



An Analysis of Protection Model for Women Workers in Informal Sector towards Gender Equality and justice

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Abstract. Gender equality and justice indicate that everyone should receive equal treatment and not be discriminated against based on their gender identity. Indonesian Statistic Centre reported that in August 2019 there were 70.49 million people (55.72 percent) who worked in the informal sector and were dominated by women as many as 60.81 percent. However, the presence of these women workers is often not taken into account by the state, society, and even households, indicated by the absence of the rights of women workers in the informal sector. This qualitative study aims to develop a protection model for women workers in the informal sector to increase and achieve gender equality and justice. The 3 FGDs and 30 interviews with the government institutions and women workers in the informal sector are carried out in order to develop the model. Finally, a model of economic, law, and working environment is developed as a protection model for women workers in the informal sectors.

Keywords: Gender Equality, Justice Indicate, Protection Model, Women Workers.

1 Introduction

Gender equality and justice indicate that everyone should receive equal treatment and not be discriminated against based on their gender identity. This is one of the goals of the United Nations Universal Declaration of Human Rights which seeks to create equality in social and legal fields, such as in democratic activities, and ensure access to equal work and equal pay. The same goes for workers or employees. Gender equality and justice for workers or employees instruct that all employees both in the formal and informal sectors need to have equal treatment.

Indonesian Statistic Centre reported that in August 2019 there were 70.49 million people (55.72 percent) who worked in the informal sector and were dominated by women as many as 60.81 percent [1]. However, the presence of these women workers is often not taken into account by the state, society, and even households. They are considered shadow workers that are not valued as work, so it does not need to be economically rewarded as done by men or the formal sector and do not get any protection.

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Law Number 13 of 2003 concerning Manpower was updated to become Law Number 11 of 2020 concerning Job Creation which is the main legal basis in Indonesia regarding employment. However, both do not at all accommodate the rights of women workers in the informal sector.

This study explores the possibility to develop a protection model for women workers in the informal sector to increase and achieve gender equality and justice. The model for the protection of women workers in Indonesia has been carried out and developed by many researchers. The most widely used protection model is legal protection for female workers in industrial estates, where previous researchers focused on providing legal guarantees to female workers who work at night shift [2], the legal substance that protects them [3]–[5], or to workers, homeowners who need to be given an understanding of their rights and obligations [6]–[9] and training to increase their skills [10]. However, in spite of the high necessity for protection scheme for woman worker in the informal sector, none of the research focus on its protection model. Therefore, a model of protection for women workers in the informal sector must be designed immediately.

This study draws on the model for the protection of Indonesian migrant workers according to Law Number 18 of 2017 and feminism theory in order to develop a complete and comprehensive model for the protection scheme. The migrant worker protection scheme focuses to the kind of protection needed and the actors for the model. This model can be implied as a base model for this research. At the same time, feminist theory underlines the importance of seeing every aspect in an equal way [11], this theory states a critical framework to examine gender disparities [12].

This research contributes to theory and practice in several ways. Firstly, this study contributes to expanding organization feminism theory implication to non-organization based. Secondly, this study contributes to developing a comprehensive model to assist protection schemes for woman workers in informal work. Thirdly, in practical implication, this study contributes to supporting the government in establishing the law and policy for women workers in the informal sector protection scheme.

Hence, the aim of this research is to develop a conceptual model as a protection scheme for woman workers in the informal sector. In order to reach the aim, we state the research questions as follows:

1. What kind of protection is needed for women workers in the informal sector?
2. What is the appropriate model for a protection scheme for woman workers in the informal sector?

This paper will start by elaborating on previous literature in building the state of the art of the concept theory. Next, the research design and research context will be explained in the methodology part followed by a discussion. The main finding will be provided last along with the conclusion, limitation, and opportunity for future research.

2 Initial Conceptual Framework

As mentioned above, this study employs feminist theory in discussing protection schemes for woman workers in the informal sector and developing an appropriate protection model. The principle of Equality Before the Law which states that there is no difference in status, gender, age, occupation and else to get the same protection [13] which is part of Feminism Theory, is also used as the basis for the formulation of a model for the protection of women workers in the informal sector.

The protection model for women workers specifically in the informal sector in Indonesia has not been established, and even the studies that have produced this model have not been carried out. The protection model that has been established in Indonesia is the Indonesian Migrant Worker Protection System Model in Law Number 18 of 2017. This model is intended as an effort to protect prospective migrant workers and/or workers and their families to ensure the fulfillment of their rights in the whole series of activities before work, during work, and after work in various aspects of law, dignity, human rights, economic and social values as illustrated in Fig. 1.

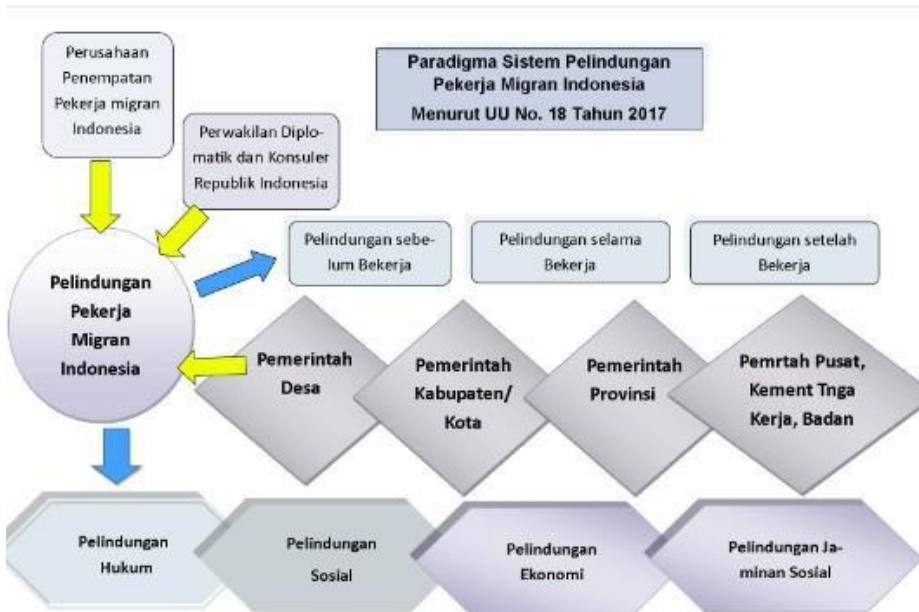


Fig. 1. Protection Model for Migrant Workers [14]

Finally, the Multistakeholder Helix or also well-known as the Penta helix model will also be used to design a model for the protection of women workers in the informal sector. Multistakeholder Helix model is the basis of an integrated ecosystem that plays a role in achieving certain goals, namely protecting women workers in the informal

sector as a whole. This model is the development of the Triple-Helix [15] and Quadruple-Helix [16] into a Penta-Helix model that involves the Government, Private, Academics, Community, and Social Entrepreneurs and/or activists in one ecosystem [17].

3 Methodology

3.1 Research Design

This study employs qualitative methodology in building the construct and developing a proposed model. As Easton (2010) underlines qualitative research has its advantage in observing the attitude, feelings, behavior, and opinion of the participants that can be applied in the data analysis [18]. Following to that, we conduct interviews and Focus Group Discussions (FGDs) with local government, heads of the districts, and women workers in informal sectors. Informants were taken from local government institutions namely the labor office, commerce and industrial service, woman protection service, social services, and health services, head of village and sub-district, and to woman informal workers in Magelang. As many as 30 interviews and 3 FGDs are conducted for this study.

Along with its methodology, we apply thematic analysis in inductive theory building in order to find our answers. Our data is divided into theme and sub-theme to analyze conceptual analysis and discover the pattern and aggregate dimensions [19]. Both interviews and FGDs are using semi-structured questions for their advantages in creating and building new questions based on participants' answers. This research also utilizes secondary data from local government and local statistic centers to discover data distribution in the research object.

In fact, there is no data regarding women as informal workers. Hence, we took the total number of populations in each sub-district and applied stratified random sampling and cluster sampling to choose the origin of the informants. Along with the result, we take one participant for every selected sub-district and contact the head of the district to ask for the participant's recommendation. Following that, expert judgment was carried out to validate the instruments and constructs resulting from the previous qualitative approach.

For this study, we employ 30 case studies which consist of 4 case studies with local government, 21 case studies with the head of district and sub-district, and 6 case studies with the woman workers in the informal sector. The 30 case studies are chosen to effectively address these research objectives and answer our research questions.

Moreover, to assure the robustness of the data, this research demonstrates the use of validity and reliability test which by using qualitative criteria [20]. To assure credibility, this study uses triangulation in the data collection process and data management. Confirmability is achieved by comparing answers between participants and seeing the repeated consistent answer. Finally, we have got our own assumption in conducting the research and state it as our baseline in the data collection and analysis [21].

3.2 Research Context and Setting

The city of Magelang, Central Java with a population of 127,185 people and a total of 60,612 female workers [2] has not identified the profile of informal sector workers in its area, so there is no protection policy for informal sector workers, especially female workers. As a result, problems often arise, such as psychological and physical violence perpetrated by employers against workers, an unhealthy and safe work environment, wages that do not match the minimum wage, working hours that do not match the standards that have been set, and low membership of BPJS Health and Employment.

Almost all cities/districts in the Central Java region as well as the Provincial Government do not yet have regulations that specifically address the protection of informal sector workers. The Province of Central Java has just had Regional Regulation Number 2 of 2021 concerning the Implementation of Women's Protection which discusses women in general. Some cities/districts already have Regional Regulations on Manpower, but they are more focused on formal workers. Including the City of Magelang with Regional Regulation Number 2 of 2018 concerning Employment Services. One of the focuses of the Magelang City development program is community empowerment, especially among women. In this regard, this research aims to design a comprehensive and integrated model of protection for women workers in the informal sector, which can be used as a reference for local governments to formulate and establish policies. Informal worker as defined in this study is those who work part-time, working without contract such as household assistants, factory worker, street vendor, and saleswomen.

4 Discussion

4.1 Protection for economic guarantee

As mentioned in Abraham Maslow's Motivation theory, in order to be motivated in work, ones should fulfill their basic needs in terms of paying for their daily meals, living, and clothing. The fulfillment of This basic need is included in the first layer of the hierarchy of needs [22]. This research tries to discover the pattern and theme regarding those basic needs. For that objective, we try to elicit more in-depth explanations and experiences from samples. Hence, we asked our informants the core to occupy that basic needs. Table 1 shows how informants draw their needs.

In order to fulfill basic needs, working mainly becomes a significant choice. However, working is not only to fulfill people's needs but also to increase the family economy. Hence, in order to achieve an economically stable family or individual, economic protection is substantial. Our informants reveal economic protection is formed from four major patterns, which are welfare, financial literacy, empowerment, and professionalism as mentioned as follows:

"I work to help my family. However, with my education level, I only can work in this sector and I hope our government has any way to protect us" (Tailor, Female, 38 yo).

This discovery confirms previous research that indicates women worker in informal employment plays an important role in the nation's economy and need protection in the informal workforce [23].

Table 1. Line-by-Line Coding for economic protection

Line-by-line coding	Pattern	Theme
<p><i>So far, there is no policy from government regarding informal workers; welfare. It's basically both parties' agreement</i></p> <p><i>No written contract, Employer can fire me any time</i></p> <p><i>Customers sometimes cancel their order last minute and don't want to pay</i></p>	<i>Welfare</i>	
<p><i>I never get any financial workshop to manage my income/payroll</i></p> <p><i>Most of them don't know how to arrange their money</i></p>	<i>Financial Literacy</i>	<i>Economic Protection</i>
<p><i>Government provides workshop, training, assistance program and skill development to everyone and woman workers in informal sector are not exceptional</i></p> <p><i>We have the production skill, government can recruit us to provide the goods, we only need the marketing assistance</i></p> <p><i>We need support for the resources and we can play stronger role in community</i></p>	<i>Empowerment</i>	
<p><i>I only primary school graduate, I learn to work from experience and I don't know how to improve my skill</i></p> <p><i>Their employer often treat them unfairly due to their lack of education and skill</i></p> <p><i>Increasing their skill and capability can increase their competitive advantage</i></p>	<i>Professionalism</i>	

4.2 Protection for the legal issue

Apart from economic challenges, the informal worker also faces legal problems. With limited regulations and policies regarding their type of work, informal workers especially women workers always deal with legal injustice [24]. So far, most governments try to implement formal sector regulation in the informal sector or push informal business to be a formal [23]. Hence, there is no specific regulation regarding the legal issue for informal workers. Table 2 will elaborate on those points.

Most common problems encounter by woman workers in informal sectors cover sexual violence, harassment, injustice and discrimination. The failure to establish written contract in advance and the working culture that deny the needs of written contract are mainly disadvantage for those workers as stated below:

“We found a lot of report regarding legal issue in the field. However, we haven’t got any rights to help them, so we transfer them to another office to continue the report. But, mostly it is difficult because they are lack of evidence” (Labor Office, Female, 35 yo).

This finding in line with previous research that there is emerging need for reconceptualized labour law to accommodate informal worker [25].

Table 2. Line-by-Line Coding for legal protection

Line-by-line coding	Pattern	Theme
<i>Harassment, sexual violence and discrimination are common experience for woman workers especially in informal sector</i>	Legal issue	
<i>We don't have any written contract, the problem starts there</i>		Legal Protection
<i>I don't know what to do when I experience injustice</i>	Legal assistance	
<i>We demand for equal treatment and opportunity between those who work in formal and informal sector</i>		

4.3 Protection in health and risk in working environment

As part of protection model, protection in health and risk in working environment should be taken into serious account in order to establish a comprehensive model for informal worker. Furthermore, Routh [25] underline the relationship between informal economic activities, human development, decent work and law. On order to reach all above elements, we need to start to assure legal protection for the informal workers especially woman workers. Table 3 delivers the patterns and theme.

Basically, the health and working environment in the informal sector is not taken seriously. Lack of awareness and education from the employer becomes the main reason for that. As mentioned by one of the participants:

“Our boss just tells us to be careful without providing any prevention kit or uniform or even education about the risk” (Peeler in traditional snack SME, Female, 25 yo)

We found out that the biggest challenge encountered by the informal worker is the lack of protection in their health and working environment. This finding confirms previous literature that underlines the limited access of informal workers to their health and working environment [26].

4.4 Towards Protection Model for Women Workers in Informal Sector

In order to reach gender equality and justice, we need to establish a protection model for the informal worker. Not only for the informal worker, but this research also focuses to develop a comprehensive model for woman worker protection in the informal sector. However, in practice, most countries apply the same protection model for both formal and informal workers. Another way taken is to push forward informal business to be a formal business.

Table 3. Line-by-Line Coding for health and risk in working environment

Line-by-line coding	Pattern	Theme
<i>Risk comes from everywhere here, from us, our work environment and the machine</i>	Potential Hazards	
<i>Peeling machine is risky and potentially hurt us. We use it daily</i>		
<i>Sometimes injury happens, so far, we try to be more careful</i>	Work Accidents	
<i>Accident happened here mostly when we're not focused in doing things. Mostly it causes small accident but who knows big one can occur in the future</i>		Heath and Working Environment Protection
<i>So far, my boss doesn't really pay attention to that. He just asks us to take a rest when we're sick</i>	Occupational Diseases	
<i>We complain about ache in some parts of our body such as neck, back, hip and our hand</i>		
<i>No insurance in any type</i>		
<i>We don't have any insurance. They don't facilitate us with any insurance</i>	Insurance	
<i>Hmmm we're not informed about work safety, any special uniform or sort of that</i>	Work safety	
<i>We don't have work safety regulation here</i>		

Drawing from feminist theory, the protection model for workers in the informal sector also needs to be developed due to no difference in treatment between gender, working sector, insurance, and opportunity for all workers. Hence, this research tries to develop an appropriate model for informal sector workers, especially to women workers. In order to do so, there are two main elements that should be included in the model. Firstly, the kind of protections needed for the informal workers and actors to assist the implementation of the model.

Adopting the Penta helix model as mentioned in the previous section, this research tries to combine the strength of the Penta helix ecosystem with the protection model of woman workers in the informal sector as can be seen in Fig. 2.

Policy and actors cannot run differently, both have to work in collaboration way to be able to shape and apply the protection model. This model adopts the Penta helix diagram due to its advantage in including all parties which interrelated with each other. Moreover, in order to implement the feminist theory in practice, this model underlines equality in gender and justice along with equal opportunity both for formal and informal workers.

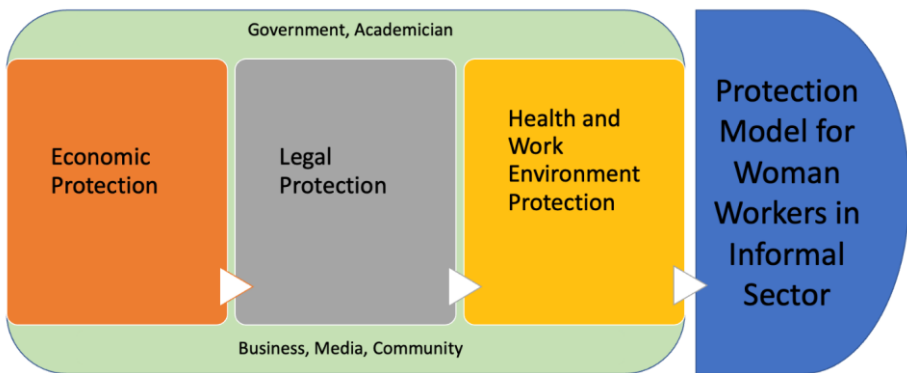


Fig. 2. Protection model for woman workers in the informal sector

5 Conclusion

This study aims to represent women workers in the informal sector towards their protection model by developing a comprehensive model for protection schemes. In order to reach that aim, this research asks two questions; what kind of protection is needed for women workers in the informal sector, and what is the appropriate model for them?

This study presents a proposed protection model for woman worker informal sector by drawing to feminist theory and the Penta Helix ecosystem model and delivering three kinds of protection namely economic protection, legal protection, and health and work environment protection. Along with those protections, five actors are included in the model since they will work collaboratively to run the model. The actors include government, business, academician, media, and community.

Finally, this research has pointed out our significant variables for the protection model towards equality in gender and justice. It is expected that the model can be implemented fully to woman workers in the informal sector to be able to achieve more protection and insurance during their work and may be able to increase the economic level.

Limitations and Future Research. The absence of secondary data on woman workers in the informal sector becomes the first limitation of this study. If we get the data distribution, we can assure the number of respondents covers all populations. Another limitation comes from the absence of a similar model to be set as a benchmark. Without any comparison and benchmark, it is harder to measure the effectiveness and the suitable elements for the model. We suggest that future research conduct a comparative study with another country in South East Asia which have similar demography.

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