



Protection of the Rights of Women Workers in the Industrial Sector (Studies on Developing Countries)

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Abstract

Women workers contribute in enhancing national development. Therefore, the proper fulfillment of the rights of women workers in industrialism sectors must receives special attention. The rights of women worker's implementation still found alot of irregularities, this literature aims to know the fulfillment of women worker's rights by the company to complete their needs. The implementation of the fulfillment on the rights of women workers is an obligation that should be endeavored to guarantee their rights.

Keywords: Human Right; Women Workers; Industrialism; Company

1. Introduction

In today's era, women participate in improving the family economy by working is a common thing. Existence women in the twentieth century are not only housewives, but can also work to help husbands increase their income due to demands family economic needs that are getting higher.

The fact is that women have a lot of potential that is equally true compared to men, both in terms of intellect, ability, and Skills. Various reasons are used as reasons for women to participate looking for rupiah coffers, ranging from helping husbands to some also work because it is the only backbone for the family.

However, women workers who worked in the industrial sector in this era currently experiencing a dilemma situation. This dilemma situation is due to para female workers want to participate in the welfare of the family, but on the side other women workers also face great obstacles on the spot work. The phenomenon of women in the field of work is also known as "industrial redeployment", mainly occurs through the transfer of production processes in in the manufacturing industry from developed to developing countries.

The transfer of the production process which includes the transfer of capital, technology, machines, and the western industrial work environment to these developing countries as is known mainly occurs in the textile, clothing, furniture and electronics. However, due to the commodity of these industries has reached an advanced level of development in the production cycle, only power rough and semi-gross labor required in the diversion process production from developing countries to developing countries. Women workers who work in the industrial sector are very vulnerable against violations and discrimination of their human rights. In its development, found many cases of violations of workers' rights women working in the industrial sector, especially in countries

developing.

Although various regulations have been made both at the international level and at the national level, however, other factors remain influence violations of the rights of women workers in the industrial sector. As examples of violations of female workers are found in many countries developing such as India, Nigeria and Indonesia. Rights violations against these women workers, including violations of the right to maternity leave and childbirth, right to leave menstruation, leave for miscarriage, right to breastfeed and express breastmilk, the right to get special facilities, the right to be free from torture, the right to be free from harassment sexual.

Based on the discussion above, this journal will describe about violations of the rights of women workers in the industrial sector with studies cases against female workers in developing countries (India, Nigeria, Indonesia) where protection of the rights of women workers is still frequent neglected and violated, and will be explained further on the instruments that protect the rights of women workers. Expected from This research will find the causes of the discrepancy between regulations that already accommodate the rights of women workers with its implementation in everyday life.

2. Approach Method

This research method uses a Juridical-Normative approach. This normative research is research conducted by means of research library material (literature study) or secondary data on legal principles and case studies, in other words often referred to as legal research literature.

3. Discussion

3.1 The Principle of Accountability in State Financial Management

Nowadays, developing countries tend to compete in the wave of pursuing economic interests, so that in the era of the free market such as now developing countries are mutually increasing their production through industrialization sector so as not to be left behind with other countries. However a reality that occurs in many developing countries, protection of rights workers who work in this industrial sector are still often neglected, especially the rights that women should have guaranteed by the government as the person in charge. The following are examples of violations of the rights of women workers working in the sector industrial developing countries.

a. India

Gender equality plays an important role in development the economy. This has long been understood in various literatures. Various research highlights how low the participation of female workers is in formal sector, women participate more in sectors informal in India. Even though empowering women has benefits economic significance in addition to promoting gender equality.

The largest export revenue in India comes from the Ready Made sector Garment (RMG) contained in 4,825 garment factories. RMG employs more than three million workers, which is dominated by as many 85% of workers are women. The RMG industry is considered a bone behind the country's economy which

plays a big role for welfare socioeconomic status in India. RMG female workers work an average of 11 up to 12 hours per day in a garment factory, but workers receive a salary lower than average (7000per month). Apart from receiving the salaries below on average, the conditions of women garment workers also face the environment poor work, limited workplace facilities, lack of medical facilities adequate, and low incentives.

The most important thing to note, the RMG workers are retained this job because their life is very critical. Para women are required to manage almost all expenses and expenses their families, so the government must immediately set a minimum wage for the workers because they have even done more than work limit the maximum daily working hours, as well as increasing the facilities sufficient for the protection of workers' rights.

b. Nigeria

Sexual Harassment is considered globally an offensive act violates the basic human rights of women and violates their dignity. This negative trend is especially detrimental when it occurs inside Company environment. Besides it will cause physical and psychological trauma experienced by the victims, their productivity will be greatly affected.

The International Trade Union Confederation (2008) notes that they are who examine acts of harassment in the work environment are mostly carried out by co-workers, supervisors, management. Also note that given the rate unemployment is high in Nigeria, sexual harassment is more prevalent on women job seekers, so this makes the victims become helpless and experience frustration which impacts performance victim.

Poverty is also one of the causes of its spread sexual harassment, this is because most victims are so need from a financial and material point of view from their superiors so making them finally forced to just keep quiet when receiving treatment harassment. They also have to accept being harassed for the sake of career advancement and better job placement.

In Indonesia, it is widely reported in the mass or electronic media about women workers who are not paid enough attention by the company in terms of welfare or treated below male workers. Female worker There are also many dismissed companies arbitrarily. The circumstances get women workers to take demanding demonstrations company policy to pay more attention to welfare and provide protection to female workers.

Silaban provides facts that happened at Marie Regal's bakery company is a bakery product that is well known everywhere. When consumers eating this bread consumers may not know that this bread is produced from sweat drops and the suffering of the poorly paid women workers and also their rights to work which are very improper and inhuman. The workers at the Marie Regal bakery are 90% women. They have worked and served an average of 20 years. But until now the status their work is never clear. Their wages are minimal and should not be unified. Happily, this Marie Regal bakery factory worker is already almost 2 weeks in unilateral layoffs by the company. Actions of deprivation of rights life and work of course met the resistance of the workers is part of the Jabodetabek Workers' Struggle Federation (FPBJ). Resistanceit starts with

asking the factory directly to action the demonstration did not get a response at all. There is no any action taken by the North Jakarta Manpower and Transmigration Office. The fact that Disnakertran throughout Indonesia have never sided with workers getting clearer. Clear violations can be seen in the company against the workers were repeated everywhere.

The results of research conducted by Nur'aini Kus Indrati at PT Dan Liris, Sukoharjo. PT Dan Liris made layoffs because the company experienced it financial difficulties, the condition of the company continues to suffer losses and still continues experiencing difficulties, so that both parties (the company and parties workers) agreed to do layoffs through an early retirement procedure arranged separately in a mutual agreement. Second, the layoff procedure implemented by PT Dan Liris, among others, by implementing efforts prevention and good bargaining with the National Workers Union PT Dan Lyrical as well as with each of the workers who were laid off. Deal as a result of negotiations between the company and the National Workers Union as well as with each of the workers affected by the layoffs made with standard clauses so that the workers do not have the opportunity to study both agreements. The obligations of the entrepreneur stated in the collective agreement is more pro- to PT Dan Liris (entrepreneur) and felt that it was unfair to workers. In addition, violations of the rights of women workers in Indonesia also occurred in pregnant workers, research by the Chairman of the Cross Factory Workers Federation (FBLP), is a living witness to the struggles of forced mothers and future mothers become a worker because of economic demands. In some factories there are many case of female workers who miscarried because there was no reduction in the burden jobs, even pregnant women working in garment factories not given a large reduction in production targets, forced overtime, until come home late.

The postpartum period also remains unfavorable for workers girls. The absence of a lactation room makes some female workers have to fight back and forth to the house at break time, to give breast milk for her son. Some others choose to give formula milk the price is not cheap. Corporate awareness provides no lactation space there at all. Even though the government has provided written rules asked the company to provide lactation room.

Female workers who work in the industrial sector are motivated to meet the economic needs of the family. The results showed that the factors that keep women workers in the company is 24% due to the economic needs of the family, then as much as 38% because they didn't get a better job and as much as 7% waiting to be laid off so they receive the severance pay greater if resigning.

The issue of labor protection in its implementation is still far from hope. This fact occurs because of various innovative thoughts appear, both in the form of product specialization, efficiency and others. The problem of women workers has attracted the attention of many parties, especially by lawyer. As the opinion expressed by Mulyana W. Kusuma, states that the perspective of protecting the rights of workers or labor Indonesian work needs to make laws that are explicit protection of labor rights in accordance with the Convention International in 1990, where the Act was later put workers as subjects. Labor rights that must

be protected in the law can later guarantee the existence of civil and political rights, economic, social, and cultural, fulfilled the right to obtain information, and guarantees work safety.

Convention on the Elimination of All Forms of Discrimination Against Women who have been ratified by Law no. 7 of 1984 stated that Article 11: States parties are obliged to establish regulatory regulations appropriate to eliminate discrimination against women in the field work to ensure equal rights on the basis of equality between men and women, in particular:

- a) The right to work as a human right: The right to employment opportunities the same, including the application of the same selection criteria in recruitment
- b) The right to freely choose a profession and occupation: the right to promotions, job security and all work benefits and facilities, entitlements to obtain vocational training and retraining including the period work as an apprentice, advanced vocational training and retraining advanced.
- c) The right to receive the same wages, including benefits, either for equal treatment with respect to work with the same value, as well as the treatment equation in quality assessment profession;

To prevent discrimination against women on the basis of marriage or pregnancy and in order to guarantee their effective right to work, States Parties shall make appropriate regulations:

- a) To prohibit, by being sanctioned by dismissal on the basis of pregnancy or maternity leave and discrimination in dismissal on the basis of status marriage;
- b) To set up regulations for paid maternity leave or with comparable social benefits without losing a job beginning.
- c) To recommend the provision of necessary social services This is to enable parents to combine family obligations with work responsibilities and participation in people's lives, especially by improving establishment and development of child care centers;
- d) To provide special protection to women during pregnancy in the type of work that has proven dangerous for them;

ILO Convention No. 183 Year 2000 on Maternity Protection states Maternity protection of working women published by the ILO in form of Convention No. 183/2000 and Recommendation No. 191/2000 is needed to prevent discrimination against female workers, such as confirmed in article 11 (f) of CEDAW. Maternity protection too needed to protect the health of female workers and fetuses the baby she is carrying, the baby she is born with, the baby she feeds from the condition unsafe (dangerous) and unsanitary work.

In 2003 the government enacted Law no. 13 years old 2003 concerning Manpower as a form of protection for labor work, taking into account that several laws in the field

the old manpower is considered to be no longer suitable needs and demands of development. Thus, Article 88 of Law no. 13 of 2003 on Manpower has regulated the development of manpower strives to empower the workforce in an optimal and

humane manner, also provide protection to workers in realizing welfare through wages and ultimately improving welfare workers and their families.

The provisions of Article 6 of Law No. 13 of 2003 on Manpower states: "Every worker / laborer has the right to receive equal treatment without discrimination from employers." Based on Article 6 Law No. 13 of 2003, then every worker has the right to receive the same treatment regardless of the difference from the entrepreneur, it remains how entrepreneurs in making it happen.

Entrepreneurs in making it happen. Then Article 76 regulates the following matters:

- a. Female workers under the age of 18 have the right not to works from 23.00 to 07.00.
- b. Pregnant female workers who according to the doctor's statement dangerous to the safety and health of the womb and he has the right not to work to work from 23.00 to 07.00.
- c. Female workers who work between 23.00 and 07.00 are entitled to:
 - 1) Get nutritious food and drinks,
 - 2) Maintained morality and safety during the workplace.

4. Conclusion

The regulation of the rights of women workers has actually been regulated in the instrument international law and Indonesian national law, but in its implementation There are still frequent cases of violations against female workers in industrial sector. Fulfilling the rights of women workers can not be carried out properly because there are factors that influence. The research results reveal that lack of knowledge of women workers about their rights, poverty and lack of outreach from the parties that companies on the rights of women workers make the fulfillment of the rights of women workers is not well implemented.

The fulfillment of the rights of women workers has an effect on the level fulfill the needs of women workers. Yet if we examine further, these violations have no impact only on the psyche of the women workers, but also on the quality performance at the company. For that, the company should also have an important role in an effort to reduce violations against workers, it is necessary to have something regulations that accommodate the rights of women workers because their rights are different with male workers rights. Apart from companies, the government is also responsible Having a big responsibility in protecting its citizens, the government should provide legal training and seminars so that women workers are aware of their rights and have the courage to fight if the rights are guaranteed in laws are violated.

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