Non-Disparities Principles to Establish a Sustainable Garment Industry for Indonesian Female Workers

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Abstract. The garment industry is a top-five contributor to Indonesia's that associated their counterparts in the metal and chemical sectors and contribute to Indonesia's economic growth in recent years. This industry is also an essential source of employment, accounting for about a quarter of all manufacturing jobs. The textile industry faces the challenge of competing with other textile-producing countries, with labour costs affecting competitiveness. Another challenge is fulfilling international labour standards regarding the treatment of workers including working conditions in garment factories, especially in MSMEs scale. Indonesia has ratified the Convention on the Elimination of All Forms of Discrimination Against Women and eight core of International Labour Organization Conventions. The main issues are occupational health and safety, the rights of women to be free of sexual harassment in the workplace, working hours and conditions, freedom of association, and the right to collective bargaining, because ensuring non-disparities principle is about integrating moral and social imperative above economic gain so it aligns with ILO framework and Indonesia's constitution.

1 Introduction

Non-disparities in labour rights have been part of the international community's key principles especially the International Labour Organization (ILO) conventions. The principle of non-disparities in labour rights is based on global labour standards. Discrimination at workplaces or industry includes any distinction, exclusion, or preference which has the effect of impairing equality of opportunity or treatment in employment, it occurs when a person is treated less favorably than others because of unrelated aspects to competencies or the job's requirements subjectively.

The implementation of workplace practices could affect gender equality also impact organizations and employees.[1] This research has provided a description of female workers in the Indonesian garment industry and the implementation of the principle of non-disparities in labour rights as a pathway to establishing a sustainable community in the Indonesian garment industry. It is important to study gender inequality in the workplace, as it raises awareness of its dangers and helps the community understand that much more

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needs to be done to address it.[2] International Labour Standards are a primary means of promoting non-disparities in labour rights for female workers. The two main pillars for promoting non-disparities in labour rights for female workers are the Equal Remuneration Convention 1951 and Discrimination Convention 1958. Both conventions are part of the ILO fundamental principles and rights at work. They are accompanied by the Maternity Protection Convention 2000, which protects pregnant female workers.

The garment industry has historically played an essential role in the Indonesian economy. This sector also remains the largest employer of female workers, with a recent report showing that more than 80% of the garment workforce is female.[3] Indonesia has publish the the Job Creation Law Number 6 of 2023. Unfortunately, the Job Creation Law has not been well-received by workers regarding controversial issues on fixed-term contracts, minimum wage, outsourcing regulation, and dismissal, which reduce worker protections. Indonesia has ratified ILO Conventions as international standards regarding freedom of association and the rights to collective bargaining. Indonesian government still faces difficult implementation about fair industrial relations framework in garment sector because it is associated their counterparts in the metal and chemical sectors.[4]

2 Methods

This research analyzes the principle of non-disparities in labour rights as a pathway to establishing sustainable communities in workplaces, focusing on female workers in the Indonesian garment industry. Examining the issues of occupational health and safety, the rights of women to be free of sexual harassment in the workplace, working hours and conditions, freedom of association, and the rights to collective bargaining. This research uses legislative and conceptual approaches to prescribe the legal issue, especially the enactment of Law Number 11 of 2020 and Law Number 6 of 2023 on Job Creation Act (hereinafter Job Creation Act) that changes Law Number 13 of 2003 on Manpower, Law Number 24 of 2011 on the Social Security Agency, and Law Number 18 of 2017 on the Protection of Indonesian Migrant Workers. The phenomenon of wage inequality and income imparity in the garment sector is affected by a combination of structural gender disregards, weak implementation of minimum wage law and regulations, informality over employment status, and global production value chain. Comparative evidence from Bangladesh, Vietnam and Cambodia provides perspective on the role of labour market institutions and worker mobilization. That gender wage gaps persist in Indonesia points to something more than weak enforcement of existing legal measures, and reflects deeper structural inequalities. The review concludes with recommendations for new scholarship that combines quantitative data and qualitative narratives of working-class Indonesian women's lives, situating Indonesia in the global supply chain and policy implications. Thus, this study contributes to a gap in knowledge about non-differences and wage equality among women workers in the clothing sector of Indonesia.

3 Results and Discussion

3.1 Female Workers in the Indonesian Garment Industry

The Indonesian textile industry is in a pivotal position in the national and global economy. Being the second biggest manufacturing sub-sector, it has been a major contributor to the country's export earnings, foreign exchange reserves and employment generation. Crucially, the industry is also highly feminized with most of its workers being female, in particular those on production lines in large scale factories located in West Java, Central Java and

Yogyakarta.[6] For a lot of working women, especially those from rural or poorer households, working in garments factories offers one of the few options for wage labour and economic autonomy.

Yet democratization of work isn't necessarily equivalent to equality or empowerment. In Indonesia, women garment workers generally confront the systematic discrimination (gender wage gap, overwork; weak commitments to maternity protection and contract continuation) as well as of hormonal sexisms tailored for the individual. Minimum wages have raised the earnings of low-paid workers and have reduced wage inequality but are contentious in terms of their impact on reducing gender inequalities. A less active enforcement of wage policy, and actually these rules are not strictly used in practice toward employers as a preference is for workers to be hired on short period contract as well as operate via subcontracting.

The wage gap is not only an individual problem for workers, but a social and economic one. Socio-economic disparities have given rise to household poverty, limited women's access to medical care and education, and led to the intergenerational transmission of inequality. In addition, as the ILO has underlined, fair labour markets and strong labour market institutions are a necessary condition for equitable societies. But without gender-inclusive reforms, the Indonesian garment industry could be part of the problem rather than a force for equality.

The garment industry in the world is known for being labour intensive, competitive, but also reliant on cheap female (and child) labor. Countries such as Bangladesh, Cambodia and Vietnam with a workforce comprising approximately 70–90 % women are major exporters.[7] In this process of feminisation of labour there have been arguments about the empowerment and exploitation. Textile jobs can offer women cash income, mobility and a measure of financial independence. And work in the industry is known for paltry pay, abusive overtime hours, blood-inducing hazardous working conditions and virtually no protection against exploitative labor practices. Some of these same qualities characterize the garment industry in Indonesia. The vast majority of its work force are female and do production-line jobs, with men more likely to be in managerial or technical roles. Even in the same category of work, an average female worker's salary remains lower than that of men. In addition to their long hours toiling in factories, female workers are balancing unpaid domestic duties as well.

These jobs may offer women cash income, but this does not necessarily empower them. Structural inequalities including lack of unionization, cultural norms and discriminatory practices hamper the transformative power of wage labour. Feminist academics believe that true empowerment is only possible if there is access to the economy, but also autonomy over of work and acces s to decision making in family and community. The female garment workers employed are largely internal migrants.[8] Most garment textile workers come from low-income families, often migrating from rural areas to urban or peri-urban centres. Their socio-economic background influences their bargaining power, access to education, and ability to resist exploitative practices. For example, women from poorer households are more likely to accept unpaid overtime or forego maternity leave due to economic necessity.

Indonesian garment and textile industries have been improve significantly and contribute to the Indonesian economy up to 11% for manufacture exports. It also employs 4,3 million people including the female labour force participation rate in the garment sector approximately 82%. The share of garment and textile industry sector jobs is 5,8% for female employment.[5]

Table 1. Garment Industry in Indonesia snapshot

Indicators	Figure

Amount of workers	4,3 million
Female workers proportion	82 %
Share of jobs in total employment	3,6 %
Share of jobs in female employment	5,8 %
Share of total exports	5 %
Share of manufacturing exports	11 %
Main investment source	Republic of Korea

Young female workers dominate the garment workforce, reflecting employers' preference for workers perceived as more productive, compliant, and less likely to organize unions. Older women workers, however, are victims of discrimination: employers don't want to renew their contracts or hire them in permanent positions. As a consequence, females workers come and go in great numbers, thus ensuring steady transience. Indonesia: Unemployment prevails in the garment sector Precarious work normal at Indonesian garment sector over 70% of apparel workers. A significant share of the workers are employed on temporary contracts or contract-out systems. This chips away at entitlement to benefits such as health insurance, maternity leave and severance pay. And the place where this is accentuated is for women, with the added layer of gender discrimination due to precarious work, in widening wage inequality and open financial insecurity.

Apparel is a segment of the global supply chains that are owned and controlled by multinational corporations and international brands. They are among the biggest wage cooks and job toolers with their purchasing. Product-supplying nations circumnavigate downwards wage pressure by plying foreign customers with cheap labour goods. They are working women, a majority of low-wage earners.

Job status is one of the most significant factors across wage differentials. Full-time employees get minimum-wage protection, overtime pay and benefits. Intellect bezeichnet Frauenlöhne Surprisingly, a large number of contract and temporary workersÐ who are currently over represented by women in the population at largeÐ earn less than agreed minimum wages and have no pay benefits. Across large sectors of industry, the circulation of workers through temporary contracts to prevent their obtaining permanent status has become institutionalized; in this way, work becomes increasingly insecure. This insecure contract status also compromises the protective effect of minimum wage legislation, especially for women. When work becomes gender separated, the imbalance is pushed further. Women are disproportionately employed in poorly regarded, low-paying sewing, finishing and packing roles. Men are more likely to have dirty cutting, machine-maintenance or supervisory jobs that pay better. And that is not only a signal of biased hiring, but also a testament to deeper cultural values that devalue female work. Unsubstantiated information indicates that female garment labourers commonly works 10–12-hour days, longer than the maximum allowed by law. Even it's illegal to some extent, legally you have to work overtime but still you are made to do it with a lot of pressure and who is eligible underpaid for the work due to the quota binding.

Several case studies provide examples of income inequality and gender discrimination in action in the country's garment factories. West Java is home to many garment factories and it produce clothes for international brands. Existing research indicates that in high coverage regions of minimum wages, as result of collective agreements and trade union occupations, wage disparities persist. Women are packed into lines of sewing, with pay that is clearly lower than men assigned to technically oriented jobs. The contracts are almost always for just a few months at best, which wrecks women's job security. It is less in Central Java, as limited trade union membership there are higher and provincial minimum wage is lower. Relative to west java respondent. Here in Semarang and Solo, women workers tell stories of rampant labor rights abuses: forced overtime and the absence of protections for pregnant workers.[9] Occupational segregation and a lack of

effective inspection further contribute to wage inequalities. Compacted within Yogyakarta's smaller-scale textile factories, the difficulties of informalization come into focus. A lot of women work in home-based subcontracting where workers get paid by the piece and even that amount is below the legally prescribed minimum. They are not covered by the social protection system or unionised, and their precarious situation makes them a particularly fragile group. According to a 2022 ILO study, 77% of enterprises in Indonesia surveyed held that if women were more equally represented at the workplace, business outcomes improved. [10]

3.2 Non-Disparities Principle as a Pathway to Establish Sustainable Communities at Workplaces

The protection of workers is mean to ensure the implementation of equality without discrimination on any basis.[11] For example, Article 81 of the Manpower Act assured that female workers are entitled to 3 months paid maternity leave (1,5 months before and 1,5 months after giving birth), so it is illegal to fire a female worker while in their pregnancy, birth, until breastfeeding phases. It is also applied when they have a miscarriage. They must be provided with decent lactation facilities and time as part of human needs. A supportive workplace culture has an impact on female workers' decisions and loyalty.[12] In fact, working conditions frequently fail to meet occupational health and safety standards. Problems include inadequate ventilation in the factories, causing respiratory illness; repetitive strain injuries from long hours of sewing; and meagre access to clean water and sanitation. These same circumstances have an outsize impact on women, who are also more likely to be barred from receiving reproductive health care. Despite there being laws in place protecting the rights to maternity leave for Indonesian women, in practice, their experiences are dismal. Pregnancy tests during recruitment so that you don't have to hire someone who will claim maternity leave. Pregnant workers meanwhile are not renewed in contracts or harassed. And even when maternity leave is provided, returning mothers are often passed over for promotion or overtime assignments, which in turn reduces their income. This programmed inequality leads to continuing income disparity.

The Indonesian work law provides for collective labor rights. In the Job Creation Act era, trade unions and collective bargaining are more important than they ever have been. Many key labour relations issues will need to be settled as part of work agreements. [13] Garment factories owners working to prohibit the establishment of a trade union among labourers there as branding may be impacted '". The right to organize and bargain collectively still lags for garment workers. Trade unions have an instrumental role in reducing wage inequality, unfortunately the effectiveness of the trade union s in Indonesia's garment industry is low. And while the rate of labor organizing at big factories can be quite high, there are many remaining challenges to such efforts: Exclusion of contract workers: Many female workers work under short-term contracts and would avoid joining unions for fear of being fired. Share of women in workforce Fewer women trade union leaders Men make most decisions about maternity rights, harassment and equal pay. There are also reports that some employers harass employees engaged in trade union activities. Indonesia has established a number of social protection programs, including BPJS Ketenagakerjaan (employment insurance) and BPJS Kesehatan (health insurance). Factory employees who are permanent in nature are more likely to be members. This often involves leaving out contract, outsourced and home-based workers most of whom are women. The failure to include vulnerable populations into social protections leads to continued insecurity and inequality of income.

Compact on gender-based discrimination, and its application of anti-discrimination laws including to audit recruitment and promotion procedures; adopting zero tolerance policies

regarding at work harassment; and supporting confidential monitoring systems. Train supervisors, managers and labour inspectors on gender sensitivity. Reinforce corporate responsibility in the global supply chain, multi-national brands and retailers to sign up to living wage and gender equality standards in supplier contracts. Support models of worker-driven social responsibility where oversight was led by unions and ngos, not external auditors. Develop regional cooperation with other garment-producing nations to avoid "a race to the bottom" in wages. Embed gender equality into national development plans, entrench industrial and labour policies in SDG 5 (Gender Equality), SDG 8 (Decent Work) and SDG 10 (Reduced Inequalities). Promote education and training for women to combat occupational segregation and facilitate career advancement.

To create non-disparities in labour rights as a pp to sustainable communities in the Indonesian garment sector calls for combined multi level action. Reinforce minimum wage legislation enforcement, and expand resources as well as staff for labour inspectorates in order to ensure compliance throughout the factories. Increase penalties for employers when workers are underpaid or use a loophole to outsource and avoid wage laws.[14] Empowerment of female workers and trade unions- promotion of women's leadership in trade unions, ensuring that gender is part and parcel of collective bargaining. Expand union rights to cover contract and outsourced workers, shielding them from retaliation. Promote sectoral bargaining to establish industry-wide norms and decrease regional imbalances. Extend social protection for informal workers, ensure broad access to BPJS Kesehatan and BPJS Ketenagakerjaan irrespective of employment status. Issue subsidies for female maternity benefits to discourage employers from not recruiting women. Developing specific schemes for informal and home based garment workers, in order to prevent them from being exempted of basic protections.

4 Conclusion

Non-discriminatory protection of workers is not just an economic matter; it is a moral and social requirement that reflects the constitutional commitment to social justice on the part of Indonesia, as does its international obligations under the ILO framework. The garment industry has been a mix of opportunity and exploitation for Indonesian women. It is a source of millions of jobs and income opportunity for many but wage inequality and exploitation make these jobs essentially ineffective in the fight for empowerment and justice. These results imply the boundaries of reform. The only thing that will be different is, if anything, we may evolve into a more respectful working environment one in which institutions are stronger and women in workers can speak out about what they want their future to look like. The government, unions and industry, multinational buyers and civil society taking on a more collaborative multi-stakeholder approach is the only way we will have any chance of creating conditionality that takes us to create sustainable community within Indonesia's garmenting supply chain where an equitable decent income for women in garment making can truly be made.

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