



Worker's Menstruation Leave in the Patriarchy Domination

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Abstract. The existence of female workers in the industrial sector is inevitable according to the increasing family needs which are compared to the insufficient production source in the agrarian society, besides, a situation which hopes for an economic improvement from a husband or a man cannot be maintained anymore. However, the increasing number of female workers in the industrial sector does not come together with the guarantee of woman right fulfillment in accordance with the their reproduction function that causes violence for female workers in which it does not occur on male labor.

A qualitative research method was applied through observation which was conducted to the female worker's activities and interview to female workers, and male workers. The informants in this study worked for an international sports shoe factory in Tangerang. They have been working for at least three years as an operator, a supervisor, and a labor union official.

Even though the company recruited women for more than 80% from the whole number of the workers, this situation indicated that the company did not side with the female workers' rights of menstruation leave. The company that was represented by the regulation implementation and the male workers' perspective of the women's reproduction organ showed that women tended to be the object of capitalist to achieve the profit target. Female workers must obey the company's regulation although the regulation disturbs the health of woman reproduction organ and working performance in the factory. It indicated that the patriarchy combination within the idea of capitalism caused women to get their rights of reproduction health unfulfilled, especially in relation with the menstruation leave.

Keywords: patriarchy domination, female workers, menstruation leave, feminist

1 INTRODUCTION

Domination is a relationship in which a party (individual or collective) that is dominant succeeds to subjugate another party (individual or collective) that is subordinated as a tool of will and refuses the subjectivity of subordinated party or the subordinated party is only a tool of will of the dominated party [1]. Fundamental problems between women and patriarchy include the ontological perspective of human beings. Domination does not become an issue as long as it is to show how to be a

human. Nevertheless, domination becomes a problem when used in a calculative way of thinking[2]. The calculative way of thinking is finally forced in a private domain where a relationship between men and women is a power relation, and in a public domain where the power relation and the profit-loss relation produce economic values or not. Besides, the existence of women in the factory shows the calculative way of thinking, displaying female workers in the domain based on the capitalist and patriarchy controls. The capitalist calculatively takes an opportunity by taking the women from the private domain to the public domain.

The patriarchy domination is re-emphasized by the patriarchy, where in the patriarchy system, men control women hierarchically. The control over the women's lives is shown by the capitalist through the wage regulation, the working system, the type of work, the working facility, and the career level. In this study, the patriarchy control through the capitalist was indicated from the implementation of menstruation leave which the female workers in the factory experienced in which the menstruation leave distanced them from the subjectivity. According to the female workers' experience, the implementation of menstruation leave was discovered from the women that had to work for 7 – 8 hours per day or even 11 hours if overtime hours were applied. Eny Winarti revealed that it was a big burden for the female workers working for 7 – 8 hours per day because it could cause disturbance to the function of sexual or reproduction organs inside or outside, temporarily or permanently[3].

In relation with the menstruation leave, the female workers from PT. Berkat Busana Tama Garmino Malang [4] indicated the difficulty for female workers to get a menstruation leave. The female workers demanded a the restoration so that the law enforcing the menstruation leave was restored. The implementation of the leave regulation was opposed because it was considered that the regulation was issued without the agreement of female workers or done unilaterally by the company. In relation with the regulation regulating the menstruation leave, the government issued the law about the menstruation leave, regulated in The Law Number 13 Year 2003 Article 18 paragraph 1 and 2 noting that female workers in the first and second days of menstruation feel pain and report to the company are not obliged to work in the first and second days of menstruation). Further, the Law stated that the capitalist was obliged to pay the salary if the female workers were feeling pain in their first and second days of menstruation, so that they could not do their work. However, in the workplace, the female workers frequently faced difficulties to get the menstruation leave[5]. The present study is something interesting, first, female workers always experience violence including in the implementation of menstruation leave enforced by the company. The government issued the law regulating the relationship between the workers and the company, for instance, the Law No. 13 Year 2003 as well as the international law protecting the woman rights such as Convention on The Elimination of All Forms of Discrimination against Women (CEDAW, 1979) and Beijing Declaration 1995 which basically do not contradict the content of The Five Principles (Pancasila) and The Constitution of the Republic of Indonesia of 1945 (UUD 1945) (particularly The Preamble of UUD 1945 and Article 27 UUD 1945).

Second, even though violence frequently happens on the woman rights, it does not reduce the number of women in factories. The Ministry of Woman Empowerment and

Child Protection in 2002 discovered the increasing number of women in 2004 for 29.9% to 37.9%. Moreover, the record of BNPTKI (Badan Nasional Penempatan Tenaga Kerja Indonesia/ Indonesian National Board for Placement of Indonesian Overseas Workers) for 2007 – 2011 indicated a significant increasing number of migration of female workers abroad for 64.7% in 2011 (not including female workers with legal document). This number is interesting due to the situation where violence against female workers never stops.

2 Method

The present study examines the domination in the society which causes the neverending violence against female workers happens in which the violence is done simply because they are women. An understanding is needed for a company to take an action to treat female workers and for the female workers to understand the violence. The dissertation study is done by applying qualitative method of feminist perspective in which the subject of study includes female workers. The subjectivity of female workers as an individual's experience having different characteristics produces a unique individual significance. Understanding experiences becomes very important to record and realizing reality as a criticism of theory and to find an alternative construction. The result of the study is expected to find a solution, as a door to a change in society. In line with Emy Susanti Hendarso[5] emphasized that an approach could be categorized as a gender perspective if the theory could be used to understand and change a disadvantageous status quo of women. The status quo of female workers' experience includes family, education, religion, industrial sectors, and government.

Data were collected from the field through observation. In this case, observation is highly needed in the qualitative method to obtain data. Creswell [6] argued that observing meant the researcher paid attention to the phenomena in the field through five senses and instruments or tools to record for scientific purposes. Beside observation, interview was conducted to obtain data. Unstructured interview became the choice to obtain data because it was flexible. During the interview, the researcher initiated a private dialog by respecting the informant's subjectivity in which informant was perceived not as the object of study[7]. The subjectivity assessment was given without giving a particular assessment to the individual perspective of female workers and aligning them with male workers' experience.

Tangerang, the capital city of Banten Province, was the research site of violence against the female workers of shoe industrial sector. For most of factories, industries employ female workers for 80% of the total number of workers, and they are in a productive age. Being bordered with Daerah Khusus Ibukota Jakarta, Tangerang is the economic support of the nation's capital city and it experiences high acceleration in terms of technology and economy. The acceleration of technology and economy is accompanied by the availability of various job vacancies. In the record of BPS Banten, 2011, particularly in August 2011, the industrial sector ranked first in employment for 1,140,427 people (25.17%). Besides, Tangerang borders the capital city of the country

where regulations and policies are issued. The border of this region is expected to make the decision makers to see and hear more quickly the problems female workers are facing, so that there will be solutions to solve the problems.

3 DISCUSSION AND RESULT

According to the experiences of female workers who frequently got difficulties obtaining menstruation leave, and the increasing number of female workers in the shoe factory which was not in line with the law issued by the government and the international board, the researcher found out power which dominated in society, thus, violence against women in industrial sector in accordance with menstruation leave always happened and become something common. Based on the work structure in the factory, female workers were only obedient to the employers in relation with income which they attained for the family needs. The structure of capitalism prevailing in the factory underlined that female workers were a subordinate group that must be obedient without fighting or questioning rights which they must receive.

The existence of women in industrial sectors which is always in the low bargaining position in industrial relations is closely related to the stereotypical phenomenon of society. a community stereotype is a series of assessments placing women in the low bargaining position after men. ILO-International Labour Organization in Asian Decent Work Decade 2006-2015 recorded the woman stereotype against the man stereotype.

Table 1:1 The community stereotype of men and women

Woman	Man
Obedient	Authoritarian
Emotional	Rational
Weak	Strong
Quiet	Loud
Neat/ clean	Dirty
Artistic	Athletic
Housewife	Breadwinner

Language and literature oriented ('soft' topics)	Mathematics and scientific oriented ('hard' topics)
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(Source:Noerhadi, Toeti Heraty.2000. Kekerasan Negara Terhadap Perempuan dalam Negara dan kekerasan Terhadap Perempuan. Jakarta: Yayasan Jurnal Perempuan danThe Asian Foundation).

The effect of the stereotypes is seen on the patriarchy domination against women receiving the implementation of menstruation leave without protest with resignation. The domination made women marginalized as The Other, created by men as stated by Simone De Beauvoir that someone becoming a woman was not because they were born women, but because of the determination of men in social structures. The effect of masculine domination was placing women in a state of physical uncertainty, or making women as symbolical goods. The existence (esse) of women is the existence seen (percepi), women exist because of others' perspective and for that, women are goods that are receiving, interesting, and available [7]. In other words, the existence of female workers in factories is the men's decision to give chances for women to work there.

It is related to the community's perspective that the functions and responsibilities of women have been decided in domestic domain, whereas men in public domain is to act and protect the family from all dangers and be responsible of the economic life. Further, men become value makers in society, designing purposes and being open-minded of the future [6] Beauvoir emphasized that women have a lower bargaining position in front of the men, in this case, women were dependent on men physically and economically, as well as to determine ways for themselves. According to the existence of women in factories in accordance with Beauvoir's perspective, it shows that there is a change in which women are now responsible in public domain. In reality, even though they are now responsible in the public domain, female workers are never separated from their responsibilities in the domestic domain.

Seeing the increasing number of women in labor market and violence in the female workers' experiences, based on Benston[6], these are steps away from liberation. The women's participation in the labor market is possible if they keep fulfilling their main responsibility in the domestic domain; there is not choice between work in public and domestic domains, but the choice is they have to do both of them. The collapse of female workers that must work in public and domestic domains is related with the power relation in the production and the domination systems in the gender ideology applied in the company and society. The gender ideology applied in the industrial community is affected by the law and society norms. The boundary between domestic and public domains is outlined in the society where the role of women is an extension from their domestic roles; those are caregivers and service[6].

The relationship between power and economic value is seen from the development of market value, therefore, women who are only staying in the domestic domain with all the work which cannot be redeemed with the market value is considered as secondary work. Capitalists calculatively take an opportunity to recruit women from private domain to the public domain, that is the woman's work as the secondary one,

thus, the wage received is also a secondary wage, not as an income which is fully produced by a human being. In accordance with the existence of women in the labor market and the wage of female workers from various work and education in Malaysia, Siew Ching Goy explained that according to perspective of various feminist economy experts, the situation harming women in the market was caused by the patriarchy view and institution. The women's position as subordinates in the society and their responsibilities on their work in the domestic domain and taking care of children are the pressure which leads to protest in the determination of work and wage [8].

Finally, the existence of female workers in the public domain is in line with the control of capitalists and patriarchy. The control of capitalists and patriarchy which they experience in the public domain is particularly considered as common practices due to the effect of polarization caused by the domination.

The female workers' experiences related to the menstruation leave.

3.1 The workers take menstruation leave if feeling pain

The process of shoe production took place in a narrow space because the room contained big machines starting from cutting materials to the materials which are ready to ship, raw materials of shoes and spaces for the workers to work. The room was packed, thus it was hot and stuffy because it was full of the chemical substance aroma of the shoe materials. Further, there was only fan in the room. The work consumed 8 hours in which it was done by sitting or standing depending on the type of work. The sewing process, in this case, cutting, sewing, and forming materials to be the upper of shoes, was done by sitting, whereas the assembly process, in this case, assembling patterns, was done by standing. The working behaviors, sitting and standing, were considered exhausting and causing pain.

The female workers complained to feel pain in their hip because they sit all day, felt tense on their legs because they stood too long since they had to press the foot of the sewing machine with their legs and arm muscles, and their stomach and back got tense because they had to put strong pressure when operating the adhesive machine. This working process indicated exhaustion on the working system and the long work duration added with the big machines which had to be operated by the female workers also caused them to feel pain and tense on their legs, hands, and stomach when pressing the machine. The physical exhaustion was determined to be the major factor causing the female workers' performance. As regulated in the Law No. 13 year 2003 Article 81 paragraphs 1 and 2, it is stated that female workers in their menstruation period who are feeling pain and report it to the company are not obligated to work in the first and second days of their menstruation period. The word 'feeling pain' in this regulation is not described in detail in terms of the level of pain which the female workers experience because basically women go through hormonal changes in their body which can affect their health.

All female worker informants admitted that they got used to working while feeling pain. According to Ruya (a women worker), during the menstruation period, she was not feeling pain but nausea and no appetite. Ruya explained that if female workers took

menstruation leave because of menstrual pain, they would be scolded by the supervisor even though the supervisor was a woman. She added that in her working room, the female workers were considered sick if they looked pale or collapsed during work.

3.2 Workers not taking the menstruation leave in relation with income

The informant, Sari, revealed:

I get used to not taking the menstruation leave, little pain is okay. If I take the menstruation leave, they will cut my meal allowance for two days. If I do not work for one full month, it will be difficult to achieve higher target to get incentive or overtime work. I cannot work overtime hours if the target is not covered. I can get more money by working overtime hours.

Sari's experience (38 years old, single) also became all female worker informants' experience. They felt the loss if their meal and transportation allowances for five thousands each must be cut from the wage. If they were absent for two days, they would lose twenty thousand rupiahs. Besides, the opportunity for working overtime hours became the workers' desire although it was quite exhausting, but it could help them earn more money to fulfill their daily needs. They always hoped the company to give more work during the overtime hours even though they knew there was a limitation regulated by the law for the company in giving work during the overtime hours. In accordance with the menstruation leave, every month, Tia (42 years old, an operator) spent 20 – 25 sanitary pads for 4 – 5 days which each pad costed Rp 1,000. This condition differentiated obligatory expenses between female and male workers. It happened the same way to Ruya (23 years old, married, an operator) that spent 10 sanitary pads for 2 – 3 days and spent 1 – 2 packs of cigarette each day which costed Rp 20,000 per pack.

3.3 Workers not taking menstruation leave in accordance with the subjectivity of women

Female workers complained the procedure to obtain leave which must be agreed by the supervisor, the unit head, the medical officers (menstrual cycle was checked by opening their underwears) then going back to the supervisor, the unit head, then the company director which especially managed the workers' administration. The procedure to obtain the leave was considered too complicated, thus, many of them were reluctant to go through it.

One of the procedures to obtain the menstruation leave was the regulation which obliged the female workers to open their underwears as the proof that they were getting menstruation. All female workers chose for not taking the leave because they felt ashamed as stated by Ana (38 years old, married). Ana admitted to feel ashamed because she had to open her underwear in front of the clinic officer even though the officer was a woman. As a subject no woman or man takes off their underwear or their clothes to see even their bodies are naked or even to see their genitals without their permission. In fact, it can be proven that a woman is menstruating through medical

procedures such as the use of an ultrasound or stethoscope or by observing changes in the body's hormones during menstruation which affect women's health.

The menstruation cycle is a woman's subjectivity right which differentiates her from men, but the capitalists have regulated and determined the right to have a close connection with wage and work target. This condition emphasized Beauvoir's perspective on women as the objects and 'Iyan' in the patriarchy society. In accordance with their status as 'Iyan', the female workers tended to received the regulation which is against the woman's reproduction right.

In relation with the woman subjectivity, Rashmi Singh [9] (through a fictional story 'Liberated Women' told an Indian myth upon the man superiority which did not have to be questioned, that in the whole life of a woman, she was below the power and the desire of a man. Even though a wife suffered at the husband's home, she could not come back to her father's home because a wife was expected to be a part of the husband's home till death separated them. Therefore, based on the dominator of patriarchy, capitalists take a part in regulating the reproduction right of female workers for their own interests.

4 Conclusion

The experience of female workers in factories proves that capitalists as the continuation of patriarchy are seen through the implementation of regulation and policies of the company to the subjectivity of female workers, in relation with the protection of reproduction right. The reproduction protection is related to the women's hormonal changes during the menstrual cycle, pregnancy, and breastfeeding. On those three cycles, women need rest period and sufficient nutrition. If those aspects are fulfilled, women are susceptible to diseases and influence the fetus growth.

The patriarchy domination in the implementation of female workers' menstruation leave is seen when the company did not calculate the need expenses for sanitary pads and the needs of rest time and nutrition when women experienced hormonal changes, it means the women's needs were considered the same with the men's needs. The woman's reproduction organ was less appreciated, this was when female workers were required to prove they were getting menstruation. The officers asked them to open their underwear although actually they could prove it by checking the stomach or the uterus without putting off clothes.

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