



International standards

International labour standards aim to improve women's position in the labour market and in society at large by providing common benchmarks and minimum standards at work around the world. Influential international instruments directed at improving women's status and working conditions include:

- International Labour Organisation (ILO) Conventions and Resolutions
- The United Nations Convention on the Elimination of Discrimination Against Women (CEDAW)
- The Beijing Platform for Action (1995 and subsequent years)
- The United Nations Agenda for Sustainable Development Goals

The ILO has a specific workforce and workplace focus, with the objectives of improving and upholding labour standards and promoting social justice. The other institutions have a broader approach, covering for example, political access and freedom, health, education and protection from discrimination, harassment and violence.

ILO conventions and CEDAW

The ILO is a tripartite body comprised of employers, unions and governments. It develops conventions and resolutions for ratification by nation states, with the

intention that those standards are then incorporated into national legislation. Once they have ratified a convention, member states are committed to respecting its terms, submitting reports to the ILO, demonstrating compliance and being open to investigations of alleged breaches. The ILO adopted a policy of 'gender equality mainstreaming' in 1999, which requires that gender awareness be interwoven through all conventions and implementation strategies.

Enabling rights for all workers, and as relevant for women as well as men, are contained in the Freedom of Association and Right to Organise Convention 1948 (No. 87) and the Right to Organise and Collective Bargain Convention 1949 (No. 98). In addition to these general standards, there are a number of ILO conventions that deal specifically with gender equality. These include:

- The Equal Remuneration Convention 1951 (No.100)
- The Discrimination (Employment and Occupation) Convention 1958 (No.111)
- The Workers with Family Responsibilities Convention 1981 (No.156)
- The Part-time Work Convention 1994 (No. 175)
- The Home Work Convention 1996 (No. 177)
- The Maternity Protection Convention 2000 (No.183)
- The Decent Work for Domestic Workers Convention 2011/13 (No.189)

These international standards are not static and are often reviewed and updated, or new conventions introduced. In 2018, for example, the ILO will seek to introduce a new convention relating to reducing and eliminating violence against women and men at work. This convention will address all forms of gender-based violence, harassment and discrimination against women, including domestic or family based violence and its impact in the workplace.

The other major international treaty on women's equality is the United Nations Convention on the Elimination of Discrimination Against Women, typically referred to as CEDAW. CEDAW was adopted in 1979 by the United Nations General Assembly and has been ratified by almost two hundred states. CEDAW is significant as it recognises culture and tradition as influential forces shaping gender roles and family relations.

CEDAW positions gender rights as human rights and focuses on eliminating all forms of discrimination against women. Discrimination is defined by CEDAW as 'any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women ... of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field'. Article 11, meanwhile, outlines the right to work for women as 'an unalienable right of all human beings'.

CEDAW requires equal pay for equal work, the right to social security, paid leave and maternity leave with pay or comparable social benefits and without loss of former employment, seniority or social allowances. In many ways, CEDAW is a complement to ILO standards and is an important international instrument for advocating women's equality.

Principle	CEDAW	ILO
Equality before the law	Sec. IV Art. 15.1	
Equal rights and responsibilities as parents	Sec. IV Art. 16.1d	
Equal access to work	Sec. III Art. 11.1	C111 Art. 2
Equal pay for equal work	Sec. III Art. 11.1d	C100 Art. 2.1
Equal access to benefits and entitlements	Sec. III Art. 11.d Sec. III Art. 11.e	
Elimination of unfair dismissal on the basis of pregnancy or marriage	Sec. III Art. 11.2b	
Elimination of unfair dismissal to prevent the receipt of maternity leave		C183 Art. 8.1
Provision of maternity leave with pay	Sec III Art. 11.2b	C183 Art. 4.1 C183 Art 6.3
Provision of breastfeeding leave		C183 Art. 10.1
Appropriate access to childcare facilities	Sec. III Art. 11.2c	C156 Art. 5.b
Appropriate measures to protect the health of pregnant or breastfeeding mothers at work		C183 Art. 3
Fair and equal treatment of domestic workers		C189 Art. 3.2

Diffusion of international norms

International labour standards are important for setting normative expectations and for providing minimums and international comparators for advocates to use in their arguments and campaigns.

They are important in preventing a 'race to the bottom' and ensuring that basic conditions and entitlements at work are respected. Used in concert, governments can raise the floor of work for all and thus not undermine their respective country's international competitive advantage.

Although ratification is done by governments, other actors, such as consumer groups, labour activists and Multinational Enterprises (MNEs) reference international labour standards. MNEs, for example, may require them to be met by their suppliers, acting as important conduits for improving women's working conditions within global supply chains. Notably, however, the UN Global Compact – which has been signed by thousands of MNEs in 145 countries – and the OECD Guidelines for MNEs make minimal explicit reference to women.

Principle	Indonesian law/regulation	Specific provision
Equality before the law	Indonesian Constitution of 1945 (rev. 2002)	<ul style="list-style-type: none"> • Ch 10 Art 27 (1) • Ch 10 Art 28D (1)
	Law No.39/1999 on Human Rights	<ul style="list-style-type: none"> • Ch 1 Art 3 (1) • Ch 1 Art 5 (1)
	Law No.13/2003 on Manpower	<ul style="list-style-type: none"> • Introduction
	Law No.39/2004 on the Placement and Protection of Indonesian Workers Abroad	<ul style="list-style-type: none"> • Ch 3 Art 8 (g)
	Law No.23/2004 on the Elimination of Violence in the Household	<ul style="list-style-type: none"> • Explanatory notes (general)
	Presidential Decree No.65/2005 on the National Commission on Violence against Women	<ul style="list-style-type: none"> • Opening remarks
Equal rights and responsibilities as parents	Law No.1/1974 on Marriage	<ul style="list-style-type: none"> • Ch 4 Art 31 (3)
	Law No.39/1999 on Human Rights	<ul style="list-style-type: none"> • Ch 2 Art 10 (1)
Equal access to work	Indonesian Constitution of 1945 (rev. 2002)	<ul style="list-style-type: none"> • Ch 10 Art 27 (2)
	Law No.39/1999 on Human Rights	<ul style="list-style-type: none"> • Ch 7 Art 38 (1)
	Law No.13/2003 on Manpower	<ul style="list-style-type: none"> • Ch 2 Art 5 • Ch 4 Art 31
	Law No.8/2011 on the Protection of Women and Children against Violent Acts	<ul style="list-style-type: none"> • Ch 1 Art 1 (7)
Equal pay for equal work	Law No.39/1999 on Human Rights	<ul style="list-style-type: none"> • Ch 7 Art 38 (3) • Ch 7 Art 38 (4)
	Law No.13/2003 on Manpower	<ul style="list-style-type: none"> • Ch 3 Art 5 • Ch 3 Art 6
	Law No.8/2011 on the Protection of Women and Children against Violent Acts	<ul style="list-style-type: none"> • Ch 1 Art 1 (9)
	Government Regulation No.78/2015 concerning Wage-setting	<ul style="list-style-type: none"> • Ch 4 Art 11
Equal access to benefits and entitlements	No specific law or regulation	
Elimination of unfair dismissal on the basis of pregnancy or marriage	Law No.13/2003 on Manpower	<ul style="list-style-type: none"> • Ch 12 Art 153 (1e)
Elimination of unfair dismissal to prevent the receipt of maternity leave	Law No.39/1999 on Human Rights	<ul style="list-style-type: none"> • Ch 9 Art 49 (2)
Provision of maternity leave with pay	Law No.39/1999 on Human Rights	<ul style="list-style-type: none"> • Ch 9 Art 49 (2)
	Law No.13/2003 on Manpower	<ul style="list-style-type: none"> • Ch 10 Art 82 (1) • Ch 10 Art 82 (2) • Ch 10 Art 84
	Government Regulation No.78/2015 on Wage-setting	<ul style="list-style-type: none"> • Ch 4 Art 24 (5d)
Provision of breastfeeding leave	Law No.39/1999 on Human Rights	<ul style="list-style-type: none"> • Ch 9 Art 49 (2)
	Law No.13/2003 on Manpower	<ul style="list-style-type: none"> • Ch 10 Art 83
Appropriate access to childcare facilities	No specific law or regulation	
Appropriate measures to protect the health of pregnant or breastfeeding mothers at work	Law No.39/1999 on Human Rights	<ul style="list-style-type: none"> • Ch 9 Art 49 (2)
	Law No.13/2003 on Manpower	<ul style="list-style-type: none"> • Ch 10 Art 76 (2)
Fair and equal treatment of domestic workers	Law No.39/2004 on the Placement and Protection of Indonesian Workers Abroad	<ul style="list-style-type: none"> • Various

For national governments, the ratification of, and compliance with, international standards is a way of signalling their commitment to meeting global expectations and norms about women and work.

International standards serve as important models to use in the development of national laws and social policies, such as in employment and work and family policies. Once legislated, these laws and policies can then be used to prosecute non-compliance in their own jurisdictions. The ILO also argues that international standards can be used to improve administrative structures related to labour inspection, social security administration, and employment services. Compliance with international labour standards can be critical to attracting foreign aid from donor countries and other international bodies.

In the case of the Indonesia, many of the key global standards on women and work have been adopted or reasserted since 1998, when the Suharto regime fell and a process of democratisation began. Indonesian law also provides for a series of other protections not mandated in international conventions, including provision of transport for women working late at night, paid paternity leave and paid menstruation leave.

Problems with enforcement

While international standards play an important normative role, their enforcement is highly problematic. The ILO sets out concrete measures, but has no direct means of ensuring compliance. CEDAW does not include any reference to key performance measures, nor do they have the power to enforce or implement provisions. Instead, it relies on the global conferences, political processes and NGO activities to bring gender equality to the attention of governments and the international community at large.

The lack of mechanisms for enforcement is also a major problem domestically in countries such as Indonesia, where many women work in informal sector occupations and few resources are allocated for labour inspections even within the formal sector.

The challenges of enforcement are not limited to provisions for gender equality; they pertain to every aspect of Indonesia's regulatory framework. However, women are arguably affected the most, as discriminatory practices at work are in many cases reinforced by social norms.

In the absence of more effective monitoring by governments, the onus for compliance falls primarily on individual companies. And while there is little research on this subject, the studies that are available suggest that even women working in large factories or in offices cannot always be confident that their legal rights will be respected. There are cases, for example, where large, foreign-owned companies refuse to hire visibly pregnant women, or inform them that they have the right to take paid maternity leave but if they do so their job will not be waiting for them upon their return.

As a consequence of practices like this, pregnancy, childcare, and family responsibilities continue to be significant barriers to women's career development, and women continue to be vulnerable to discrimination, harassment and violence in the workplace.

The question is, then, not only one simply of diffusion of international norms but also of introducing concrete measures to enforce legislation and change workplace cultures in order to ensure that women have equal opportunities at work.

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