



**SEXUAL HARASSMENT  
AND  
DENIED MATERNAL RIGHTS  
TOWARDS GARMENT WORKERS**

**A STUDY ON  
GENDER-BASED VIOLENCE  
CONDUCTED IN KBN CAKUNG**

**PEREMPUAN MAHARDHIKA**

# **Sexual Harassment and Denied Maternal Rights Towards Garment Workers**

**A Study on Gender-Based Violence  
Conducted in KBN Cakung**



**Mondiaal** 

# **Sexual Harassment and Denied Maternal Rights towards Garment Workers A Study on Gender-Based Violence Conducted in KBN Cakung in 2017**

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Working to create a workplace that values women's rights is not an easy task. This task cannot be done alone and this research is a collective work as part of attempts to create a work space that ensures the fulfillment of the rights of women workers, including the right to be free from all forms of gender based violence and discrimination.

In doing this research, Perempuan Mahardhika interacted with various parties in order to learn things together. It enabled us to dig information, and asked for their feedbacks. We are so glad because we received lots of supports.

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This study involved 773 women workers who were willing to share their lives' experiences and some of them were even spent more time to share their stories in detail. To all of them, we would like to say that your experiences had become the spirit of the research.

Thank you.

Lastly, thanks to those whose names we cannot be mentioned one by one.

Greetings in equality!

The National Committee of Perempuan Mahardhika





## Preface

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# Identify and End Gender-Based Violence Against Women Workers

Indonesian law is not responsive enough to prevent and protect the various patterns of sexual violence, including sexual harassment as it is merely considered as objectionable acts. Unfortunately, the objectionable acts article has been abolished from the law by the Constitutional Court because it is viewed as “obscure article.” Sexual harassment now tends to be categorized into obscenity, but in practice it is handled only when the case is close to rape. Molestation in the Criminal Code article 289 to article 296 in broad outline is the act that violates the sense of decency, or other acts of cruelty, and all that fall into the scope of sexual lust. The acts of molestation are for example, forced kissing, genitals or breasts groping, and many other acts.

Women workers tend to be viewed solely from their productivity at work, regardless of their basic right to reproductive health as a woman. The obstetric issues surrounding women workers from pregnancy to childbirth are still considered as personal matters. Moreover, menstrual leave is also still a luxury to be granted because it is often denied; women workers are even asked to prove it (that they are on period), or are given a particular pill which can make their period became lighter or irregular. However, the fulfillment of reproductive rights for workers is a matter of the right to live. Despite the fact that the negligence to maternal rights is closely related to the risk of maternal mortality, the importance of maternal rights has been reduced to a matter of health issue rather than the disenfranchisement of the right to live.

This marginalization is clearly not in line with the recommendation of CEDAW, the United Nations and the Bill of Komnas Perempuan. CEDAW has stipulated in the General Recommendation 12 and 19 that sexual harassment is an act that involves a degrading element of sexual misbehavior, which is discriminating against or affecting on degrading of integrity and dignity of a person/ a woman. The Bill of Sexual Violence proposed by Komnas Perempuan (National Commission on Women) together with the Forum Pengadaan Layanan (Procurement Service Forum) offered the following definition:

**“Anyone who does physical or nonphysical action to another person, or things related to the body parts of a person, or things related to a sexual desire, which causes others to be intimidated, insulted, demeaned, or humiliated, would be threatened with the Criminal Code’s punishment regarding sexual harassment. ”**

## Principles of Women's Human Rights

Sexual harassment is not about a perception of “like or dislike, expected or unexpected, disturbing or not disturbing” but the idea that a person/ woman has an inherent dignity, sticking to not be humiliated. Women have the right to be free from violence in the private /domestic sphere, community/public and state sphere. Human rights abuses can be committed by a state or non-state actor by being a direct perpetrator or by an omission. The State is the holder of primary responsibility (due diligence principle) but this does not eliminate the responsibility of non-state actors. The principles in human rights are to promote, protect, and fulfill.

## Forms of Sexual Violence: The Findings of Komnas Perempuan

Komnas Perempuan has found and documented at least 15 forms of sexual violence, among others; rape, sexual exploitation, sexual slavery, coerced marriage, forced contraception, female genital mutilation, sexual harassment, and so on. In the workplace context, the most common form of sexual violence is sexual harassment either with body contact or non-body contact. The body contacts include as pokes, gropes, sexually nuanced hugs, etcetera while the examples of non-body contacts are whistling, giving verbal expression with sexual nuance, showing body language with sexual nuances (obscene movement of mouth and tongue, playing with his eyes by gazing at the body), flashing genitals that disturbs somebody (a woman) for pleasuring himself, sending unsolicited sexually nuanced images or objects that are related to sex, degrading women's dignity, sexual jokes, et cetera.

The cases that have been reported and documented to Komnas Perempuan in the context of the work space or public sphere activities are as follows:

- Public transportation: women being groped, having a man indecently placing his genitals at her body, having a man who positioned his body in a way that it intentionally and disturbingly stuck in or touches her body.
- Cabin: stewardesses being poked on her buttock by a male passenger who wanted to request a drink, being demeaned by a man who invited her to have a date, and being stared at with undressing gaze, controls and rewards depending on the physical aspect.
- In educational institution: women being kissed in an academic space, given sexual advances by lecturers during working together at an academic event of seminar at a hotel with a promise of easier access to further education (master program) and getting introduced to important people in the seminar, being harassed during thesis advisory/consultation, being harassed by a foundation's chairman of one of the well-known campuses, et cetera.
- In a factory: a male worker (mechanic) pretended to take a screwdriver in order to be able to peek female workers; security guard took an advantage of doing some gestures on a raid towards female workers when they entered or exited the factory, et cetera. Also, there was form of corporate crime such as firing a pregnant worker. Either in a factory or an office, it is quite often that the superior employee abuses their power by harassing their subordinates. The harassment includes telling the subordinates to shut up, pretending to accidentally touch or grope them, posing for a selfie photograph and acting like intending to kiss or hug them.
- Entertainment industry: actors harassing an actress on the stage, or perpetrators taking pictures or shooting of sexual body parts, and various other forms.

- In social media: women were being harassed with degrading languages or nicknames such as “old prostitutes”; perpetrators were using symbolic images such as cartoon characters that committed in an incest in order to attack a person, edit a facial image to be put on another body which is pornographic, and many others.

## **Sexual Violence’s Impact on Women as Victims and Its Principles for Prevention and Advocacy**

The impacts of sexual violence are embarrassment, fear, anger, and trauma, loss of comfort and security, feelings of being trashed or degraded, the loss or weakening of self-esteem, which disrupt productivity and professionalism, ruin a good reputation and integrity, et cetera.

There are prevention strategies that can be done at a personal level and in the workplace, education, or community. At the personal level, they can include:

- Do not blame yourself,
- Stay confident,
- Do not keep silent about this and do not let silence continue,
- Transform yourself from the victims to be survivors and then become defenders,
- Do not let impunity continue,
- Be creative or use strategic means to prevent or stop sexual violence of any kind.

The Prevention strategies in the workplace, education, or community are as follows:

- Hold a new staff orientation and integrity pact of all levels for non-violence in any form.
- Do not let impunity continue, boldly fight off the perpetrators in strategic and collective way
- Provide a safe space to facilitate complaint, report, and follow up.
- Provide infrastructures which are friendly to the disabled and women: safe toilets, CCTV, adequate lighting, escort to public transport, transparent elevators, etc.
- Build an environment which promotes solidarity, without any denial of sexual violence and blaming the victim attitude.
- Give education and create awareness and sexual violence prevention in creative ways.
- Instill the idea that preventing sexual violence is everybody’s humanitarian responsibility.

The data documented by Perempuan Mahardhika is a form of strategic work for data-based advocacy. In addition to being a form of the right to the truth, this documentation can be a baseline of struggle serving as a benchmark for the next decade. This documentation also serves as a form of women’s human rights approach that gives room for the victims to speak and to be heard. Hopefully, these victimized women do not remain silent about their sexual assault and do not let silence continue. They must be metamorphosed into survivors and then defenders, women workers’ rights defenders. The right of women workers is a human right.

Thank you.

**Yuniyanti Chuzaifah**  
**Vice-Chairpersons of Komnas Perempuan**  
**for the 2016-2019 period**





## Foreword

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What a delightful thing to see that this book, *Sexual Harassment and Denied Maternal Rights towards Garment Workers: A Study on Gender-Based Violence Conducted in KBN Cakung in 2017* can be in the hands of all my friends. Gender Based Violence was raised to be a major theme in this study with an intention to illustrate that the nature of violence occurred towards women did not occur randomly, but rather structured and systematic. Due to the structural problems implanted in unequal relations between men and women, discriminatory and subordinate gender roles are attached to women.

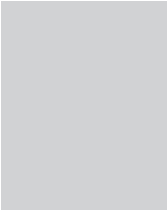
This study, conducted in the mid of 2017, is one of the many long journeys of Perempuan Mahardhika's interactions with our fellow women workers, especially those who work as garment factory workers at KBN Cakung. We often obtained facts and complaints about violence against women cases experienced by women garment workers fellows. The need to get the whole picture of complexity of the causal factors and their impacts on women was the reason behind why we conducted this study.

In scrutinizing gender-based violence cases in the workplace, we focused on two issues: first, on the situation of sexual harassment on women's garment workers and second, on maternal rights' fulfillment. Talking about sexual harassment is not an easy matter. The advocacy of this form of violence has not been widely supported by policy makers and there are no laws in our country that comprehensively address this issue. It is often that reports of sexual violence are instead turned into false allegations that the reports are merely based on victims' feelings or that the victim's statement was just an attempt to defame the perpetrator. Many victims ended up choosing to be silent and accepted any sexual harassment as an ordinary thing they have to face daily.

Thus, the achievements that KBN Cakung had for the struggle of the KBN's Women Workers' Committee, in this case are the installation of the sign stating "Sexual Harassment Free Industrial Zone" and the establishment of a post that serves as a complaint and report center. The post which was then named Posko Pembelaan Buruh Perempuan (Women Workers' Advocacy Post), contributes major support in the process of data finding on sexual harassment conducted by Perempuan Mahardhika.

In conclusion, not only did the gathered and analyzed data in this research show that sexual harassment at KBN Cakung existed, but also it also revealed that there is a high number of the prevalence of sexual harassment occurred, which is then not reported by those women workers. Thus, the voices of women workers documented in this study are expected become a force to encourage concrete steps for the eradication of sexual harassment in the workplace

In 28 November 2017, coincided with the first anniversary of the installation of the sign at KBN, a Social Dialogue of "Nusantara Bonded Zone (KBN Cakung): To be Free from Sexual Harassment" was held. It was attended by the companies, trade unions in KBN Cakung, the government representatives, and



other relevant stakeholders. The high number of unreported cases became the basis for improving the effectiveness of existing complaint and report mechanisms. Proposals on the installation of a similar sign inside the production area received positive responses from representatives of companies who were present in the social dialogue.

Furthermore, the findings of the study which focused on the fulfillment of the workers' maternal rights showed a different result in comparison to sexual harassment. The striking difference may lie in the forces of regulations governing this. Despite that workers' maternity rights have a clear legal umbrella in our Labour Act (UUK/Law no. 13 of 2003), this study found a surprising result that 50% of women garment workers felt insecure (afraid) during their pregnancies. The results of this study revealed that pregnant workers have fear, anxiety, and insecurity. The findings of this study are expected to provide various parties with a comprehensive understanding of why the fulfillment of the right to work for the maternity is difficult to obtain.

Finally, I hope this book can be used as a means for all friends to understand more deeply about women workers' situation and a tool that contributes ideas to sharpen the ongoing advocacy strategies of fulfilling the rights of women workers.

Thank you.

Women Workers are Strength!

Regards,

Mutiara Ika Pratiwi

The National Committee of Perempuan Mahardhika  
National Secretary



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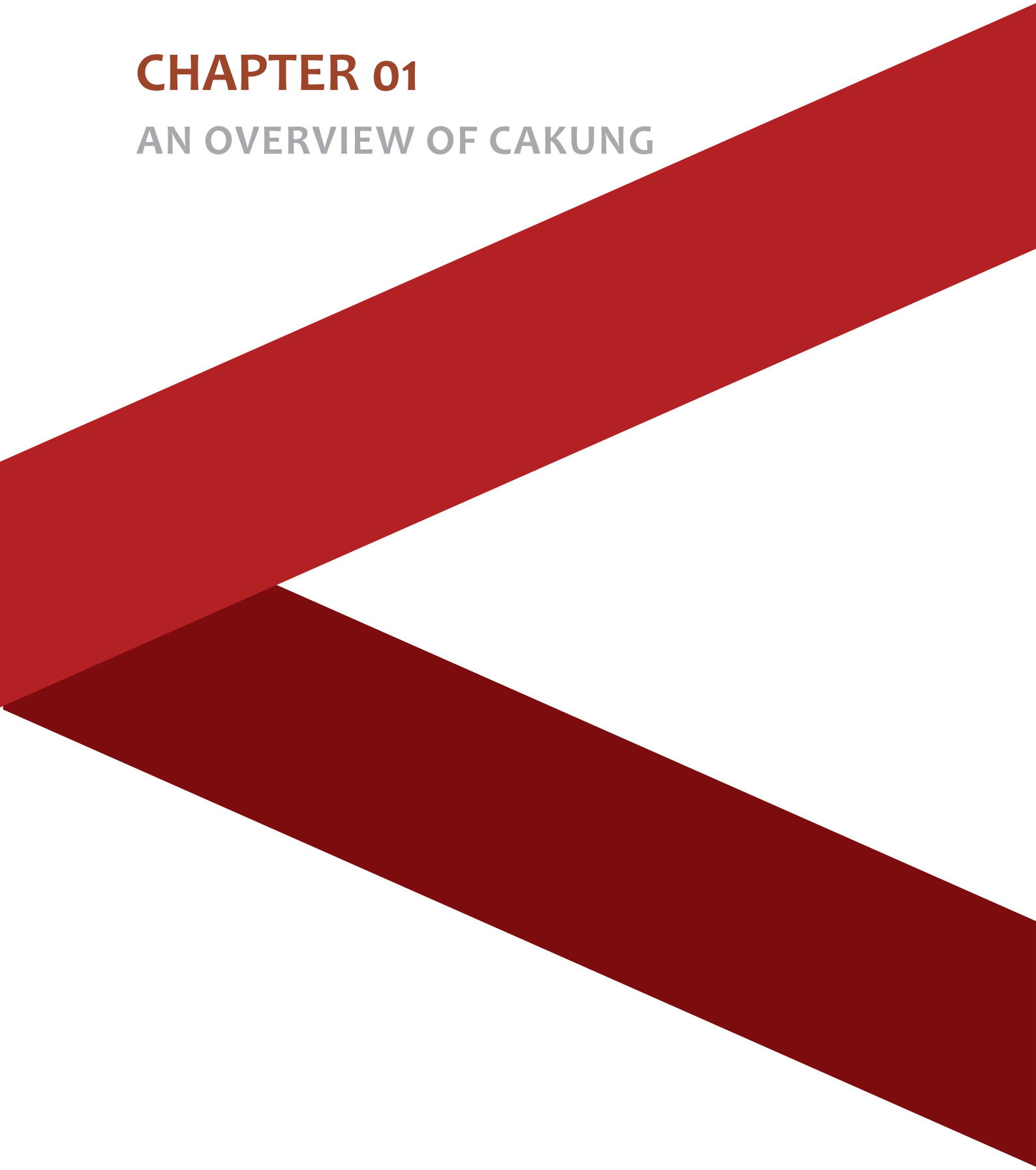
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# CHAPTER 01

## AN OVERVIEW OF CAKUNG





## The History of KBN Cakung

The government of Indonesian Republic established an industrial area which was particularly intended for export purposes 32 years ago. Under the Government Regulation No. 22 of 1986, this particular industrial area obtains the deregulation privileges—free from customs and excise as well as other taxes—for the sake of optimization of production and distribution. The government's intention was absolutely clear at that time for they aimed at establishing the export-oriented non-oil and gas industrial bases, which require accommodation and facilities provided by the government in order to increase the competitive value. The government expected double profits, that is, the increasing flow of export from manufacturer's products and foreign capital investment to particular industrial areas.

The above regulation then was followed by the government's decision to merge two companies, Bonded Warehouse and Sasana Bhandha into PT. Kawasan Berikat Nusantara (PT. KBN) as the first bonded zone in Indonesia. This decision was legitimised by the enactment of Government Regulation No. 23 of 1986. By establishing PT. KBN, the government did not intend to run their own manufacture industry, but to provide easy access for potential investors to run the industrial activities of production and utilise the

available facilities at this bonded zone instead.

Not only does PT. KBN offer properties rent service (land and building), but it also provides logistic services that integrate warehouse, helping with freight age, and providing container's depot ([www.kbn.co.id](http://www.kbn.co.id)). All of these are carried out to ensure the smooth traffic of export-import of raw materials and equipment via Tanjung Priok port, which is the largest port in Indonesia. Three industrial areas managed by the PT KBN namely, Cakung area, Marunda area, and Tanjung Priok Area, are all located near each other.

As a state-owned company, majority of PT KBN shares belong to the central government as much as 73.15% and the rest of 26.85% belongs to the local government of DKI Jakarta Province. This shares' arrangement is regulated by the Government Regulation No. 25 of 2015 on the Change of State Shares' Ownership Structure through the Issued New Shares in Company of PT. Kawasan Berikat Nusantara.

The establishment of PT. KBN gained positive response particularly from foreign investors. PT. KBN in Cakung area had employed 42,488 workers in its fourth year of establishment (ILO, 2007). This response had urged the government to expand the establishment of industrial areas across Indonesia. KBN became a pilot model of

bonded zones across the country in supporting the government's export-oriented economic policy.

The success gained by PT. KBN is closely linked with the rising development of textile as well as textile products industries. Since 1987, the non-oil and gas commodities have dominated Indonesian export industries. These commodities had contributed as the highest export income at its golden era. This development is then followed by the increasing foreign capital investment in this particular industry, which is predominantly coming from South Korea and Japan.

A quick glance at the history of PT. KBN brings us to an understanding of how closely related the garment industry is with the foreign capital. At the moment, most of garment companies operating in KBN Cakung are foreign capital based companies, particularly from South Korea.

### **Korean Garment Manufacturer Association in Indonesia**

South Korean investors' and businessmen's domination is reflected in KOGA (Korean Garment Manufacturer Association in Indonesia) which is the major representative of service user's companies in KBN Cakung. This Korean association represents more or less 80% of garment companies in KBN Cakung. Meanwhile, there are

totally 200 Korean companies (approximately) under this association, which are running their businesses in the Republic of Indonesia.

This fact brings us to the conclusion that, not only do the garment companies in KBN Cakung reflect the industrial relations amongst the workers (the unions), the government, and the companies, but also put the association, the KOGA, as the influential central actor in the making of strategic policies. Nevertheless, standing with the garment workers is certainly not one of KOGA's commitments. As an example, KOGA's past intervention opposed workers' interest concerning the delayed wages. In 2013, KOGA initiated a proposition to delay the adjustment of minimum wage in seven Korean companies operating in KBN Cakung. Although the court of PTUN had decided to reject the proposition, in reality, those companies insisted on delaying the implementation of adjusted provincial minimum wage (UMP).

It is understood that the role and existence of KOGA is mainly to protect and ensure the sustainability of garment businesses run by its members. This is their top priority. The need to meet the buyer's expectation is the main factor that can push KOGA to improve some operating standards in the factories.



*Factories at KBN Cakung*



In addition, KOGA has been actively spurring the politics of low wages by reinforcing garment sector-specific wage below the supposed provincial minimum wage as implemented in four districts of West Java Province. This labour-intensive wage is varied from one district to another. The lowest one is in the District of Purwakarta (80.9% from the Provincial Minimum Wage), while the highest one is in Depok (88.8% from the Provincial Minimum Wage). Such a careless wage policy implemented by KOGA reflects much about the sort of relation between the government (both local and central) and KOGA. In this case, government is no longer function as regulating as well as controlling forces, but serves as the protector of KOGA (capital investment).

### A. KBN CAKUNG, AT THE MOMENT

Based on the information obtained on the official website of KBN Cakung, there are 104 registered companies, which are operating in the KBN Cakung area ([www.kbn.co.id](http://www.kbn.co.id)). Nevertheless, it is difficult to take this data as a reliable one for there are many companies (factories) that have stopped operating or closed down.

The capricious numbers of companies operating at KBN Cakung complicate the attempt to identify the exact number of workers working at KBN Cakung. Based on a study conducted by ILO (2007), there has been a decrease in the number of workers from 101,891 in 2000 to 75,511 in 2006. At the moment, it is estimated that at least there are 50,000 workers. Majority of workers are female workers. The decline happened as many factories had permanently stopped operating or closed down in the last decade.

### KBN as a Nation's Vital Object

On 21st August, 2014, our Minister of Industry M.S. Hidayat signed the Regulation on National Vital Object in the industrial sector issued by the Ministry of Industry of Indonesia Republic, No: 466/M-IND/Kep/8/2014. Its main points stated that 63 companies including PT. Kawasan Berikat Nusantara as the National Vital Object. The National Vital Object is understood as a zone/site, building/installation or business which concerns about many people as well as national interest since it is a vital national income. Government explained that this effort was made in order to create a conducive (supporting) business climate. The improvement of competitive value and national productivity were expected to be gained through the implementation of the policy.

Since PT. KBN is considered as the National Vital Object, it gets new "facilities" such as the official involvement of the national military (TNI) and the national police (Polri) in securing Kawasan Berikat Nusantara as a bonded zone from any threat. The threat is any effort and activity coming from either domestic or foreign countries, which potentially could risk the sustainability of OVN's function (Presidential Regulation or Keppres, No. 63, Year 2004). Putting PT. KBN as the vital object arises various questions considering the nature of protection or security towards the object which is presumed to be vital based on two main interests: the national interest for the government acts as the owner of the KBN, and the investor's interest for they act as the owners of the garment companies.

Since securing national assets and investment become the country's top priority, the emerging workers' collective actions can be taken as an obstruction or a threat to the sustainability of

industrial process. Again, it is important to note that this is against the basic workers' rights as protected in the labour law.

Ideally, KBN Cakung as a state-owned company (BUMN) is able to provide protection to Indonesian people who dedicate themselves in the process of innovation which is worthy of pride. The fact is, the over-support to investors have created many problems for workers. PT. KBN is perceived as being too accommodative with the tenant companies, and negligent to fulfilling the worker's rights and welfare. These assumptions are not unreasonable for we can find such a long record of workers' dissatisfaction and protests that had been expressed and recorded along the history of KBN Cakung's industry.

## B. A NOTE ON KBN CAKUNG AND ITS WORKERS' RESISTANCE

Protests and strikes happened in factories at KBN Cakung area show how evident the workforce problem inside companies in KBN Cakung. Also, it implies how difficult it is to make a fair deal with the business owners in an agreement forum. When a negotiation or an agreement process is no longer effective in making a solution, or that it fails to do so. Nevertheless, the Labour Law Article 137 states that workers have the right to organise a protest as well as strike.

01



*KBN Cakung workers go home*

### RECORD ON WORKERS' PROTESTS AT KBN CAKUNG

<b>November 2010</b>	Mass strike occurred for the first time in KBN Cakung. Thousands of workers under DKI's Workers Alliance appealed for a minimum wage's raise
<b>Desember 2010</b>	Another mass strike took place in KBN Cakung. The demand was the same, but this time the strike was initiated by FBLP.
<b>Januari 2011</b>	The workers of PT. Rismar Daewoo Apparel took strike action. The company was accused of deliberately not giving overtime wage for two years, neglecting maternity leave right of female workers, also enforcing overtime work on Sunday.
<b>Januari 2012</b>	Thousands of workers from various companies in KBN Cakung stood together for workers' welfare, and specifically demanded a raise of the province's minimum wage (DKI Jakarta).
<b>Juli 2013</b>	The strike of Hundreds of workers happened demanding a raise in incentives (for meal and transport, 20,000 IDR per day) as a consequence of the rising fuel prices (previously 15,000 IDR per day).
<b>Oktober 2013</b>	Workers held a protest against the forced resignation done by PT. Makalot.
<b>Oktober 2013</b>	This was the year of versatile resistance by the KBN workers. This was triggered by the mass lay-off in KBN Cakung and the latest Government Regulation No. 78 of 2015 on Pay.
<b>Februari 2014</b>	There was a workers' strike to demand the unfulfilled payment of incentives and overtime pay. It was addressed to PT. Kateksindo Citra Mandiri and PT. Paku Benang Sari.
<b>Along 2015</b>	This was the year of versatile resistance by the KBN workers. This was triggered by the mass lay-off in KBN Cakung and the latest Government Regulation No. 78 of 2015 on Pay.
<b>Juni 2016</b>	A strike was organised by workers of PT. Woon Indonesia, demanding the payment of the Eid incentive, Eid holidays, also the PKB (work agreement) forum.
<b>Oktober 2016</b>	A strike was organised by workers of PT. Sunshine World to fight against the company's hostile treatment that have fired 14 members of union.
<b>Januari 2017</b>	Organised by KSBSI, workers held a protest to demand basic rights and refusal to hostile treatment towards workers. This protest happened at PT. Molax, KBN Cakung.
<b>September 2017</b>	Workers held a protest to reject lay-off by PT. Woon Indonesia. They demanded that the company had to follow the rules of labour law concerning their lay-off decision.

In the reality of employment in Indonesia, such phenomenon found in KBN Cakung does not exist in vacuum. Instead, it is closely linked with the national policies often known to be less, or even non-accommodative towards the labour's perspective. Therefore, whenever the regional as well as national strike is held, the women workers of KBN Cakung seize the opportunity by getting involved in it.

### **The Problem of Employment in KBN Cakung**

Protests and strikes represent the inequity, injustice, and collective dissatisfaction in KBN Cakung's industrial relation. In general, the existing major problems of employment in KBN Cakung are as follows:

#### **1. Pay**

In general, Indonesian labour unions are still complaining about the low pay, which is determined by such a low, unrealistic estimation. Unfortunately, the problem found in KBN Cakung is more complex than this. There are companies that have not obeyed the existing regulation on pay concerning the payment of overtime pay and incentives such as the meal and the commute incentives. It gets more problematic when the companies think that the minimum wage is considered "too high" for them as occurring in 2013 when seven companies proposed a delay in the minimum wage implementation. As a result, the workers could only get 81% from the actual provincial minimum wage.

#### **2. Employment Status**

In the past five years, temporary worker's status became more common than the permanent worker's status. Although, the temporary work contract is legal in this country, the workers often feel cheated by the companies. For example, the companies

do not offer any permanent position to temporary workers who have been working for more than three years. Consequently, the workers do not get access to particular facilities such as annual leave and incentives. Without permanent job position, workers are facing uncertainty, and lacking the decent pay.

#### **3. Lay Off**

The massive lay-off had often forcefully fired either all or some of the workers in a factory inside KBN Cakung. Most often the reasons are: for the efficiency purpose, the change of location, or closed down due to bankruptcy. It is recorded that two factories and two companies—namely, PT. BBM and PT. Tugyun Indonesia—in KBN Cakung were closed down. Referring to the Labour Law number 13 of 2003, a lay-off cannot be done unilaterally and that the payment of some money is compulsory in accordance to the regulation. Moreover, it is often that the company chose to disobey the rules, meaning to say that the amount of compensation paid is less than the supposed amount to be received by workers.

#### **4. Protection to Female Workers' Rights**

From the record of FBLP (Inter-Factory Labour Federation), it is stated that garment companies in KBN Cakung do not fully impose the policy concerning maternal rights' protection of their female workers. Therefore, termination of a job contract still often occurs when a female worker is found out to be pregnant or about to give birth.

Without resolving four major problems explained above, it would be difficult for us to consider KBN Cakung's garment industry to be ideal and prospering. In addition, without

the fulfilment of the above workers' rights, we would continue seeing workers' political actions to demand their rights in the near future.

### C. KBN CAKUNG AND WOMEN WORKERS

Speaking of production, there has been countless internationally renowned branded clothes produced by factories in KBN Cakung. We are definitely sure that apparels produced by KBN are not carelessly made, but instead have such decent qualities and even globally competitive in the international markets.

The process of transforming fabrics into branded apparel is inseparable from labour-intensive works such as cutting, sewing, stitching other parts (from other parts of sewing results), ironing and packing. For Indonesians, these jobs are often identified with the feminine nature, which is then attached to the work of women. It is the embodiment of job stereotypes, namely how a job is perceived to be attached or identical to particular groups. The stereotype of the work underlies the social beliefs about work relations with gender that can be used to explain why most of the seamstresses are women, and almost all of the mechanics are male.

The stereotype of garment jobs as women's jobs does not always have negative implication. As a matter of fact, it gives many women the opportunity to develop independence, as well as building their economic and political power. Moreover, it becomes one of the solutions to the still-present socio-economic problems like poverty, which means that women are not only present in domestic sphere but also playing a key role as contributors in this very important industry.

For the garment industry, women are also considered to have the specific required skills and familiarity or more experience in garment jobs

compared to men. As a result, since the beginning of the recruitment process of workers, many companies within the KBN Cakung seek a specific gender "female" when requiring new workers (as part of requirements). We will easily find the information in various mass media, or on the announcement board of any company in KBN Cakung.

Thus, the garment industry, including factories or companies within the KBN Cakung area, is identical to the image of female workers. Since its establishment in 1986 until now (2018), the role of women has closely been related to the footsteps of the garment industry at KBN Cakung. Given the output data of BPS (2015), the textile and textile products industry in Indonesia absorbed more than 2.37 million workers. If women are estimated to dominate, almost 80% in this sector, it can be stated that 1.8 million Indonesian women are putting their livelihoods in this industry.

The large number of women working in the garment industry has evoked optimism about the availability and openness of access for the commoner women to improve their socio-economic conditions. But is that true? Is working to be a garment worker at KBN Cakung for women truly an achievement? Or is it a choice born of various limitations, which is only able to find a foothold in the lowest structure of labour-intensive industries or to drift in the garment industry without much choice?

#### Collective Commitment in Reinforcing an Area of Anti-Sexual Harassment

Tackling down sexual harassment faced by women workers in the workplace is of course cannot be done unilaterally. Building a concerted commitment to stop harassment is important as a sign that sexual harassment is truly a real enemy to be fought against. Moreover, promoting a safe workplace which is free from sexual



harassment is one of the footholds in building a dignified, valuable, and meaningful work.

Effort initiated by the KBN Cakung Women Workers' Committee (Federation of Inter-Factory Workers, Federation of General Unions of Indonesia, Perempuan Mahardhika and LBH Jakarta) to fix the problem by having various dialogues with KBN and government authorities (Ministries) was finally declared on 25 November 2016 with the establishment of the sign stating that "PT Kawasan Berikat Nusantara Bebas Dari Pelecehan Seksual" ("PT. Kawasan Berikat Nusantara is Free from Sexual Harassment").

The sign of anti-sexual harassment is located in the main entrance of KBN so that everyone who entered the region can read it. The large signpost is not the only one. If one walks down the streets along KBN Cakung, she or he can find a similar sign but in a smaller size.

Certainly the presence of this sign does not necessarily eliminate the act of sexual harassment within the scope of KBN Cakung area.

As a follow up, PT. KBN together with KBN's Women's Workers' Committee (Komite Buruh Perempuan) organised a campaign of the factory area that the place is free of sexual harassment. One of the contents of the campaign is to urge companies operating in KBN Cakung to agree on providing prevention efforts and overcoming sexual harassment, and enforcing legal sanction to perpetrators of harassment.

The campaign is fruitful in the establishment of women workers' advocacy post, which is a space for women workers to gain knowledge about forms of harassment, prevention strategies, and how to deal with sexual harassment. Women workers' advocacy post also advocates for female workers who became the victims of sexual harassment.

This post is managed by the Women Workers' Committee, involving volunteers (women workers) from various factories in the KBN Cakung area. Every day, there are two volunteers in the women's defense post, and can be accessed



*Free From Sexual Harassment's Signs*

every working day (Monday - Friday), especially after work hours (4-6 PM). Currently the Women Workers' Advocacy Post is located in one of the security guard posts of KBN Cakung. Thus, the security post (security guard) is changed into advocacy post after 4 PM (WIB, Western Indonesia Time). However, the Women Workers' Committee expects PT. KBN to provide a more representative and adequate space for Women Workers' Advocacy Post.

KBN Cakung becomes an important milestone in the history of industry in Indonesia. Not only has KBN Cakung managed to attract investors and thousands of workers from all regions in Indonesia, but also has become a model for the growth of hundreds of other industrial areas in Indonesia. The fact helps to boost the government's confidence in the nation's ability to become an exporter of various non-oil industry commodities.

Despite the success of the establishment of KBN Cakung, many companies had to close down or move out to another location forcing thousands of workers to leave KBN Cakung in the last decade. It has taken place for more than three decades. In other words, these women garment have suffered. Even for those who remain working at KBN Cakung, not all of them experience the happy, fulfilling life stories. The female workers still ought to face the fact that their rights are neglected by their employers, and also to endure sexual harassments.

Along with the growing spirit and awareness of women workers, this study is presented to reveal the reality in KBN Cakung. This study serves as a description of the experiences faced by the workers, as well as an empirical review

of the problems of female workers which discusses the movement of the garment industry in Indonesia.



## CHAPTER 02

### WOMEN WORKERS IN KBN CAKUNG: A PROFILE

## A. WHO ARE THEY?

Garment industry can be seen as a labour-intensive industry that requires a large amount of manpower. In Indonesia, it makes this garment industry as the largest contributor of labour after the food industry. It is recorded in 2016 that there are 594,717 workers who plunge themselves into the apparel industry as workers at either medium-scale or big-scale companies. If this calculation is summed with the number of workers in the small and micro garment industry, there are totally 1,557,856 garment workers throughout Indonesia (BPS, 2017).

One of the characteristics of garment industry is the astounding existence of female workers as its main workforce. Better Work Indonesia (2015) specifically stated that 83% of Indonesian garment workers are women. Unfortunately, women as the main workforce do not exist as an aspiration, nor does it grow as a consciousness, but it emerges as a compulsion or due to their lack of choice.

The abundant number of women entering the garment industry certainly needs to be appreciated. The first reason is that the economic independence of women is very important in building economic power for themselves, families, and society. The second reason is that it has resulted in the involvement of women as productive labours. However, the background setting that encourages a woman to become a garment worker also raises a concern that when the limitations

and necessity of a person to work becomes a weak point, it gives rise to various abandonment and abuses against them as found in various studies of women garment workers in several Asian countries (India, Bangladesh, Cambodia, Vietnam,). The previous studies also show that there is great concern about the patterns of work relations laden with a sense of injustice and is closely related to her feminine status.



*Factories at KBN Cakung*

The old stereotype of women has attached them to domestic work or household chores which are seemingly light handworks. Therefore, works such as sewing, cutting, folding, and packing clothes are considered suitable for women. Moreover, women are often rated as workers who have lower risk (to fight), and are more resistant to stress. Despite the positive traits of women and the old stereotypes, women still have a lower wage than men and they have to work under pressure due to high target.

The study conducted by ILO stated that gender-based violence (GBV) is common in so many

countries, especially in developing countries' garment industry. Clearly Indonesia could not escape itself from this allegation, given that Indonesia still has such a strong traditional perspective on women which tends to be conservative.

In the shadow of poverty which can be found everywhere in Indonesia, getting skilful female workers to work at a garment industry is not a difficult task. Many women chose to work in order to be self-sufficient, while sustaining and coping with the growing economic needs of the family from day to day. Working certainly becomes a person's need, in order to survive and provide for herself as well as her family.

Currently, KBN Cakung is home to tens of thousands of women workers with different cultural backgrounds, regional origins, beliefs and also uniforms. As if it is a beautiful place to describe the diversity of an Indonesia. However, it is clear that the only thing that unites these women is their needs for work and wages, albeit with their diverse background, status, and ways of livings. Therefore, it is unsurprising that KBN Cakung in North that Jakarta has become a place where thousands of young women across regions build their hopes. Poverty-stricken hometown, limited social roles, and also restraints that hinder their independence are among their reasons why they aspire to work at KBN Cakung.

Depicting the reality of work in the garment sector becomes an actual need in order to have a comprehensive understanding of the complexities and dynamics of the lives of women workers. Not only does the problematization of work in the garment sector arise as a textual or structural analysis, but it also represents the subjective experiences, knowledge, and judgments of women workers as the main actors. Thus, this study placed female garment workers as

resourceful informants on the reality of garment work in KBN Cakung.

This study succeeds in unravelling the experiences of 773 women workers of the approximately 60,000 workers in KBN Cakung—most of whom are women—in terms of the things they feel and obtain when working. These women garment workers work in 38 garment companies that officially operate in Cakung Bonded Zone (KBN), North Jakarta.

Women garment workers who participated in this research program were randomly selected by emphasizing the proportion of the number of women garment workers in each company. Workers' willingness to participate on voluntary basis is highly prioritized in this regard, along with ensuring the confidentiality of the personal identities of each participating worker. The series of experiences of women garment workers was obtained by distributing questionnaires containing closed and open-ended questionnaire.. Then, it was followed with interviews.

The following table present the demographic profiles of the participants of the study.



### Where do they come from?

Central Java	219
West Java	151
DKI Jakarta	138
NTB	53
Lampung	48
East Java	32
North Sumatra	31
Banten	23
South Sumatra	22
South Sulawesi	14
Other Provinces	42

### HOW OLD ARE THEY?



### HOW LONG HAVE THEY BEEN WORKING AT KBN CAKUNG?



### EMPLOYMENT STATUS



- 254 Permanent
- 488 Temporary contract-based worker
- 24 Project-based casual worker
- 7 Daily, casual worker

### JOB POSITION

- 747 Operator
- 9 Chief
- 6 Administration staff
- 4 Security
- 4 Cleaning service
- 3 Others

### Division of Operator

- 497 Sewing
- 63 Quality Control
- 36 Finishing
- 35 Cutting
- 32 Helper
- 22 Packing
- 17 Ironing
- 13 Sampling
- 32 Others

### 2.1. Respondent Characteristics

## B. PASSING THROUGH THEIR YOUTH AS GARMENT WORKERS

Seven years ago, Rina set her foot in Cakung with a high spirit, a high school diploma, and convincing stories from her relative about what?. Her will to transform her destiny took her away from her hometown in South Sumatra. Young age and spirit was her key to obtain a job in one of a garment companies in KBN Cakung. Of course working as a sewing operator is certainly not a high position but she found herself a job to start transforming her dream.

Working as a garment worker at such a young age is not just Rina's story. There are so many young women who make the garment work at KBN as their first work experience. These young women arrived at KBN Cakung with the hopeful spirit spread by their relatives who have worked at KBN Cakung. However, there are also some others who accepted the job at KBN Cakung as the end of their long and winding road in a search for a job.

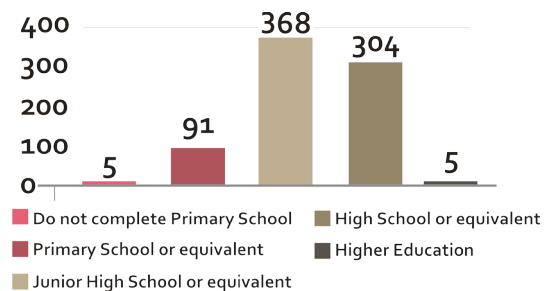
Although some of the women's garment workers in this study were over 35 years old, these women started their work at companies or factories in KBN Cakung at a young age, even before reaching the age of 20. The following table contains more information about the women's age when they started their work:

Typology based on age	
Since 17 years old	106
18 - 20 y.o	234
21 - 25 y.o	237
Older than 25 y.o	196

### 2.2. Beginning to Work as a Garment Worker

Becoming female garment workers since young age (at the age of 17-20) turned out to intersect with the problem of knowledge and competence level, resulting from the low level of

education. Most of the workers at KBN Cakung only completed the primary education or junior high school (47.6%). A small number (12.4%) have only primary school certificates, or do not even complete the basic education.



### 2.3. Level of Education

From the point of view of women garment workers, the most important question that needs a correct answer when looking for a job in the garment industry at KBN Cakung is "Are you able to stitch or sew?" Sewing workers or sewing operators are positions with the largest proportion in the garment industry (64.3%). Although sewing skills are obviously not an easy skill to achieve, it is not a skill that can be obtained from formal schooling. It can be said that in the garment industry, the (formal) educational variable is not one of the main criteria in choosing the majority of prospective workers. However, the irony is that, the low level of education of women workers is found to be correlated with the limited work positions, the low wages received, and limited access to information about their rights as workers.

Becoming a garment worker since young age does not necessarily imply negative connotations, as long as she has passed the specified age (17 years old) when she enters the profession. However, many women workers are unable to break away from "garment trap." In other

words, they start working as garment workers at a young age that continues for dozens or dozens of years, and never leaves their occupation as garment workers. 40% of garment workers in this study are the real examples. They have worked in the same position as operator in the industrial area of KBN Cakung for more than 10 years. Despite long-term employment that women workers have, there are two great things that haunt them namely temporary contract employment status and high employment mobility.

### C. AN UNREMITTING JOB CONTRACT RENEWAL

In deal, in a long term, the progress of one's career should be linear with the growth of her personal capacity, experience, and prosperity level. However, for the women garment workers such aspiration can only be a dream. As a matter of fact, getting a permanent employment status is really difficult to achieve for the mat the moment due to the contract working system.

This study found that 67.14% of women workers' employment status is temporary based-contract. Many women workers who have been working in a garment company for more than three years or five years still hold this temporary status. If we are referring to the Labour Law no 13 of 2003, the employment agreement for a specified time (PKWT) may last for a maximum of two years and may only be renewed once for a maximum period of one year.



#### LENGTH OF EMPLOYMENT CONTRACT

24	97%	Less than a year
31,05%		1 - 3 years
6,34%		4 - 6 years
3,10%		7 - 10 years
1,68%		More than 10 years

#### 2.4. Length of Employment A Contract Worker Has at Their Current Companies

If we draw a conclusion based on the context of actual working experience at KBN Cakung, we will find a way more fantastic figure of 165 workers (21.34%) who have been working in KBN Cakung for more than 10 years are currently still working under a temporary job contract.

67,14%

3,49%	Less than a year
13,58%	1 - 3 years
13,45%	4 - 6 years
14,62%	7 - 10 years
21,99%	Less than a year

#### 2.5. Length of Employment of Workers under Temporary Job Contract at KBN Cakung

Corporate compliance in implementing the rules stated in Labour Law is highly questionable. The garment enterprises apparently have not followed the rules concerning the mechanism of appointment of the employment status of workers. It is recorded that 11% of women garment workers who have been working for more than 3 years still hold the status as contract workers.

Then, what sort of contract did the women garment workers actually get? In general, there are three forms of contractual job status which are declared by women garment workers, namely:

##### 1. A job contract under specific period

This is the most common type of job contract held by the garment workers. The length of the contract is varied. It can last for three months, six months, or a year. To illustrate this point, we shall take an example of a female garment worker who has had 15 job contracts in the same garment company for eight years. Her archived job contracts showed that the contracts were in different durations.

## 2. A casual, by project job contract

Project-based employment status is expressed by the figure of twenty-four workers (3%). All of them are coming from the operator division: sample, cutting, packing, helper, and embroidery operators. Project-based casual workers can get their wages according to the specified project jobs or when they have reached the given target. It means that they can get their wage daily, weekly, or monthly depending on the amount of workload required by the project.

## 3. On daily basis contract

The employment status as daily garment worker is experienced by seven (7) workers, who would only get wages calculated from exactly the day when they started the job under the provision of a particular target. Daily work is applied to sewing, quality control (QC), and packing operators. The existence of a daily casual worker in the garment sector clearly violates the provisions of legislation, which is at the same time indicates the absence of any protection for workers, who do not necessarily have the officially legitimate working status in a company.

The prolonged status of contract worker can be understood as an act of conditioning by the companies, which undermine the workers' value and capability, as well as weakening the bargaining position of women workers in the presence of the company. The workers' weak position ultimately increases the risk of abandonment of women workers' rights by the company.

Both daily casual work and project-based casual work become a concern even though the number is relatively small, yet Thus, these types of work indicate a serious violation to workers' rights. Daily casual work is often carried out without any legal contract or agreement. Due to the absence of a legitimate status of employment of the worker in terms of her working

relations, worker's rights are not legally protected. Referring to Ministerial Regulation no. 100 of 2004 on Employment Agreement for a Specified Time, the casual work on daily basis is only allowed when the job can be completed within 21 days. When the hired daily workers needs more than three months to complete the work, they shall get the Employment Agreement for an Unspecified Time (PKWTT) job contract.

## D. GETTING A NEW JOB, YET REMAIN EMPLOYED IN KBN CAKUNG

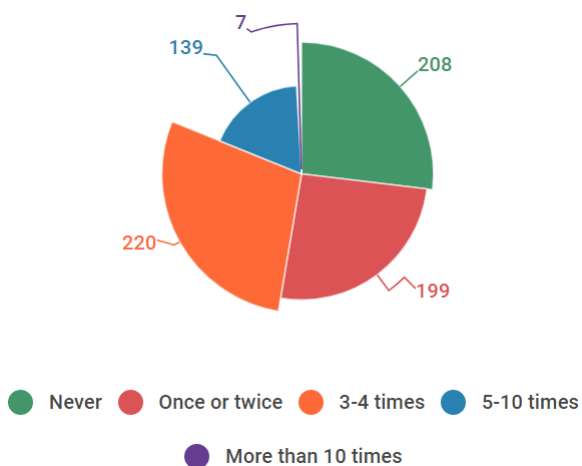
Besides getting an eternal temporary contract, garment workers ought to deal with the high rotation and mobility of companies operating in KBN Cakung. As this research project was written, one of the garment companies operating at KBN Cakung, Tung Yun Garment Indonesia declared to stop operating, and about 1000 workers had to be laid off. This situation makes a woman worker with decades of work experience have to start her job from scratch, and Thus, they are likely to accept any temporary contract status so that they will not be unemployed.

Uncertainty caused by the temporary employment status and the particular companies' circulation around the area of KBN Cakung has forced a women garment worker to move from one job to another job (the same job, the same position, but at a different company) for nearly every year. This study found that 565 of 773 women garment workers (73.1%) have at least moved once to another workplace, while 366 of them (47.4%) have moved to two or more workplaces

The relation between the length of employment and the rate of workplace mobility is expressed in the ratio of working period, which explains how the ratio of a worker's working period to a

certain period of time is seen from the amount of workplace shifts. The average result of female worker garment's employment length ratio at KBN Cakung is 3.82. It means that the average working period of a female garment worker in a garment company is 3.82 years. The lowest ratio was shown by ten (10) women workers with less than a year employment; however, they have moved to different workplaces for several times, with a ratio value of 0.33. That is, after working for four (4) months, women workers had to move to other companies within the bonded zone of KBN Cakung.

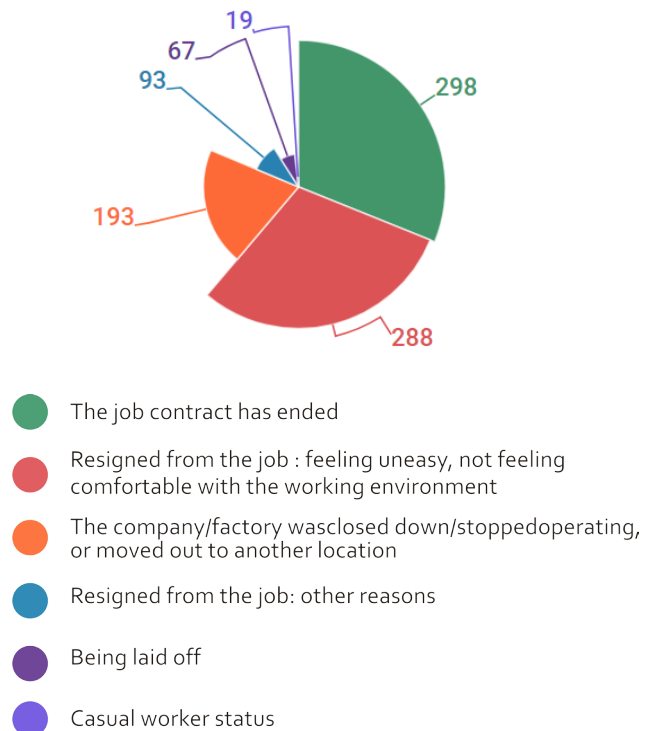
The study found a female garment worker who has been working at KBN Cakung for 19 years, had been employed 28 times, and had worked for several times at the same company in a different period of time. However, a number of women workers who have moved more than ten (10) times to different companies are very few as presented in the following table:



## 2.6. Job Mobility Experience within KBN Cakung

The high mobility of women garment workers at KBN Cakung is mainly related to the status of the contract. Most of the workers (52.74%) who

have moved to a new workplace stated that the main cause of their mobility is termination of employment contract.



## 2.7. Why moving to another workplace?

The thing that becomes of great concern is the number of women garment workers who have a working period of less than three (3) years, i.e. 376 workers (48.64%). The low employment duration index in one company illustrates the high rate of employment vulnerability for workers. A low index score illustrates the small opportunity for a female garment worker to develop herself at work and pursue a career, high rate of job uncertainty, and especially the inability to prosper. In fact, for workers with a fixed permanent employment status, job movement is also difficult to avoid. Especially when the company where they work must be closed down

## IN ADDITION TO THE EXPIRATION OF THE CONTRACT, WHAT CAUSES WORKERS TO QUIT THEIR JOBS AND SEEK ANOTHER JOB?

Inconvenient working situation, become the second factor that pushes workers to find another workplace in KBN Cakung. This inconvenience is associated with the attitude of a boss who does not value the worker, such as acting violently or even behaving negatively to female workers. Their inconvenience is also related to the high expectation of compulsory overtime (unpaid overtime) that is considered very burdensome to workers.

This inconvenience encourages workers to resign, or to opt out of continuing a job contract that is actually extensible. The resignation of women workers in this study was not always voluntary as this also happened to workers who were sick, pregnant, or giving birth. The closing down of the company may be due to the facts that the company declared bankruptcy, or is no longer operating in KBN Cakung, or an accident that stops operation such as fire..

02

## E. ARE WOMEN GARMENT WORKERS PROSPEROUS?

**T**he experience of a teenager who becomes a garment worker and has to move from one company to another company as well as only getting a temporary employment status raises a big question about worker's well-being. How could they prosper?

Regarding wages, almost all women garment workers in this study get wages in accordance with Provincial Minimum Wage (UMP). For a new worker, this minimum wage certainly makes sense to ensure the sufficiency of her living expenses. However, receiving a minimum wage for a 40-years-old garment worker with two or three children is clearly inadequate for the worker to fulfil their family needs.

Temporary contract held by most of garment workers surely put their incomes exactly on the edge of minimum wage. Minimum wage means that the worker would not get either fixed incentive or other kinds of incentives that are the

rights of the workers with permanent status of employment. The right to have a break or take leave, whether on annual leave, sabbatical (after 7-8 years of service) and unearned leave money becomes impossible to get by women garment workers with short-term contract periods.

Having got merely minimum wage, these women workers have to compensate several things in their lives so that their primary needs are met. One of them is a place to stay. In order to pursue "frugal living", most women workers especially those coming from outside Jakarta choose to live in "worker dwellings."

Outsmarting the lack of income, some women ought to have side jobs. Selling something is the most possible side job by women workers, such as selling some snacks or meals (rice and side dishes) during meal break at work, drinking water, and some goods that can be bought with an installment payment method. Another side job done by the workers, particularly sewing



operators, is becoming a seamstress. This is done especially by those living among the locals.

The workers' side job is the workers' creative effort to develop themselves and cope with their economic needs which deserves appreciation. This also reflects extra energy that they have to have in order to get additional income. A woman garment worker can work for more than 9 hours to meet her demanding workload (high production target). Thus, physical and psychological fatigue encompasses the daily lives of women

garment workers. Working side jobs, though obviously beneficial, certainly adds to their burdens, obligations, and fatigues (physical as well as mental).

The findings indicate that having a prosperous life is still a dream for most garment workers. Thus, if they are able to sufficiently meet their own need as well as their families' needs in a modest way of living, it will be a remarkable achievement for them.

## THE WORKERS' DWELLING

The worker's dwelling is a sort of garment workers' dwellings complex. It is neither a dormitory, nor a tenement. It is like a large lodging with loads of space at once. The location is usually near to workplaces and its rent price is affordable. Therefore, women workers choose to live in the worker's dwellings. The rent price of this dwelling varies ranging from 500 thousand to 1 million rupiahs (IDR). If the worker think that the rent is too expensive, they usually choose to stay in the contract rooms in residents' villages which of course offer a cheaper rent than the workers' dwelling.

Most of the female workers at KBN Cakung are not native Jakartans; often they leave their children and family in the village and regularly send them money monthly. Living alone means the workers can live frugally, including finding the cheapest lodging to live in with a shared bathroom.



*Worker's dwelling*



The general picture of becoming women garment workers presents a rather grim future for the workers as they grapple with the inevitability of unremitting work and wonder about their well-beings. As the length of work experience becomes worthless, while the body becomes increasingly daunted by the high target of their workload, women garment workers eventually ended up choosing to retreat. Some chose to return home with years of tiresome stories.



# CHAPTER 03

SEXUAL HARASSMENT  
TOWARDS WOMEN  
GARMENT WORKERS



*Why didn't you report this?  
It's a risk for being a subordinate worker;  
inevitably this must be lived...*

(WA, 36 year old, KBN Cakung)



Sexual harassment is any unwanted sexual conduct, request of sexual activity, physical, verbal or non-verbal conduct of sexual nature, or other sexual conduct which is offensive, humiliating, or intimidating to the recipient ... and this conduct is obstructive to work, used as a basis for a work-related requirement, or creates an intimidating, hostile or humiliating work environment.

#### **Instructive Letter by The Minister of Manpower and Transmigration of Indonesian Republic**

**NOMOR : SE.03/MEN/IV/2011**

Sexual harassment is an unwanted conduct of sexual nature, or other conduct based on sex and affecting dignity in the workplace. The conduct of sexual nature encompasses unwanted physical, and either verbal or non-verbal act. A conduct is defined as sexual harassment when it is: (a) unwanted, unreasonable and offensive to the recipient; (b) used explicitly or implicitly as a basis for a decision which affects that person's access to vocational training, access to employment, continued employment or salary; (c) creates an intimidating, hostile or humiliating work environment for the recipient.

#### **European Commission Recommendation on The Dignity of Women and Men at Work**

Working at a garment industry for some women is a sensible choice. Garment industry is often associated with the abundant number of female workers. In general, at least 80% of garment sector's workforce is female. In other words, female workers can be considered as the main key to the ongoing garment business. Nevertheless, becoming the majority of workforce does not necessarily mean that these women workers receive a decent and respectful treatment. Sexual harassment at work is a haunting phenomenon for many women garment workers.

The pervasiveness of sexual harassment in the workplace makes some women garment workers assume that it is an ordinary, common thing to happen. How could they accept and tolerate harassment? Has sexual harassment taken away the power of women workers? Or is the powerlessness of women workers so strong that fighting against sexual harassment becomes impossible for them?

It is never easy to do studies on sexual harassment considering the nature of it which deals with a private matter and sensitive; therefore, the informant cannot so easily share their experience. Even, the Better Work Indonesia (2014) study of 67 Jabodetabek garment companies could only find sexual harassment in 18 garment companies. This result probably illustrates the reality of the number of reports of sexual harassment occurrences in every company.

However, has any reported sexual harassment

been reported? Sexual harassment in the workplace, which is certainly done by a known or recognizable person, is less likely to be reported than if the offender is a stranger (MCASA, 2014). Reporting offenders is an option after a sense of security and trust is successfully attained by the victim (Adefolalu, 2014).

The reality of sexual harassment towards women workers is the main topic to be presented in this chapter. Specifically, there are three problems in relation to sexual harassment towards women workers which will be discussed respectively in this chapter. They are as follows:

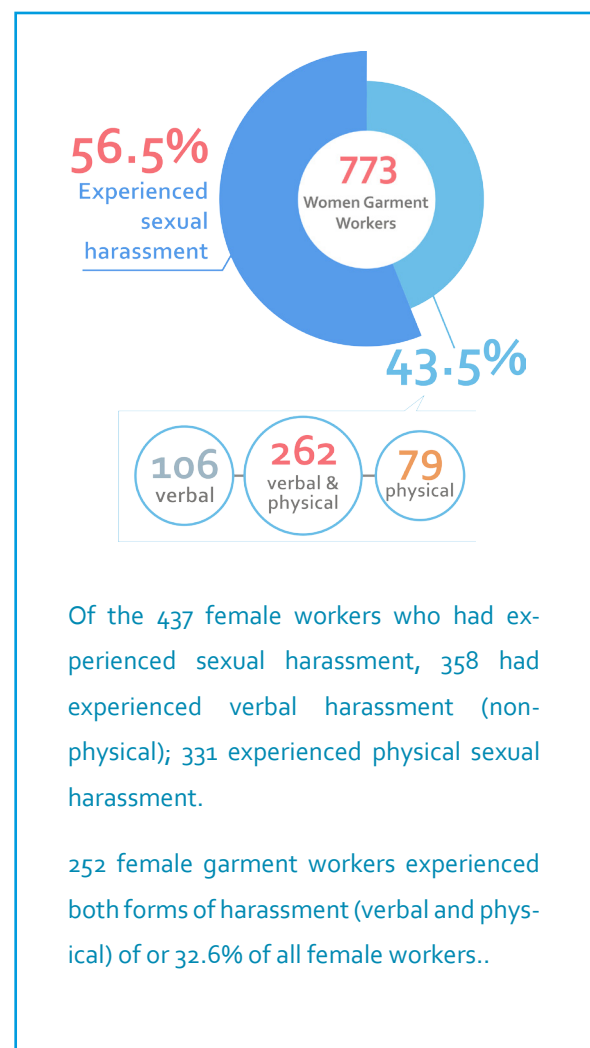
### Women Garment Workers' Problems

- How high is the prevalence of sexual harassment in the workplace against female garment workers?
- What are the characteristics of sexual harassment experienced by female garment workers?
- How does a female garment worker deal with sexual harassment?

### A. THE REALITY OF SEXUAL HARASSMENT TOWARDS WOMEN GARMENT WORKERS

Referring to the recommendations of the European Commission (2011), the harassment experienced by female garment workers has not fully revealed sexual harassment at work, which also includes job-related and decision-making behaviour. However, in the perspective of sexual harassment as a form of blatantly direct behaviour, this study found astounding findings of 437 female workers who had been sexually abused, or 56.5% of the female garment workers interviewed were victims of sexual harassment.

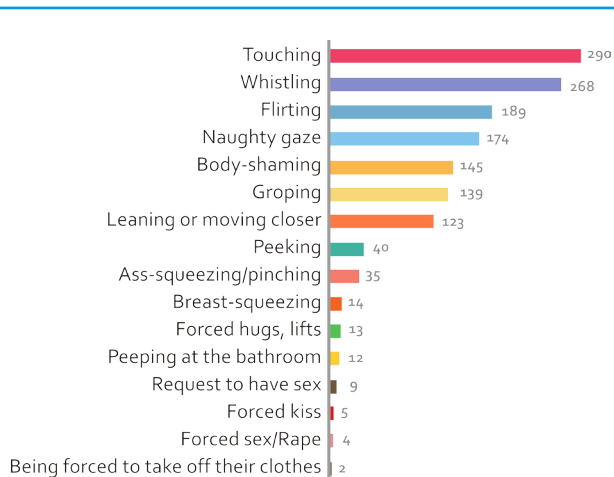
The form of direct sexual harassment in this study is categorised into two types, namely physical and non-physical sexual harassment. Physical abuse is a physical act that also includes the physical interaction between the offender and the victim. Non-physical harassment refers to verbal statements expressed to the victim, or behaviours directed to the victim without any physical contact or touch.



### 3.1. Sexual harassments towards women garment workers

Sexual harassment experienced by women garment workers at KBN Cakung turned out to happen in various forms, from the simplest forms such as whistling (catcalling) to sexual coercion. Initially the occurrences of non-physical harassment were thought to be more often than the number of physical harassment. However, the number of physical harassment was then found to be equally prominent.

The most common form of abuse is “touching,” by intentionally touches or holds the victim’s body parts, such as hands, arms, hair or back. The existing closer ties, a statement of concern, and a joke are often used by an offender to conceal this form of abuse.



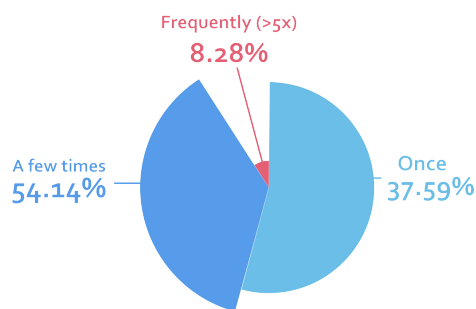
### Forms of sexual harassments

*A female garment worker does not only experience one kind of harassment, but she can also experience various kinds of it. A more intense sexual harassment usually happens when the victim has been touched or seduced previously.*

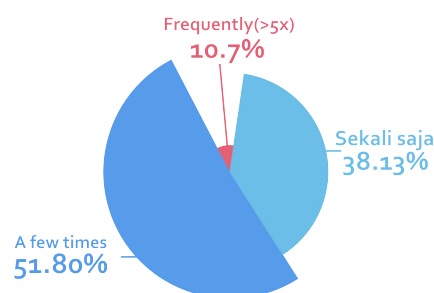
### 3.2. Forms of sexual harassments

The high threat to a female worker’s body is represented in groping and pinning or leaning closer.

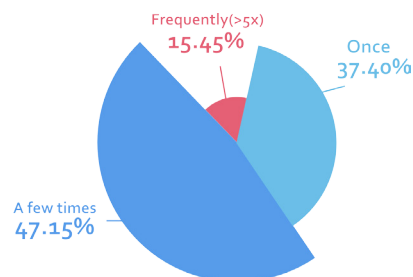
### How Often Is Harassment Experienced?



290 workers have experienced unwanted touch.



139 workers have experienced a form of groping.



*Being cornered by the perp or having the perp lean his body closer is the most common and frequent type of sexual harassment for the female garment workers. 19 of 123 victims who have experienced this type of harassment confessed that they often had it. “Often” in this context means the incident has occurred for more than five times..*

### 3.3. How Often Is Harassments Experienced?

## LET'S HAVE A DATE ...

A date, for women garment workers is more complex than most people can imagine. A date request, especially from superiors, is often sexually oriented. When the request or invitation is rejected by the workers, the direct negative consequences shall be immediately faced. The threat of getting termination of the contract is often used as an effective trick by the supervisors to force the women workers accepting the date.



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Like many other young workers, Jm makes a living since she was 17 years old at KBN Cakung by working as a sewing operator. In seven years of work, Jm has five times moved to different companies because of the expired contract or the closing down of companies. As a young woman, Jm attracts a lot of men's attention including his boss.

Jm shares that her former manager (personnel) once approached her with enthusiasm. He started with an invitation to eat out. Then, it became an invitation to go on a date. After that, it became an invitation to spend a night together which was then rejected by Jm. The invitation included a lucrative offer such as an advanced contract and a higher position than her current position (Jm was a sewing operator). In everyday life at work, the manager often takes advantage of work positions to be able to "touch and tease" Jm ...

Unfortunately for Jm, the offer and the lure turned into a threat when she refused a "further" date request from the personnel. Jm's rejection resulted in the anger of the personnel. Jm's decision to reject her manager's offer made her cornered and forced to resign or having her contract terminated.

Feeling incapable of fighting, Jm who is not affiliated with any union, is forced to accept and get over this. Now Jm returns to work as a sewing operator in a different company but it is still in KBN Cakung

**JM, 24 YEARS OLD, KBN CAKUNG**



## B. PERPETRATORS AND ATTITUDES TOWARDS SEXUAL HARASSMENT

Sexual harassment in the workplace involves not only one party or a particular person but it might also include different kinds of people with different positions. The perpetrator of sexual harassment may be female garment workers own coworkers, superiors, workers from other divisions or even people around the workplace (factory) such as security or parking attendants.

In the context of garment workers, the largest portion of work is done by the sewing machine operators. The smooth operation of the operators is determined by machines that work well. Thus, a machine (let alone the old ones) certainly has its own technical constraints. When

the machine is constrained, the presence of mechanics or technicians seems to be a lifesaver for the machine operators. As a result, workers of machine operators (cutting, sewing, and ironing) have high dependence on mechanics.

The operator's dependency scheme on machines and mechanics is further strengthened with very tight job targets (per 25 minutes or 30 minutes), as well as additional work sanctions that is, unpaid overtime. Since almost all mechanics are male and machine operators are mostly women, the nature of this dependence can be translated as "relational vulnerability" which includes the subordinate status of women in the hierarchy of power and the possibility of sexual harassment (Kabeer, 2014).

### According to the female workers' confessions as victims of sexual harassment, harassers are mainly people in the workplace (factory). Who are they?

Mechanic	199 (45,53%)
Operator	179 (40,96%)
Chief	98 (22,42%)
Security and parking attendant	35 (8,01%)
Bosses and HRD/Personnels	4 (0,91%)
Others	77 (17,62%)

Others mean other perpetrators such as bike driver, warehouse staff, any strange worker, unknown worker from other factories/companies or the locals.

### How many sexual harassers are there at work?

The existing sexual harasser(s) does/do not always refer to certain people; unsafe and unfair environment may allow or enable another harasser.

Only one perpetrator	250 (57,2%)
More than one perpetrator	158 (36,2%)
More than five perpetrators	29 (6,6%)

## 3.4. Sexual Harassment Perpetrators

Besides mechanics, 40.96% of women garment workers experience sexual harassment from their fellow male garment operators. It means that the nature of dependence of work relations turned out not to be a single factor. Although female workers dominate the existing labour force, the level of abuse by fellow male operators is still high. It signifies the weak bargaining position and capacity of women garment workers in their work space. Thus, it is arguable that gender equality is weak in the garment industry context.

The limited gender equality in workplace can be seen from the low number of harassment report. This is supported by the finding that only 26 harassment victims (5.95%) of 437 women workers reported the incident. The most commonly used abuse reporting mechanisms are the company's suggestion box, or report directly to the boss or the management.



The study found that female workers can report any abuse they experience in at least four ways namely the suggestion box, superiors/managers, trade union and other. The most commonly used mechanism is suggestion box.

The suggestion box turned out to be the primary choice of the victims of sexual harassment in the workplace. It is considered less risky and more accessible for workers\*

This study found that only 26 (5.95%) of 437 women workers who have been harassed, reported the case. Then, why did not most of the victims (94.05%) report the sexual harassment they experienced? Or, why did not some victims (52.2%) tell the story of harassment experienced

to others? Here are the reasons put forward by women workers who have been sexually harassed;

**Shame.** They felt reluctant to report for they were ashamed of the incident and did not want others to know what happened. To feel a sense of shame is associated with the normative concept of women's pride and being ideal, and the concept of "disgrace" that deserves to be hidden.

**The common assumption that it is "normal" and "not serious."** Forms of "mild" sexual harassment are common and normalized including friendship. Thus, there was the tendency to tolerate the harassment even though the victim was annoyed. This common perception on sexual harassment emerged from the assumption that sexual harassment occurs because of "the victim's fault," for example because the victim is flirtatious in the workplace. 320 (42.4%) female workers stated that they perceive the sexual harassment as a natural consequence of the attitudes and behaviors of women workers in their workplaces.

**Fear and worry** It is the fear of and worry about getting threatened by the perpetrator; or worrying about raising social attention (becoming the topic of talk or even scornful attitude); or fear of reporting sexual harassment that may cause any threat to the continuation of her job contract.

**The lack of information and access.** Victims stated that harassment is not something to report. Some even feel that they could "handle it by themselves." The victims also said that they did not know about where to report and the procedure to report it. The participants' answers are in line with the fact that there is the lack of protection and advocacy of victims of sexual harassment in companies operating in KBN Cakung.

### It is taken simply as the risk of having the job.

There are two prominent features in this category: harassment is understood as a punishment for failing to reach a work target, and harassment is a risk when they had to encounter a

superior or a leader. The study found 23 (5.3%) victims of harassment considered the misbehavior of the boss or boss' misconduct to female workers as normal. The occurrence of sexual harassment is considered as part of working as a garment worker.

## A WORKER REVEALS HER FEAR

Fr has worked at four companies during her seven years working at KBN Cakung. As a young woman who plunged into the garment world as a teenager, she found that not only do garment sewing workers have to deal with sharp needles but they also have to cope with machine noises and tight targets. On top of that, sexual harassment is the most dreaded thing.

Whistling, naughty gaze, peeping behavior or sexual seduction were types of harassment that Fr has experienced. Moreover, Fr stated that she often suffered physical harassment. For example, her body was touched and pinched more than five times, including being groped while in work. Once she had to face the perpetrator who suddenly hugged and squeezed her butt, maybe because of fondness, but Fr clearly objected this action.

Fr could only shout and express her anger. However her anger was not enough to make her dare to report. The perpetrator, who claimed to like FR, turned out to be her chief/supervisor. Thus, he was Fr's superior. Reporting his misconduct to the authority can risk Fr her current job contract. Fr expressed fear for not having a renewed contract if she made her superior angry. Besides her superiors, the mechanics also had harassed her. For her, it is impossible to report some of the actors, who obviously have an important role in the company. Although the company has already announced prohibitions and warnings against sexual harassment in the workplace, the perpetrators still ignore them. Sexual harassment still persists.

At the moment, Fr is waiting for good news or an appointment letter to become a permanent employee. Being a permanent employee will allow FR to stop worrying about the expiration of the contract period as well as to have hopes that she can develop her courage to fight against sexual harassment.

**Fr, 25 years old, Kaho Indah**

Significant findings of the study was that there were still many victims who did not acknowledge that discomforting and disrespectful conducts they had received were sexual harassments (e.g. flirting, whistling, touching). This result is in line with other facts that they are lacking exposure to information and knowledge regarding sexual harassment in their workplaces.

#### Do female workers obtain information on sexual harassment from the company?

Yes, they do obtain it	53	12,12%
No, they don't obtain such information / They don't know	384	87,87%

#### What should workers do when receiving harassment from other workers, Does the company have a mechanism for handling sexual harassment in the workplace?

Yes, there is	49	11,21%
They don't know	388	88,78%

### 3.5. Information on Sexual Harassment

## C. THE FETTERED VICTIMS AND THE PERPETRATORS WHO ROAM FREELY

By scrutinizing some variables on women workers such as age, length of employment at KBN Cakung, current employment status, this study found that the victims of the sexual harassment have various profiles. Although there is a significant correlation between the victims' profiles and their sexual harassment experience, the combination of those factors could only reach 61.1% of accuracy (Nagelkelke R Square = 0,058).

The level of significance of the correlation indicates how small the influence of personal

variables from the women garment workers is towards the potential of sexual harassment. In other words, the main factor that influences sexual harassment cannot be explained by personal variables of garment workers

Victimized Workers By Age	Experienced Harassment
17 - 20 years	22
21 - 30 years	160
31 - 40 years	215
41 - 50 years	40
<b>TOTAL</b>	<b>437</b>

Length of Employment at KBN Cakung	Experienced Harassment
Less than a year	13
1 - 3 years	71
4 - 6 years	76
7 - 10 years	109
More than 10 years	168
<b>TOTAL</b>	<b>437</b>

Employment Status	Experienced Harassment
Daily casual worker	5
By temporary project	16
By short-term contract	289
Permanent employment	127
<b>TOTAL NUMBER</b>	<b>437</b>

### 3.6 Characteristics of Sexual Harassment's Victims

The frequent occurrence of sexual harassment in every category of women workers leads us to a conclusion on unsafe and hostile workplaces. Sexual harassment is an emerging phenomenon in such a particular situation which has no relevance to the profile of the victim female workers. As an illustration, a permanent female worker who has been working for more than a

decade can still experience sexual harassment. The workers who have experiences sexual harassment cannot be categorized into variables

such as age, employment status, length of employment, and even involvement in trade union.

### EVERYBODY CAN BE A VICTIM

Having a certain length of work and particular position does not guarantee a female worker any protection from sexual harassment. Sn, a worker who has worked in one garment company for ten years claimed that fact.

As an experienced worker who was mature or no longer young anymore (41 years old), Sn still had to deal with a mechanic in her workplace who did unwanted touching for several times and even groped her body. Of course this behavior made Sn angry and fought him (also shouted at him), but apparently Sn hesitated to report the perpetrator out of shame. For her, the social burden of shame was more worrying than having to deal with her harasser, that is, dealing with a single perpetrator. Moreover, Sn did not know any information about the procedure of handling sexual harassment at company where she works.

A similar experience was also shared by Rw, a 40-year-old permanent staff whose position was a chief. She chose not to report the behavior of some mechanics in her workplace that had more than once touched and groped her body. The harsh attitude of the manager, who sometimes snarled and scolded her in front of the operators, made her felt reluctant to report his abuse. As a chief, Rw was also not knowledgeable of the procedures for handling sexual harassment in her workplace.

### EVERYBODY CAN BE A VICTIM

Employment Status	TOTAL	VICTIM	%
Chief	9	4	44,44%
Staff	2	2	10,00%
Admin	6	3	50,00%
Operator	747	423	56.63%
Cleaning service	4	2	50,00%
Security	4	3	75,00%
Operator	TOTAL	VICTIM	%
Sampling	13	7	53,85%
Cutting	35	24	68,57%
Sewing	497	270	54,33%
Helper	32	20	62,50%
QC	63	39	61,90%
Ironing	17	11	64,71%
Packing	22	14	63,64%
Finishing	36	20	55,56%
Others	32	18	56,25%
Total	747	423	56,63%

3.7. Sexual Harassment Experienced by Women Garment Workers.

## RISK OF HELPING THE OTHER WORKERS WHO BECOME THE VICTIMS?

Will the female garment workers assist other workers who are also sexually harassed? Almost all respondents stated their willingness (96.1%) to help victims, but this willingness coincided with the rising concerns.

417 women workers (56.12%) said they were worried about helping other workers who were sexually harassed

### What to worry about?

42,27%	<b>MY PERPETRATOR(S)</b> Most feared, angry or offended perpetrators are just as risky as sexual harassment itself, or even more.
30,37%	<b>THEIR OWN SAFETY</b> Helping co-workers who are harassed, is considered to increase the potential of being subjected to harassment.
6,52%	<b>JOB-RELATED &amp; SOCIAL RISK</b> Concerns about the arising job risks such as being scolded by superiors, or even being dropped out from job contracts, as well as social risks of being hated and receiving hostility from co-workers.
4,35%	<b>VICTIMS</b> Personal assistance to victims is feared to make the matter becomes worse for their well-beings.
14,49%	<b>OTHER WORRIES /PRECAUTIONS</b>

The findings of this research (as discussed above) were as an empirical ground to define and reconstruct positions and roles of three parties: workplace (the company, its authority, and the union), the perpetrator, and the victim of sexual harassment. The construction is explained below:

1. Victim of harassment: they are not just receiving demeaning, upsetting, and undignified treatment, but also ought to deal with the continuing threat and fear. This sort of experience pushed a novel awareness in seeing sexual harassment as something ordinary or "normal", inevitable, but risky to complain about.
2. Perpetrator(s): They roam freely, are being feared but are not resistable. There is a

wide-open space for them to harass female workers sexually. Many harassment cases that were unreported or were not followed up made them able to be free any sanction. On top of that it provides them an opportunity to develop negative habits in the workplace.

3. Workplace: The workplace become a place for sexual harassment due to several factors: negligence from the company authority regarding harassment case; the absence of mechanism in handling sexual harassment cases; and the lack of intervention from the trade union. In other word these factors have allowed the growing misconduct such as sexual harassment in the workplace and let it develop into a site of sexual harassment.

## VIOLENCE AT WORK

The harshness of women's garment laborers is exposed by the fact that they face sexual harassment as violence in the workplace by superiors or bosses and it happens in the daily lives of the workers, 356 (81.5%) of 437 women harassment victims had received verbal or physical violence from their superiors or bosses at work.

Being scolded in front of other workers	510 (66%)
Being shouted at	441 (57,1%)
Receiving condescending curses	316 (40,9%)
Thumped table	245 (31,7%)
Being thrown by some stuffs	60 (7,8%)
Physical punishment (standing for hours)	23 (3%)
Being beaten/ slapped	3 (0,4%)

Chiefs/overseers are most commonly referred to as the verbal abuser (got angry, snapped, cursed), mainly due to unattainable targets or unacceptable work results. When the target is set very high, such as when the holiday falls, the verbal violence becomes chief's effective way to pressure the workers (operators). When the workers were considered to be unable to attain the target, they had to cope with the chiefs' rage and screams while doing their compulsory overtime.

Some companies at KBN Cakung have actually adopted a more humanist approach by banning inspectors from scolding and even acting violently against the workers in pursuit of targets. However, not all companies implement this approach, and not all chiefs are willing to follow the approach. There are at least 222 women workers (28.7%) who expressed a positive impression about their workplaces. They can work without experiencing verbal or physical violence from chiefs and bosses.

*"The thumped table is like our staple food ..."*  
Sm, 34 years old, KBN Cakung



# CHAPTER 04

## WOMEN WORKERS' MATERNAL RIGHTS



Workers are prohibited to get pregnant

## A. MATERNAL RIGHTS' PROTECTION

The quote above is a well-understood expression amongst women garment workers at KBN Cakung. Getting pregnant likely means losing the opportunity to an extended, renewed job contract. Even pregnancy can be the reason to push a worker to quit working and declare her resignation.

Certainly, when pregnancy of a female worker is unexpected by the employer, then how would the employer treat the nursing worker becomes a big question. Would she get a nursing break as stated by the law? Could she play her role as a mother by expressing her breast milk or nursing her baby exclusively by giving her breast milk for six months ("ASI eksklusif") while at work?

Not granting the worker's rights is often stated as compulsion in the name of efficiency, productivity, and even financial incapability. Things get even more complicated for women workers when the employers still think that a pregnant woman is incapable of working properly. This brings about a particular contradiction when

in fact the garment industry expects and relies heavily on women as its major workforce. However, at the same time the industry ignores women workers' particular rights to be able to work when they are pregnant; to quit working for a while when they are about to give birth and some time after that, in other words to be given maternity leave; and to be able to nurse or express their breast milk in the workplace.

A female worker, apart from her status of employment, has the right to get protection in terms of getting a sense of safe and secure feelings in practicing their basic rights as well as having the right to be free from unfair, discriminatory treatments (Constitution, Chapter X on Human Rights, Article 28A). Thus, a female worker has fully the right to work as well as practicing her maternal role without any exception.

## MATERNITY PROTECTION FOR WORKING WOMEN

1. All female workers whether married or unmarried including those who do not have permanent employment status (casual workers).
2. It is no less than 14 weeks, with a compulsory 6 weeks leave after child birth.
3. Fully paid leave during maternity leave.
4. Maximum maternity protection towards a lay-off done during pregnancy, maternity leave, and nursing period upon worker's return to work.
5. The right to go back to work to (equally) the same job, wage, working condition, and employment status.
6. The right to have a nursing break at least once (more if necessary) a day.
7. The right to get less working hours on a daily basis for the purpose of breastfeeding, rest, yet also gets full pay.

*ILO Convention No 183, Recommendation No 191*

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The common knowledge of workers is that maternal rights lie solely on the maternity leave for giving birth purpose, while it ought to start when the worker is heavily pregnant, giving birth, until nursing the baby after the childbirth. In other words, when a female worker is pregnant, she still has all the rights as a worker including the right to work and get protection. The expected protection is stated in the regulation concerning the requirement to provide safety in their working environment, together with receiving things that can prevent job-related accident. In this

case, it concerns with the female worker's safety and well-being (health). Before the estimated day of her childbirth, she has the right to get her maternity leave. Maternity leave is a paid leave that lasts for at least 3 months. At this critical moment, female worker has the right to prepare herself for the labour and also enough rest without worrying about the loss of family income or about how to provide for the newborn and cope with all the baby's needs.

## MATERNITY PROTECTION OF WORKING WOMEN

### 1. Articles 5 & 6

Every worker has equal opportunity without discrimination to obtain employment, and equal treatment without discrimination.

### 2. Article 76

The company is prohibited from employing pregnant women workers who, according to the doctor's information, are harmful to the health and safety of her womb or herself (...).

### 3. Article 82

Female workers are entitled to rest for 1.5 (one half) months before childbirth and 1.5 (one half) months after delivery

Female workers who have a miscarriage are eligible for a 1.5 (one and a half) month rest.

### 4. Article 83

A female worker whose child is still suckling should be given the proper opportunity to breastfeed her child if it should be done during the work hours.

### 5. Article 84

Any worker who exercises the right to a period of rest as referred to in Article 79 paragraph (2) letter b, c and d, Article 80 and Article 82 shall be entitled to full wages.

### 6. Article 93

(...) the employer is obliged to pay wages if: (...) the worker does not come to work because the worker marries, circumcises, baptizes his child, wife gives birth or miscarriage (...).

### 7. Article 153

The Company is prohibited from terminating employment of workers on the grounds of: (...) e. Female workers / labourers are pregnant, give birth, fall pregnant, or breastfeed their babies

Labour Law no 13 of 2013 on Employment

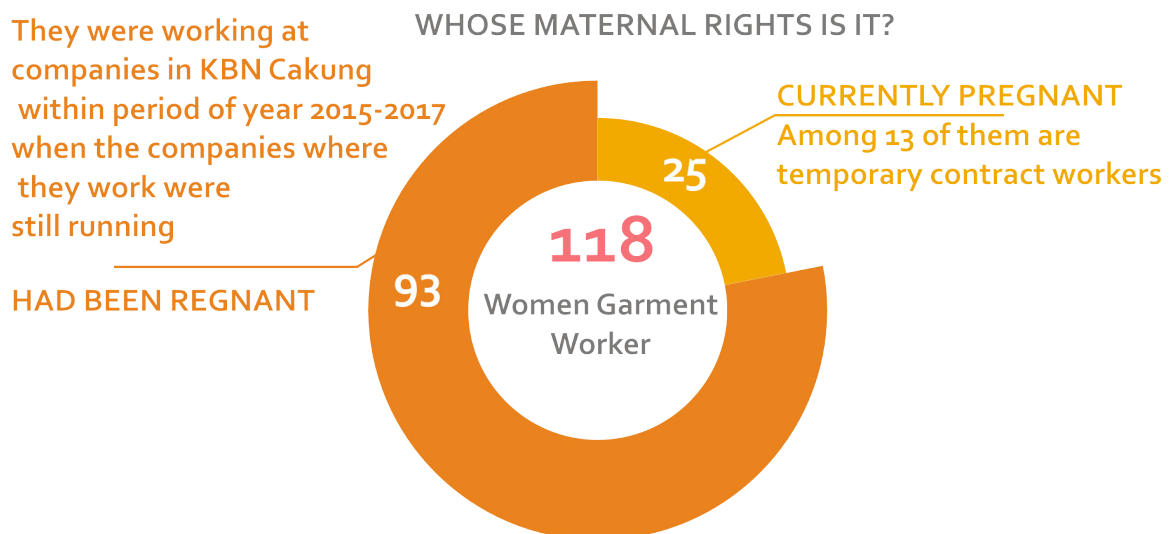
A common phenomenon among women workers during their post-maternity leave is sending their child to the grand parents back in the hometown. This is caused by, among other reasons, the limitation of maternal rights: limited maternity benefits or facilities such as the absence of lactation room at work, limited nursing break, and also limited time to look after their children. Even if the lactation room facility is available, due to the high target (demanding workload) working mothers prefer to not using the lactation room. Therefore, a question on how well do women workers know about their maternal rights should be voiced loudly. **It is ignorance that has caused negligence to women workers' maternity protection.**

Maternity protection for women workers lies on two main things: creating protection to the health of both mother and her child and providing equal opportunity and treatment for female workers to remain in employment with exactly the same wage fully paid to her during the phase of practising her maternal rights (ILO, 2012). In

addition, in this study the matter of maternal rights is categorized based on maternal stages; during pregnancy, delivery (childbirth), and nursing period.

## B. PREGNANCY PERIOD: EXPECTING A BABY

Study on maternal rights during pregnancy period is merely based on the existing actuality of whether or not there is a garment worker who is currently pregnant. Also, it is from female workers' experiences in the past years when they were pregnant. Their experiences of being pregnant workers is specifically limited to KBN Cakung female workers' pregnancy occurring in 2015-2017. This limitation aims to record factual information as well as real experiences so that it truly represents actual condition of maternity protection in KBN Cakung and then becomes the foundation of advocacy that can be used to follow-up cases faced by women workers who work in the companies which are still operating.



4.1. Maternal Rights of 118 women garment workers

Pregnancy makes most women act very carefully towards any physical activities and even deliberately reduce their activities for the sake of the foetus' health. Yet, for the garment workers, their vulnerable condition during pregnancy cannot be easily compromised with the economic pressure and hostility of the company. This study found that the following phenomena happened to women garment workers when they got pregnant and worked at KBN Cakung:

### 1. Concealing Pregnancy

The fact that the majority of garment workers in KBN Cakung is temporary contract workers resulted in such a high uncertainty (and such a bleak future) for them. Thus, answering question on the future of their job at the current company is almost impossible for the workers. It is recorded that there are 177 (22.9%) female workers who have worked for more than a decade but still have not been granted a permanent employment. It means that they will continue to be on the temporary employment status.

In the chain of uncertainty of their employment status, these workers do any efforts to keep their jobs and get income. This study found that there is the phenomenon of concealing pregnancy among some workers. A pregnant worker deliberately does not inform her pregnancy to her superior in the company until she is heavily pregnant and she can no longer conceal her condition. The reasons for having this behaviour are as follows:

- a. Informing their pregnancy at an earlier time can cause the worker to lose the opportunity to get a renewed or extended contract. It means that they may not be able to continue to work.
- b. If an early pregnancy is known, then this would mean getting a shorter term of contract.

Pregnant female workers who are on their early pregnancy would only get a 3 month contract. This contract would surely end before the childbirth.

- c. Paid menstrual leave has been modified into paying a period compensation. Being pregnant means losing this monthly compensation.

The result of this study showed that there are four pregnant workers who conceal their pregnancy because of the above reasons. Consequently, the pregnant laborers still have to perform work like other workers (who are not pregnant), without having any special ease or attention. Instead of being paid special attention, these pregnant workers must withstand pain, stomachache, and the need to urinate (more often) to appear reasonable in the eyes of the supervisor.

The attitude of concealing the pregnancy itself also poses a risk when eventually the company knows the pregnancy of a worker. The risk is implied in the form of an encouragement to resign for not being able to meet the target of workday as expected by the company. An offer to resign to the pregnant worker is usually complemented with the lure of getting the chance to return to work after giving birth. The resignation of pregnant workers frees the company from its responsibility for paying the worker for the remaining period of work mentioned in the contract. Thus, pregnant workers only get wages for the number of working days she had done before she started her resignation.

### 2. Pressures and Threats in The Workplace

Pregnant workers should get some ease at work, especially from activities or situations that could have a negative impact on pregnant worker's and her foetus' health. In fact, the results of this study found that the majority (60%) of pregnant

workers (currently and in recent years) did not find any change in daily workload. It means that their burden of workload and work target were the same as for other non-pregnant workers.

As an illustration, currently the operator of sewing division in some companies in KBN Cakung ought to face target within the span of 20-30 minutes (admitted by 40% operator sewing). Having a target within a shorter time does not mean increased opportunities for having a break or pause. It actually increases the chaos and hectic situation of work to the workers because they are required to be consistent in a very fast working tempo.

For pregnant workers, this target model is certainly very difficult for two reasons. First, when sitting down, a pregnant worker is easier to feel aches and fatigues than those who are not pregnant. Secondly, since they are pregnant, they need to urinate more often; hence, they need to go to the toilet, which is not necessarily close and easy to reach from their seats. As a result, pregnant workers would find it more difficult to reach the target. Consequently, it would bring the negative consequences from the employer or company.

This study found three (3) phenomena that directly cause high physical and psychological stress of pregnant workers, namely:

#### a. Compulsory Overtime

Overtime should ideally not be a liability for workers, especially for pregnant workers. However, in reality, some pregnant workers are still exposed to compulsory overtime (25.4%), at least one hour after work hours. Compulsory overtime is more often expressed verbally by supervisors or superiors, by forbidding workers who are about to leave.

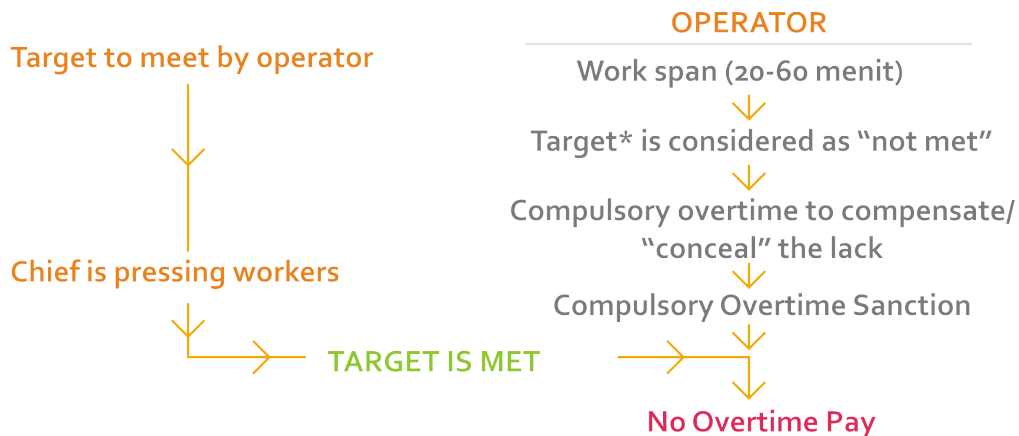
#### YES, MUST DO OVERTIME WORK 30 25,4%

In a target-oriented work atmosphere, a worker is required to complete her daily targets. If the target has not been reached, then the worker will be required to increase the work time to complete his target. This phenomenon is familiarly termed "score" by the workers. This is a sanction system that does not exclude pregnant workers. Sadly, the so-called obligation to complete targets in this system is not counted as overtime. This compulsory overtime sanction phenomenon contains two problems at once: firstly, it coerced work outside the working time limit (8 hours) without any value added calculation (overtime). Secondly, it forced excessive labour that could increase the risk in terms of health and safety of the worker and the foetus she carries.



## UNPAID , COMPULSORY OVERTIME AS SANCTION

A very familiar daily phenomenon of garment operators is the sanction of compulsory overtime. It happened when the daily target is unmet. However, in reality this is not case. This sanction could be imposed upon many workers at once without them knowing exactly about their lacks (if there is any) but immediately confronted with an at least one-hour compulsory overtime.



As an example, a sewing operator is assigned to finish 20 pairs of sleeves in 20 minutes as her target. It means that she must have finished sewing 480 pairs of sleeves per day.

### 4.2. Compulsory Overtime

#### b. The Chief's Attitude

It is often that the company policy is collided with the urgent target imposed on workers. In this case, the chief's role in imposing company's interest is in antagonism with the majority of operators' interest.

This study discovered that some pregnant workers who were hindered as they wanted to use their break time or access facilities such as chair. Their request was rejected by their chief who frequently happened to be a woman. Calling their chief/supervisor/overseer as "furious, demanding, difficult" is a generic statement to describe the sort

of chief who abandons the worker's interest and need.

The sort of hostile and negligent attitudes from several chiefs have caused the increasing risk of physical fatigue, muscle pain, and even miscarriage.

The same question which constantly comes up is "why does the chief, who is in fact also a worker, neglect the other workers and not stand with the pregnant operators?"

## A WORKER'S STORY: EXPERIENCING MISCARRIAGE

Hi lost her first child when she worked as garment worker in one of companies in KBN Cakung. At that time, she got instruction from her chief to get stuffs from the laundry room, a particular room in which various chemicals to clean clothes were stored before they were packed. This instruction was commanded though the chief knew that she was heavily pregnant (7.7 month). Inside the laundry room which contained lots of chemical substance, Hi was ordered to get half sack of laundry. Although she did mind to do this, she had to follow and do the order.

In less than 12 hours after that, her water broke and in less than 24 hours her child was born. Sadly, her premature delivery caused a defect in her baby's lungs; thus, her baby could only survive for four hours.

A child's loss was not the only problem she had to face. She also had to accept her 3 months-contract that had come to an end. Instead of getting the right to continue to work and also to have a miscarriage leave, she just got her minimum wage and remaining 17 days of her contract. Unfortunately, her husband who stayed by her side during that difficult time was also fired from his job during training period. The company's reason was that a worker in training should not have requested a permission to be absent from job including when their wife should give birth.

Hi spent time to rest and regain her self-recovery for three months without any benefit from the company. She eventually was coming back to seek another job as a garment worker at another company in KBN Cakung.

Hi, 24 years old,  
has worked at companies in KBN Cakung for 3 years and has moved jobs five times.

The same question which constantly comes up is **"why does the chief, who is in fact also a worker, neglect the other workers and not stand with the pregnant operators?"**

### c. The Limited Facilities

A pregnant worker needs a special treatment or particular facility to assist her in doing her job and maintaining her health. However, pregnant workers do not get the special attention they need, or a particular facility that can assist them at work. They do not even receive a chair as the most modest form of facility.. The existence of chairs can actually represent how the company treats pregnant

workers. On the other hand, the absence of chairs becomes the evidence of the non-existing particular treatment to pregnant workers e.g. to helper operators who must be active to run errands, step on stairs, or just standing by. For a job position like a helper and QC (quality control), chairs (or a place to sit) are provided only when they desperately need it when they are heavily pregnant, and this too should be requested personally by the pregnant worker herself (upon personal request).

On the other hand, for the pregnant sewing operators who always sit all day long while

working becomes another problem. The problem started to take place when they are in the end of second trimester of their pregnancy. Stealing an opportunity to be able to squat or straighten their legs by sitting on the floor when the chief is not around watching

over them is frequently done by workers. The workers' fatigue is due to the absence of facility i.e., special chair for pregnant workers which would make them convenient and healthily supported.

#### HOW THE COMPANIES TREAT PREGNANT WORKERS

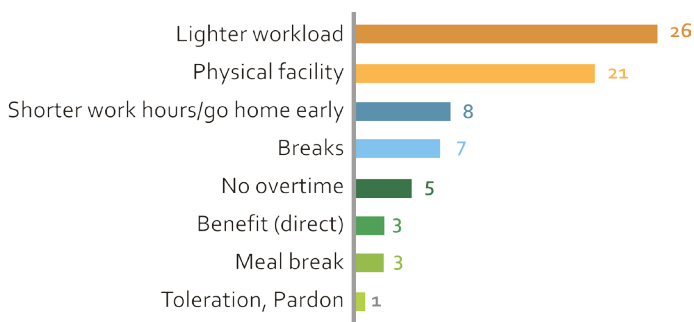
From 118 workers who are currently pregnant as well as had been pregnant, it is found that some of them could get special attention and positive treatment from the company where they work. However, the number of pregnant workers who must work just like the other workers is also quite high..

**74** Obtained a special treatment

**44** Treated exactly the same way with other non-pregnant workers

The most significant change felt by pregnant workers was a lighter or easier workload; in this case concerning the less demanding or lower production target, or a more flexibility on the target (when it fails to be attained), even no duty to pursue the daily production target. The most accessible facility obtained by the workers is the chairs. Even though it was just an "ordinary" chair but this facility is very useful to pregnant workers. Other facilities obtained in the workplace were fan and a special toilet.

Going home early in this study does not mean not doing compulsory overtime, but then there is a particular time limit (max. one hour) or a chance to go home earlier compared to this maximum time limit. It should be underlined that going home "early" means earlier compared to the other (non-pregnant) workers.



#### 4.3. Pregnant Workers Facts at Kbn Cakung

### 3. Regular check on pregnancy? –Possibly done only on holiday

Protecting the safety and health of the pregnant workers and their foetus could only be realized through a series of systematic medical examination and regular health check. Then, how flexible can those pregnant workers have a routine check? Explicitly, the employment law does not explain about the medical check leave/permission for pregnant workers and it also forbids pregnant workers to work when they feel it can threaten their safety and well-being of her foetus. However, this study reveals quite many workers expressed the zero chance to request permission in order to check their health.

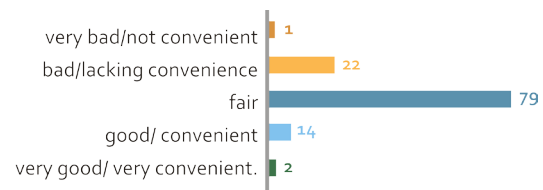
Not getting the permission	42	35.6%
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#### Obstacle that hinders medical check on pregnancy

The meaning of there is no permission given to pregnant workers while they are at work is concluded from their experiences dealing with and requesting this to their chief/overseer, superior, or HRD personnel. It reflects prohibition, or fixed rules from companies which have refused to give any permission or maternity leave to pregnant workers. The high urgency of production target for the chief or superior becomes the backdrop of permission's refusal or wrong socialization on medical check leave. The impact of this on pregnant workers is that they could only have themselves checked on holidays (during weekend: on Saturday or Sunday) so that they did not get a wage cut.

Then, how about the perception of workplace (factories) to pregnant workers? Perception or

subjective evaluation on their workplace (factories) reflects whether or not there is inconvenience while working during pregnancy, a chance to pause or have a (more) break, special attention from the superior, a sense of security for feeling free from any possible threats to themselves or foetus. The perception is classified into five categories: very bad/not convenient, bad/lacking convenience, fair, good/ convenient, very good/ very convenient.



#### 4.4. Pregnant Workers' Perception Toward Workplace

Majority of pregnant workers explained that their workplaces are under the category of being FAIR. It means that there are still inconvenient conditions that can be tolerated and some other things that can still be accepted. Overall, as many as 13.6% of (had been) pregnant workers think that their workplaces are not comfortable, dangerous, and hostile to their pregnancies. Meanwhile, there are 19.5% of workers who think that their workplaces are quite adequately equipped and considered decent for pregnant workers to work there, which indicates that they receive safe and comfortable conditions

## PREGNANT WORKERS' WORRY

Various particular situations within the KBN Cakung trigger worrisome problems to pregnant workers. Some workers who are currently pregnant (55.08%) stated their worries about negative impacts of their jobs to their pregnancies. Heavy workload and hostile working condition are mentioned as the source of their worries.

Pregnant workers' worrisome problems while at work	n	%
Abnormal conditions (incl. miscarriage)	59	50%
Pain and fatigue	6	5,08%
	65	55,08%

For pregnant workers, several physical obstacles that are felt as hindrance to them while at work are:

Physical obstacles of pregnant workers while at work	
Nausea, dizziness, vomiting	Limited motions
Frequent urination	Swollen feet
Fatigue	Sores on the waist

## C. GIVING BIRTH

### 1. Maternity Leave

The table below presents the finding of this study concerning 93 women workers who was pregnant within the year 2015-2017 and actively worked in companies in KBN Cakung.

Category	n	%
<b>Total number of respondents</b>	<b>773</b>	<b>100%</b>
Currently pregnant	25	3,23%
Had been pregnant*	93	12,03%
Never been pregnant or had been pregnant **	655	84,73%

\* While working at KBN Cakung within the period of year 2015-2017

\*\* had been pregnant but do not fit into the criteria

#### 4.5. Pregnancy Status

Majority of pregnant workers who was pregnant (there are 72 workers or 77.5%) got maternity

leave from the companies. However, not all women workers got maternity leave which was mentioned in the law, that is, a 3-month maternity leave. There were two workers who confessed that they only got a month and one month and a half maternity leave. This means that there were 21 workers (22.5%) who did not get a 3-month maternity leave as regulated in the law.

Category	n	%
Had given birth*	93	100%
Got 3 months maternity leave	72	77,5%
Got less than 3 months maternity leave	2	2,1%
Did not get maternity leave	19	20,4%

\* Respondents that fit into the criteria

#### 4.6. The Right to Maternity Leave

Interesting finding from workers' experience who had given birth is the use of "not working" phrases to explain the absence of workers in the workplace due to their child birth leave. By referring to the labour law on Employment Article 84, it is stated that a worker who is on her leave or maternity leave has the right to get full pay. Ironically, this rule is not understood or known

by most of female workers. As a result, there are several workers who take the absence from work during child birth leave for three months and without pay as "maternity leave." This kind of phenomenon happened to women workers under temporary employment or short-term contract.

### "UNPAID LEAVE"

*When the pregnancy entered the last trimester precisely on the seventh month of pregnancy (heavily pregnant), the pregnant worker on temporary employment status is often offered a "leave" or "rest break" as an expression to resign. According to women workers, maternity leave is particularly given to workers with a permanent employment status, while workers with a temporary employment status would be difficult to get it.*

*A female worker, who was found to be pregnant and nearly to give birth when her contract, would surely not get a renewed contract. While pregnant workers with contract period exceeded the prediction of delivery time, often get bids for "childbirth break" in different time, and then back to work, but with new contract and new status. The period of childbirth rest is certainly without reward of wages. What is interesting is that women workers often refer to it as "leave."*

Mk, a garment worker has worked for more than 8 years in one of the garment companies in KBN Cakung complex. Despite her years of work, the status stated on her job contract remained the same until now. Currently Mk is facing obstacles, related to child birth (2.5 months). Mk demanded maternity leave (and of course fully paid), but the company tried to dodge by telling her that they were willing to give paid maternity leave, but only on certain condition. She must be willing to sign the resignation, and sign a new contract after her term is completed. If she is willing, then the maternity leave money will be paid. That was the offer from the company.

Feeling cheated, Mk was reluctant to agree on the company's offer, and she still demanded appropriate maternity leave. Her reluctance for signing a new contract meant was not without reason. If she signed it, Mk must have started over again as a new worker, got a shorter term contract and eliminated her chance of becoming a permanent worker. Currently Mk is still struggling to get her rights and fighting "to keep the family kitchen steams." Working as a dressmaker, with a wage of seven thousand rupiahs per piece became Mk's choice. The baby, who was 2.5 months old, was entrusted to her neighbour everyday, so that she could finish as much sewing as possible.

## 2. The Risk of Miscarriage

The heavy workload and uncooperative supervisory attitudes increase the vulnerability of pregnant workers, leading to unexpected miscarriages. The results of the study found seven (7) workers who experienced miscarriage.

Certainly, it is not easy to conclude the cause of miscarriage experienced by pregnant workers. Personal maternal factors certainly play an important role for fetal safety and health. The same exact situation may have different effects or benefits for pregnant women. Having viewed the working condition of garment workers in the KBN Cakung area, the vulnerability of pregnant workers is caused by:

- a. Pregnant workers continue to work to avoid a resignation offer. As a result, pregnant labour forces herself to continue working as close to the estimated day of delivery as possible. The choice raises the clash between the needs of work (physical and mental) and fetal health's aspects.
- b. The chief's attitude is ignorant to the safety of pregnant workers and the foetus so that they make instructions or commands to do things that are actually harmful to the health of mother and foetus.
- c. Not all pregnant workers receive special attention. There are still companies in KBN Cakung that do not hire paramedics inside the factory. As a result, supervision and health services for pregnant workers are not provided.

## 3. Is there miscarriage leave?

According to the law, a female worker who had miscarriage has the right to get one month and a half break as suggested by the health information letter that has been issued (Labour Law no. 13 of 2003 on Employment, Article 82b). The good news is, several companies in KBN Cakung area are even willing to give miscarriage leave according to labour law, which is 1,5 months. However, several other companies chose to ignore the right to get this leave.

This study found there were 3 out of 7 workers who had miscarriage and did not get (miscarriage) leave. All of them are workers under contract (temporary employment status). Referring to these three cases, the negative treatment suffered by workers who had miscarriage could be categorized into two:

- a. Those who are pushed to resign. Workers who had suffered miscarriage could not get back to work because they are in health treatment and considered unable to fulfil their obligation to work. Therefore, they are pushed into agreeing their resignation or get fired.
- b. Those who are treated just like a sick worker so that they must show the doctor's letter in order to support their absence at work. Unlike the one month and a half miscarriage leave, sick permission letter from the doctor can only be used for a limited particular time, and can only be extended twice.



### IN A DOUBLE JEOPARDY

At that time, Ti was sixth-month pregnant when unexpectedly she delivered her baby at home. Unfortunately she had no medical treatment or assistance from a doctor so her baby could not survive. Amidst her post-miscarriage sorrow, she must have managed to get the doctor's letter every 3 days so that she would not lose her daily wages, or would get fired by the company.

Every three days, Ti's husband delivered the doctor's letter to the company where she worked. Apparently the doctor's letter to confirm whether somebody is sick applied in a short term and could not be extended or written for many times. Doctor could only give the letter for three times. As a result, Ti could only take 9 days off to rest after her miscarriage.

Miscarriage leave for a contract worker like herself was still considered as a rare benefit. Even before the miscarriage, Ti had been encouraged to submit her resignation. If she were agreed upon signing the resignation, she would be rewarded two big cans of milk powder, without any severance pay or any compensation money. Doctor's letter was Ti's way of getting paid, as well as the opportunity to hold her contract period.

*Ti, KBN Cakung*

## D. NURSING PERIOD

The importance of breast milk (given at least to the baby in the first six months) is undoubted. Even the government through their regulation states its importance. The government states the importance of ensuring the baby to be fed by breast milk as well as protecting the

nursing mother. Ensuring the sufficient consumption of breast milk is supposed to be the duty of the state, social organizations, companies, and communities in general for the sake of healthy, optimally developed new generation.

### Law no. 13 of 2003 On Employment, Article 83:

Female worker/labour whose child is still nursing should be given the proper chances to breastfeed her child if necessary at work.

### Health Law no. 36 of 2009, Article 128 (3):

Providing particular facility as referred in article 128 lines 2 is conducted in the workplace and public spaces.

### Government Regulation no. 33 of 2002 on "Exclusive Breastfeeding", Article 30::

- Workplaces and public spaces should endorse exclusive breastfeeding program according to its provision in the workplace that regulates work relation between employer and worker.
- Caretakers of workplaces and public places must provide particular facility for breastfeeding or expressing breast milk.

### REGULATION CONCERNING NURSING WORKERS

So how would companies operating in KBN Cakung implement important value of this new, healthy generation? Would the nursing workers get the chance to breast-feed? For the nursing workers, bringing their babies to their workplaces would only add another risk. Besides that the presence of the baby would bother the workers at work, the factory's condition is less or not comfortable at all for the babies due to no special room for their babies (crowded, noisy, and hot).

When the working mothers left their babies at home when going to work, does the company provide an opportunity/give permission for working mothers to go home to breastfeed

babies by giving them breastfeeding permission? The findings showed that most of the workers (86%), did not have the permission of breast-feeding from the company. It means that they can only breastfeed their babies by using the time of day rest. Thus, breastfeeding workers who live far from the KBN Cakung factories area will certainly face serious obstacles in ensuring the infant's breast milk adequacy.

Category	n	%
Using the nursing permit	9	10,5%
Not using the nursing permit	77	89,5%
<b>Not knowing the nursing permit</b>	<b>74</b>	<b>86%</b>

#### 4.7. Nursing/Breastfeeding Permit

When a female worker does not get permission to leave her workplace in order to breastfeed her baby, ideally the company provides or prepares a decent place for the working mother to entrust the baby, or at least expressing breast milk and storing it well, commonly called lactation room.

The company's efforts in providing lactation space (in its various forms) will lose the function when the working mother does not gain sufficient knowledge of the function of the lactation room, and has no opportunities to use it flexibly. The results of this study found that only a small proportion of working mothers (23.3%) use lactation room. On top of that some of the mother workers (47.7%) are unaware of the existence of lactation room at their workplace.

Category	n	%
Lactation room available	45	52,3%
Using lactation room	20	23,3%
Accessible lactation room	39	45,3%
Breast milk storage (fridge) is provided inside the lactation room	40	46,5%

#### 4.8. Lactation Room

Workers' ignorance of lactation room can be due to two factors, the absence of socialization or information from the company regarding the existence and use of lactation room and second the absence of decent lactation room. This indicates a violation of maternity right by the company referring to Law no. 13 of 2003; Health Act no. 36 of 2009; Government Regulation no. 33 of 2012. Then, why are there only 20 of 45 labourers of mothers who know the lactation room using the room? The most powerful reason expressed by the working mothers is the absence of the opportunity to use lactation room. They were afraid that their work target cannot not reached due to visiting the lactation room..

#### Why don't nursing workers use lactation room facilities despite knowing its existence?

- Baby should not be taken to the factory
- Lactation room cannot function as day care
- Work pursued target, so difficulty arranging time to express or pump milk (fear for unable to catch up with workload)
- It is considered "interfering with work"
- Not permitted by the chief to leave the job.

## E. CHALLENGES TO MATERNITY PROTECTION

Critiques to the seriousness and will of the company in protecting maternal rights of women workers are easy to express but the critiques alone cannot change the situation. It is true that some companies have shown serious and consistent efforts in their maternity implementation as regulated in the law, but some others are still negligent or ignorant to this matter.

When maternity protection becomes the interest of all parties, it should become the obligation of all parties to be well-informed, have awareness of this interest, and fulfil maternal rights for the future of a great nation. The protection should be given to all with no exception including workers. Unfortunately, one's awareness would not be strong if her/his knowledge is weak. The findings of this study reveal that women workers are not knowledgeable about their maternal rights. Only few of those who have never been pregnant before (6.7%) know that a female worker has the right to express her breast milk (nursing or lactating) at work; and majority of them (69.8%) are in fact do not know about what lactation room is at their workplace. Their lack of knowledge leads them to misunderstand the meaning of "leave" which is supposed to be paid.

Raising consciousness of and giving knowledge about women workers' maternal rights become a great challenge to all, namely; company, trade union, government, as well as the non-governmental institutions. This is not merely for the sake of workers, but also for ensuring the betterment of new generation of this country who would be born from the wombs of women workers.



# CHAPTER 05

## STRUCTURAL RELATION AND WOMEN GARMENT WORKERS' CONSCIOUSNESS

A study by Better Work Indonesia (2014) mentioned that garment industry in Indonesia is one of the biggest garment industries in the world and it is even projected as one of major contributors of Indonesian economy in the future. However, this vision collides with the fact that there are still many garment companies in Indonesia which are unable to implement stipulated provisions or regulations by the government of Indonesia as well as international labour organizations. The actual situation is characterized by incidents and protests related to violation of workers' rights: delayed pay, non-compliance to stipulated provision on overtime payment, and the lack of protection to worker's health, safety, and security.

Garment industry phenomenon in Indonesia is complex due to the fact that women play a vital role in assuring the sustainability of garment business. It can be generally concluded that at least 80% of workforce at garment sector is female (BPS, 2014). Female workers' domination (by quantity) and such optimistic projection on the development of garment industry arises its own particular issue on how satisfactory economic development's result can be attained while their female workers have not been

equally treated in terms of pay and well-being [e.g. benefits, incentives] (ILO, 2014).

If an attempt to get an understanding of women workers' position and role in garment uses only a single approach solely, it will tend to be bias. Women workers are on the intersection of power relation that cannot be viewed by using a single perspective alone. A structural approach is needed in order to underline the position of the forces and threats that women garment workers have and encounter in their industrial relations. The structural approach rests on the assumption that one of parties (corporation) has managed to maximize their opportunity by minimizing the opportunity of another group (labour) (Wineman, 1984). Making a change by promoting individual or group initiatives will be difficult to achieve without involving the social elements, policies, and economic forces (Moreau, 1990).

Furthermore, in this chapter we are going to explain in a brief and simple way about women garment workers' situation in relation to industrial relation as seen from some intrinsic aspects of the workers' lives. In addition, the chapter will present women garment workers' interpretation of the "subordinated" situation they are facing now, as a reference to consider the optimism's

ability and their stepping ground to create change.

## A. STRUCTURAL VULNERABILITY OF WOMEN GARMENT WORKERS

The concept of worker's structural vulnerability is derived from the major framework of structural vulnerability which elaborates structural factors (for example, in a particular state) along with what the role of policies in reducing societal risks is (Guillaumont, 2017). Structural vulnerability explains the risk's potential or the negative impact that might be faced by workers as a result of inter-relations of a few aspects of political, socio-economic, and structural hierarchy in industrial relations.

Putting workers' empowerment structure which is based on regulation, role, and organization (Vidal, 2007) would help us to understand about either how strong the power of women workers is or how high the vulnerability of women workers is in the structure of industrial relations. Furthermore, workers' structural vulnerability can be identified from whether there are attainments over three parameters or not. The first is the assured role in industrial relation which is later interpreted as permanent status of workers within the said structure. The second one is the existence of economic power reflected in self-management which comes from their sustainability of economic value. This parameter is further operated in the form of wage value. The third one is the functionality of institution (organisation), which strengthens workers' bargaining position and value within the industrial structure. This aspect leads to the existence and role of trade union.

Moreover, operationalization of the concept of workers' structural vulnerability on the individual level is expressed in three things: current employment status, received wage's rate, and membership in union. A female garment worker can be said to be in a vulnerable, threatened position when she does not belong to any organizational affiliation, is weak in terms of bargaining power's position with the company, and is unable to actualize herself due to the very limited wage she receives.

Conducting the study and examining the level of workers' structural vulnerability is very important. The first reason is that this examination would become the valuational ground on impacts or benefits of policies in reducing the structural vulnerability of workers, or even in inspiring the necessary new policies. Second, structural vulnerability of workers can work as reference to evaluate workplace (particular company) or to other larger scope in a particular region, which can further be the foundation for a safer industrial relations' framework. For the union, this sort of approach would be helpful in quantifying the complexities faced by workers as the basis for advocacy or in formulating work's common agreement.

The first vulnerability is identified by the current status of employment. A female garment worker with permanent employment status has the potential and bargaining position which is quite decent in demanding the fulfilment of their rights in accordance to the Labour Law. Also, she has a more safety level than the temporary contract workers. However, the data shows that there are only 254 (32.9%) permanent workers and the rest is the non-permanent workers.



Status	n	%
Daily	7	0,9%
By project	24	3,1%
By temporary contract	488	63,1%
Permanent	254	32,9%
<b>TOTAL</b>	<b>773</b>	<b>100%</b>

### 5.1. Employment Status

Furthermore, as seen from the wage received by the workers, most of women garment workers—or 62.4% of them—have received wage in line with regulation on minimum wage. Those who receive below the provincial minimum wage are 26.8%, while the other 10,9% cannot really identify the wage they receive carefully for they are not monthly wage. They are only daily casual and temporary workers who did not get the wage receipt.

The weak achievement of the two parameters above has left us with doubt in the effort of optimizing the union's role. The finding is in line with the previous finding from ILO (2014) that worker's union in garment sector has not been fully effective in ensuring the workers' well-beings. The result of this study reveals that 42.2% of respondents are members of unions while 57.8% of them are not part of any worker's union.

A holistic analysis of garment workers' structural vulnerability resulted in an unfavorable outcomes. The intersection between components of vulnerability indicate the absence of fixed characters of the inter-relations of employment status, wage, and trade union. These results reflect, firstly, that membership in a trade union cannot contribute significantly to the achievement of either permanent employment status or decent wages of garment workers; secondly, that a permanent employment status is not a consistent

outcome of previous work, and a contract worker may forever be a contract worker (constantly on a temporary employment status); thirdly, that permanent employment status does not provide direct access to earn a decent wage, nor is it related to the strength of union's organizing. Moving jobs between companies within the KBN Cakung area is a very common thing to do by women garment workers, not to mention with the ins and outs of garment companies inside KBN Cakung.

### 773 Women Garment Workers

NEVER	HAS EVER MOVED	565 workers
208 workers	26,9%	Once/Twice
		3 – 4 times
		≥ 5 times
		199 workers
		220 workers
		146 workers

### 5.2. Workplaces Mobility within KBN Cakung

The low achievement of those three parameters shows the high vulnerability experienced by women garment workers. The following structural vulnerability is categorised into four categories below:

LEVEL OF VULNERABILITY	n	%
Threatened	131	16,9%
High vulnerability	308	39,8%
Low vulnerability	248	32,1%
Not vulnerable	86	11,1%
<b>TOTAL</b>	<b>773</b>	<b>100%</b>

### 5.3. Vulnerability of Women Workers

In general, it can be stated that 88.9% (687) of female garment workers have varied level of structural vulnerability. At its extreme, as many as 16.9% of women workers are threatened, that is those who have temporary contract; receive below the minimum wage; and are not a member of any union. This sort of conditions shows how powerless women workers' bargaining position is towards the companies. This explains a lot about the significant probability of them to lose their jobs and identities for not having legal protection as well as advocacy assistance from the union.

To make the matter worse, that sort of condition is not just faced by the "new", less experienced workers, but also by those who have worked for more than a decade. This result underlines how domination of company towards its workers exists side by side with the powerlessness of workers on the other side. As seen in the table below:

RISK OF VULNERABILITY	n	%
Less than a year	12	9,16%
1 – 3 years	31	23,66%
4 – 6 years	24	18,32%
7 – 10 years	29	22,14%
> 10 years	35	26,72%
<b>TOTAL</b>	<b>131</b>	<b>100%</b>

#### 5.4. Female Worker's Vulnerability and Their Length of Employment

The above three components of structural vulnerability—the company, regulatory body (government), trade union—describe the roles of three different authorized bodies= in

determining the well-beings of workers. The lack of intervention from the regulatory authority as well as the absence of strong worker's advocacy by the union has strengthened company's domination over workers. This kind of high vulnerability emphasizes the existing risk which implies multiple uncertainties to women workers on their employment status, economic well-being, as well as their social role and existence as a free human being.

## B. LIVING A LIFE FULL OF THREATS AS GARMENT WORKERS

The high vulnerability poses a big question on how women garment workers take the meaning of their occupation so far, on how they job is understood. The result of thematic analysis on the category of things that considered worrisome and have absorbed much attention discovered that most of them stemmed from their jobs. Therefore, it is about their jobs or occupation, safety in commute, sexual harassment, and financial condition.

WHAT THEY WORRY ABOUT	n	%
Family	195	25,23%
Job-related problems	133	17,21%
Commute safety	127	16,43%
Personal issues	116	15,01%
Health	54	6,99%
Crimes and harassment	42	5,43%
Financial condition	32	4,14%

#### 5.5. Quantification of Themes Concerning Workers' Worry

If we are to examine it separately, it can be learnt that most of the women workers' attention is actually absorbed on their family issues, that is, the well-being of other family members (children, spouse, parents). However, this is easily understood in the terms of worker's role in their nuclear family as a mother within the context of collectivistic culture.

As a matter of fact, their identity as a garment worker brings about fears or in other word threats. Job-related subtopics which come up are fear of making mistakes, fear of superiors or bosses, fear of failure to meet the target and its sanction. These are ordinary things that a garment worker has to deal with at work. In other words, being a garment worker is an occupation that represents the powerlessness against fears brought by the consequence of the job itself.

Physical vulnerability is even more intense than the structural vulnerability for it emerges from women garment workers' daily lives. Their daily commute is in fact becomes one of their biggest fears. This fact reflects how the surrounding environments—workplace, lodging, society—are full of threats.

Powerlessness does not only emerge from structural context, but also from personal consciousness of women workers including the women garment workers' thought that they cannot find other option for seeking another job. Thus, they would always accept any employment status, condition, and wage offered to them for the sake of having a job and earning a living which is not really worth it when considering the sexual harassment risk and no maternal leave given.

# CHAPTER 06

## CLOSURE





## A. Conclusion

The optimism growing from garment industry as one of a pillar of economic progress may become a mere utopia when women as its vital workforce are forgotten and powerless. The result of this study proves that women garment workers who work at KBN Cakung are on the vulnerable point personally, organizationally, and economically. These vulnerabilities give space to unfair, hostile treatment from the company or authority which refuse to provide any justice to women workers' rights. A female garment worker could be lacking in income because of having a wage that is below the standard minimum wage, the fact that they can be fired any time, not having the opportunity to actualize themselves and a career, also not getting any assistance from a trade union.

The result of this study reveals that working as a garment worker proves to not only create structural vulnerability, but also social, economic, and physical threats as the results of their continuing powerlessness. Working as a garment worker for some women mean to constantly worry and fear of what may happen inside and on their way to the factory as well as their inability to leave job.

Working under contractual-temporary employment, getting low pay, and having the obligation to meet a demanding target have not totally described the challenges and obstacles that women garment workers have to face. Women garment workers should also tolerate or endure such a demeaning, condescending, disturbing treatment in the form of sexual harassment.

Some of women garment workers (56.5%) have experienced sexual harassment.

Ironically, the high number of sexual harassment occurrences is not in line with the number of workers who were willing to report their case (negative experience) because, only 26 of 437 victims (5.95%) have reported the sexual harassment they experienced. Feelings of shame, fear, and worry, being not well-informed about it, also deconstructed awareness become the reasons why they hesitated to report the harassment they had experienced.

The high prevalence of sexual harassment to women garment workers is closely linked with the negligence from the authority and companies on this matter and the weak or absence of mechanism in tackling the matter of sexual harassment. As a result, sexual harassment perpetrators have a free space to commit harassment. Moreover, this is even worsened by the systemic pattern of work dependence (in the work relations) in which the attainment of target becomes the priority at work. It has caused the urgency in tackling the sexual harassment case neglected. The existing unjust, hostile condition with gender-based violence nuance caused the bitter consequence of the repetition of on going same old situation and forced the victims to become the ones who have to adapt with such situation.

Women garment workers who experienced sexual harassment must face their fears and ought to deal with constant threat at work. Without having any enough knowledge and awareness about what sexual harassment is and how to deal with it, these women workers' empowerment would be weakened. The combination of negative situation of feeling unsafe at work with the feeling of powerlessness have apparently distorted women workers' consciousness

and made them think that sexual harassment is something “normal”, or an ordinary, or an inevitable incident, that their objection to it does not need to be articulated.

KBN Cakung as a state-owned industrial area where the research was conducted appeared to have such complex problems. Supervision to tenant companies in ensuring the decency of working condition as well as the workers’ well-beings still becomes a big homework to be done.

Garment industry which operates in KBN Cakung has not succeeded in providing a safe space that could offer a sort of women workers’ friendly working environment as seen in how they implement maternity protection. This is added with the ebb and flow of their production so that commitment and consistency to reinforce maternity protection got blurred with many other problems or interests. It is not surprising when the forces to improve the company’s willingness to fulfil female workers’ maternal rights have not been well-implemented. Thus, meeting the requirements administratively still becomes company’s favourite option in providing women workers’ rights.

The fulfilment of garment workers’ maternal rights working at KBN Cakung has not met the expectation. It can be seen in various maternity obstacles or problems encountered by women workers, including those workers who do not even get their maternal rights as already regulated in the Labour Law on Employment no. 13 of 2003. Fundamental findings that can be stated based on the findings of this research project are:

a. Not all of pregnant workers are granted the convenient right to remain employed. This study found four female workers who had to conceal their pregnancies so that they could

stay on their jobs for a longer time. It can be concluded that 16% of pregnant workers were under threat of losing their jobs or not getting a renewed contract because of their state of pregnancy.

b. The law regulates a strict guidance for companies in providing maternal rights to workers before and after childbirth/post-delivery. Maternal rights are materialised in maternity leave (as well as miscarriage leave) for a particular time and the right to express breast milk in the workplace (lactation room facility). 82.8% of women workers who had been pregnant and examined in the research could get maternity leave and only 45.9% women workers had access or supporting facility of lactation room in their workplace. If the two variables are combined, it turns out that the figure of women workers who could get both maternity leave and lactation room facility is only 44.08%. In conclusion, it can be said that only one in two workers has her maternity protection fulfilled by the companies.

The fulfilment and protection of rights in order to provide a safe and convenient working space for women garment workers require collective hard works. Government as the regulator, companies (KBN’ and tenant companies), and worker’s union have responsibilities in appreciating garment workers with humane, decent treatment. This is important so that garment industry which is full of potentials and benefits would not only succeed in producing classy or branded products, but it would also be able to guarantee quality life of the workers as well as supporting the economic empowerment of society.

## B. Recommendation

Three parties which hold important roles to the well beings of workers are government

(as a regulator), company, and trade union. Each of them has particular duties which cannot be equated. As a ground to overcome various problems of women garment workers, this study draws some recommendations which is neither based on assumption nor particular interest, but on workers' needs to solve problems and obstacles they faced.

### 1. For the government

- a. In general, the government should improve their supervision to the implementation of the Law on Employment no. 13 of 2003, considering the many non-compliant behaviours or violations towards the existing regulations done by many companies such as issues on employment status and wage. The government has to play their functional role which oversees employment sector by rising attention to maternal rights in the workplace since there are quite many companies which do not comply or are not consistent in providing the rights to their workers.
- b. Government needs to make foundation of law that is more comprehensive and sound for the purpose of maternity protection. Therefore, government should get support in order to ratify ILO Convention no. 183 of 2000. It is about a regulation on break time, health service and benefits which are critically needed by female workers in assuring decent lives for themselves as well as their children.
- c. Government ought to build inter-ministry cooperation in order to provide a guarantee of maternity protection in the workplace. This kind of such cooperation

is expected to be able to guide companies in providing maternal rights to female workers.

- d. Government should push forward sexual harassment's prevention agendas already recommended in the letter issued by the minister of manpower and transmigration no. SE.03/MEN/IV/2011.

### 2. For companies

- a. The company should altogether build and express commitment to acknowledge, value, and protect women workers' rights by referring to the existing regulation or law.
- b. The company must show their commitment to the protection of women workers by implementing the letter issued by the minister of manpower and transmigration of Indonesian Republic, Number SE.03/MEN/IV/2011 on prevention of sexual harassment. Providing a suggestion box becomes one of the basic needs which is necessary in the workplace including providing information consistently and systematically to all workers about forms of sexual harassments and also announcing company's prohibition.
- c. The company must show their commitment to give women workers maternity protection by socializing knowledge and information on maternity issues, creating conducive working environment through facilities such as lactation room and adequately equipped health clinic, and giving special attention to pregnant workers.
- d. The company must express their willingness and commitment to implement the protection of women workers' rights,



and together with the trade union build the CBA that is free from sexual harassment, also friendly, convenient to pregnant and nursing workers.

### 3. For Trade Union

- a. The insufficient knowledge of women workers still becomes a big problem. Workers' ignorance to their own rights is a major obstacle that needs to be solved so that workers can gather their strength. Therefore, trade union needs to improve knowledge and awareness of women workers by socializing such a detailed, accurate knowledge and information on women workers' rights in the workplace.
- b. The prevention of sexual harassment should be put as the main issue in the garment workers' union. The efforts to spread the information about forms of sexual harassment and to create advocacy outlet to harassment's victims must be pushed forward as an agenda of union's protection to its members (workers).
- c. The trade union should actively take part in fulfilling maternal rights in the workplace by making the union as a complaint and advocacy centre concerning maternity issue and making the maternal tight as a crucial point to be added in the work agreement (PKB).



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