years and above. This is regulated in Article 176 of Law no. 13 of 2003 concerning Employment. Entrepreneurs who do not carry out these obligations will be subject to criminal sanctions of a minimum of 1 (one) month and a maximum of 12 (twelve) months in prison and/or a fine of a minimum of 10 million rupiah and a maximum of 100 million rupiah in accordance with the provisions of Article 187 paragraphs (1) and (2) Law no. 13 of 2003 concerning Employment. Even female workers who want to work abroad also do this to prevent trafficking (Dit Bina Riksa, 2022).

### **Non-Discriminative Policy**

The non-discrimination policy is provided to provide protection for equal opportunities and treatment. Among them are equal opportunities to obtain work and equal treatment without discrimination from employers, including in wages, placement, position, social security and worker welfare (Pinilla-Roncancio & Rodríguez Caicedo, 2022; Suryaningsi et al., 2024). This is regulated in the provisions of Articles 5 and 6 of Law no. 13 of 2003 concerning Employment. Apart from that, there is equal remuneration for male and female workers for work of equal value, this is regulated in ILO Convention No. 100/ Law Number 80 of 1957. In addition, there is equal opportunity in work and position without distinction of race, skin color, gender, religion, politics and origin in society as regulated in ILO Convention No. 111/ Law no. 21 of 1999 (Dit Bina Riksa, 2022).

Indeed, why should women be protected?

Discrimination against women has been in the spotlight with the existence of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1979. Indonesia has ratified this convention through Law Number 7 of 1984. Based on this convention, Indonesia is obliged to take steps to eliminate all forms of discrimination against women. So what is meant by discrimination? Discrimination is unfair or detrimental treatment of people and groups based on characteristics such as race, gender, age, or sexual orientation (APA, 2019; Madrigal-Borloz, 2021; Mason, 2024). Discrimination is closely related to stress. When people experience discrimination, there will be a series of emotional, physical and behavioural changes related to stress such as negative emotions (pressure, sadness and anger) and can have an impact on reducing healthy activities, such as sleep and physical activity (APA, 2019).

In Journal of Legal Ideas Vol. 8 No. 1 March 2022 Edition, Ratih Wulandari explained in her journal entitled *Discrimination of Women in the Workplace*. According to him, discrimination against women in the workplace is caused by the low level of education of workers and a lack of socialization from both companies and the government regarding the protection of female workers (Wulandari, 2022; Susiana, 2019; Nuraeni & Suryono, 2021; Mulyani et al., 2022; Hananto & Lie, 2024; Apriani et al., 2023; Al Asrori et al., 2023). Meanwhile, to prevent this from happening, it is necessary to start from the company as the party directly related to workers, by not considering emotional, sensitive, or irresponsible reasons when assessing female workers. Apart from that, prevention of discrimination can also be carried out by labour inspection of companies in implementing regulations regarding the rights of women workers and implementing strict sanctions for companies that do not implement them (Wulandari, 2022; Wati, 2023; Putri & Nurfitriah, 2024).

Based on Article 1 of CEDAW, discrimination against women means any distinction, exception or discussion made on the basis of sex, which has the effect and aim of reducing or eliminating the recognition, enjoyment or exercise of human rights and basic freedoms in the political field, economic, social, cultural, civil, or anything else by women, regardless of their marital status, on the basis of equality between men and women. The following are forms of discrimination, for example the acceptance and placement of workers, opportunities for training and promotions, provision of facilities, wages and allowances, differences in retirement age, social security, layoffs based on marital status, involvement in the management of Trade Unions/Labor Unions (Dit Bina Riksa, 2022).

## Methods

The research methodology employed in this study is a literature review, which involves systematically exploring information from various sources, including government policies, legal regulations, and other relevant literature. By analyzing these materials, the study aims to construct a policy timeline that traces the evolution of regulations concerning the provision of shelters for women workers in the workplace. This timeline serves as a foundation for understanding the legal and policy framework that governs employer responsibilities in ensuring a safe and accommodating work environment for female employees.

Furthermore, the study critically evaluates whether companies are required to provide shelters for women workers and under what circumstances such provisions become necessary. The analysis considers the legal obligations imposed on employers, the social and economic implications of workplace shelters, and best practices from other regulatory frameworks. By examining these factors, the study aims to provide insights into the extent of corporate responsibility in addressing the needs of female workers and ensuring compliance with applicable labor laws and policies

## Results and Discussion

Public Policy in Understanding Public Policy, 1987 by Thomas R. Dye is a study that focuses on what the government does, why they do it and what makes the difference if the policy is implemented (Dye, 2013: 3). In the sense of public policy itself is whatever governments choose to do or not to do, in this case the government's task is to regulate society so as not to cause conflict between each other, also to collect taxes from the community as state revenue (Dye, 2013: 3). The Policy for Provision of Women Workers' Protection Houses (RP3) in the Workplace is a Policy to provide places, spaces, facilities, and/or facilities provided to provide protection and fulfilment of rights for women workers in the workplace. The implementation of the provision of RP3 is carried out by government agencies and companies that employ Female Workers/Laborers and Employees. This is regulated in Article 5 of Permenpppa No. 1 of 2020 concerning the Provision of Women Workers' Protection Houses in the Workplace, which was later amended in Permenpppa No. 1 of 2023.

Female workers have the right to receive protection from employment issues, discrimination, violence, and human rights violations in their workplace. The provision of RP3 is one of the government's efforts, especially the Ministry of Women's Empowerment and Child Protection, to protect female workers in the workplace and can provide a sense of security and comfort for female workers (Kemenpppa: 2024).

Protection of female workers is one of the important issues implemented by the Government of the Republic of Indonesia. In addition to Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia which states that "every citizen has the right to work and a decent living for humanity" and Article 28I paragraph (2) "everyone has the right to be free from discriminatory treatment on any basis and has the right to receive protection against discriminatory treatment" (Komnasperempuan, T.t), the Indonesian Government has also ratified the Convention on the Elimination of All Forms of Discrimination Against Women in Law Number 7 of 1984 (PermenPPPA No.1, 2020: 9). In the field of employment, the right to non-discrimination as a basic right of workers in the workplace in industrial relations is intended to provide work comfort which has been regulated in several provisions (see figure 1).

From the timeline, we can see the derivative policies related to the protection of female workers globally which are adopted in laws and regulations such as Law Number 7 of 1984 concerning Ratification of the Convention on the Ratification of All Forms of Discrimination against Women (CEDAW), Law Number 5 of 1998 concerning Ratification of the Convention Against Torture and Other Cruel or Inhuman Treatment or Punishment (CAT), then Presidential Instruction Number 9 of 2000 concerning Gender Mainstreaming in National Development, Law Number 13 concerning Manpower which regulates the rights of female workers and protection of female workers such as night work hours, menstrual pain, maternity and breastfeeding breaks and Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence. From the Law, several programs carried out by the government through the Ministry, including the Regulation of the Minister of Women's Empowerment and Child Protection Number 1 of 2020 concerning the Provision of Women Workers' Protection Houses in the Workplace, which was later amended in the PPPA Regulation Number 1 of 2023. In addition, the Ministry of Manpower issued the Decree of the Minister of Manpower Number 88 of 2023 concerning Guidelines for the Prevention and Handling of Sexual Violence in the Workplace. From this series of policies, it shows that the issue of protecting women workers is something that continues to be done. The policy of protecting women workers emerged where women began to enter the public sphere (working in the public sector) so that women were considered more vulnerable than men. Some of the problems that emerged were differences in wages

between men and women, job discrimination between men and women, and protection of reproductive rights such as: women workers who work at night must be given nutritious food and drinks, maintain morality and safety, and provide shuttle transportation. In addition, women workers have the right to menstrual leave, the right to maternity and childbirth leave, and the right to miscarriage leave. Then, female workers have the right to breastfeed or express breast milk and female workers may not be laid off because of marriage, pregnancy and childbirth.

## Policy Timeline

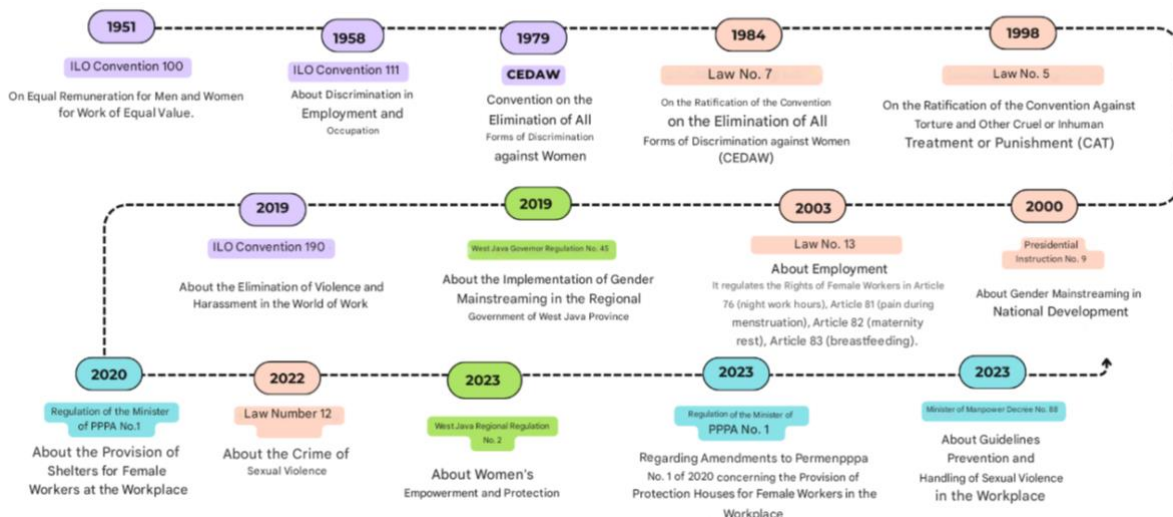


Figure 1. Timeline Policy Women Worker Protection

So, we can see that the government has made efforts to protect female workers as mandated by the Law through several laws and regulations mentioned above. So, we can see from the policy timeline image, that the Government has regulated the policy of protecting female workers from the mandate of the Constitution of the Republic of Indonesia, which is then implemented in government policies as an effort to facilitate the creation of protection for female workers, one of which is in the Ministry of Women's Empowerment and Child Protection through the policy of providing Women's Worker Protection Houses (RP3) in the Workplace.

The existence of regulations related to protection starting from Law Number 13 of 2003 concerning Manpower, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, Regulation of the Minister of Women's Empowerment and Child Protection Number 1 of 2020 concerning the Provision of Women's Worker Protection Houses in the Workplace which has been partially amended by Regulation of the Minister of Women's Empowerment and Child Protection Number 1 of 2023, and Regulation of the Minister of Education, Culture, Research and Technology Number 30 of 2021 concerning the Prevention and Handling of Sexual Violence in the Higher Education Environment, is a form of government attention to the protection of women, which shows that the state provides guarantees for protection against all acts that can degrade human dignity including acts of sexual violence in the workplace (Kepmenaker No. 88, 2023: 5). What makes it different from the policies of other Ministries? If Permen PPPA No. 1 of 2020 encourages agencies and companies where work is to provide physical (real facilities), and Permen PPPA No. 1 of 2023 is equipped with service procedures and uniformity in the management of services in the RP3 that has been formed, we see that the Ministry of Manpower also has efforts to prevent and handle sexual violence in the workplace as regulated in the Decree of the Minister of Manpower of the Republic of Indonesia Number 88 of 2023 concerning Guidelines for the Prevention and Handling of Sexual Violence in the

Workplace. The guidelines aim to provide technical instructions so that the implementation of prevention and handling of sexual violence in the workplace is carried out optimally and can maintain harmonious and productive industrial relations. The goal of these two Ministries is none other than to be in harmony and have the same vision. However, the Ministry of Manpower prefers to utilize:

Table 1. Service Types, Cost Components, and Funding

Type of Service	Cost Components	Fund
Preventive Services	Costs of preparing communication, information and educational materials in the form of video, audio and print	Government Company
	Operational costs of experts/prevention material providers and human resources for prevention services	Government Company
	Provision of information space/corner (building and its facilities)	Company
	Costs of implementing prevention activities (discussions and/or training)	Government Company
Complaint Receiving and Follow-up Services	Operational costs for complaint reception services (procurement of complaint hotline numbers, credit/quota for complaint numbers, complaint reception forms, complaint databases, and transportation for follow-up/referrals.	Government Company
	Operational costs of human resources supporting complaint reception services	Company Government
Layanan Pendampingan	Operational costs for follow-up and assistance (transportation and consumption for victims and assistants during the provision of health, legal, mediation, psychological services and other victim recovery costs, accommodation costs and specific victim needs)	Company Government Labour Union
	Direct service costs for victims (violence, legal, mediation, psychological, etc.)	Government

Based on data from the 2022 Indonesian Workplace Violence and Harassment Survey Report by the International Labor Organization (ILO), out of a total of 1,173 respondents, 832 people (70.81%) had been victims, 855 people (72.77%) had been witnesses, and 627 people (53.36%) had been witnesses and victims of violence and harassment in the workplace. Psychological violence and harassment are the most common or have been experienced by 77.40% of victims. The survey results also stated that unfortunately this was not balanced with strong policies, as many as 34.53% of respondents even stated that their company did not have an anti-violence and harassment policy, 42.55% of victims stated that they could only remain silent and did not know what to do when they experienced it and only 10.94% of victims reported the case to HR (HRD or similar) and only 1.80% of victims reported it to the police (ILO, 2022: 63). This means that the results can illustrate how important comprehensive legal protection is to protect Indonesian workers from violence and harassment in the workplace (ILO, 2022: 63).

From the data above, we can assess that only 10.94% of victims reported the case to the local HR or HRD of the Company. This means that many still do not understand what to do when there is or experiences violence and harassment in the workplace. In this case, the provision of

Women Workers Protection Houses (RP3) in the workplace is a real form of company support for zero tolerance against violence and harassment in the workplace. This is an effort by the company to prevent, handle and follow up on cases of violence that occur against female workers. In addition, female workers will also feel safe and protected with the presence of Women Workers Protection Houses (RP3) in the workplace. So, even though there is a budget issued by employers in managing this RP3, the company will feel the positive impact of protecting workers, such as increasing worker productivity, increasing a conducive work environment, decreasing recruitment and training in terms of the number of female workers who resign due to psychological pressure in the world of work.

However, the problem that occurs is that currently from 2020 - 2023, there are only 10 (ten) companies that provide RP3 (Kemenpppa, 2024). For that, we can evaluate the RP3 provision policy using a prospective analysis (*ex-ante*) of what will happen and what should be done. Evaluation is answering what is related to the outcome of a policy, in this policy brief what will be done is the type of effectiveness criteria with the question has a valued outcome been achieved? With the criteria of units of service (Dunn: 2018). After the period from 2020 to 2023 was carried out and not many companies had provided RP3 in accordance with Permen PPPA No. 1 of 2023 (in accordance with Press Release Number: B-44 / SETMEN / HM.02.04 / 2/2024), based on an interview with Yayasan Care Peduli as the policy implementer, the obstacle in implementing this policy is the company's commitment because there are no sanctions for companies that do not implement the policy. This policy only emphasizes the principle of corporate obligations or due intelligence in business and Human Rights. Basically, the RP3 policy is carried out as a form of mandate from the Ministry of PPPA in protecting workers as stated in Law No. 7 of 1984 concerning the Ratification of the CEDAW Convention. The provision of RP3 is considered urgent because of the protection for working women.

For this reason, several alternative policies in encouraging companies to provide RP3 are as follows: 1) Although there are no sanctions, the Central Government can make the local Regional Government function as an advocate for the policy of providing RP3 to local companies. Thus, through this advocacy, the local government can increase understanding so that RP3 is provided in the Company; 2) The Central Government can encourage the Regional Government to support the provision of RP3 in the workplace. The existence of RP3 does not indicate that there is a case in the workplace, so the local government can encourage it through a circular letter; 3) Improve cross-sector coordination, between authorized agencies in the field of women's empowerment and child protection, together with authorized agencies in the field of employment. Relevant agencies can be made into RP3 Formation Teams in Companies in their respective regions. This cooperation is important to achieve common goals.

The first, second and third alternatives can be done by the Central Government, but we can see that the easiest thing to do is to encourage the Regional Government to cooperate in providing RP3 in the workplace. This can be done.

## Conclusion

Indonesia's efforts to protect female workers have been implemented through its policies, one of which is the Women's Workers Protection House (RP3) in the Workplace. The presence of RP3 is expected to be a place of protection for female workers, however, in the implementation of its policies, RP3 has only been formed a little. As a form of good policy, cooperation can be formed with the Regional Government to encourage companies in their areas to form RP3.

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