

Maternity Leave and Gender Equality: Comparative Studies of Indonesia, Malaysia, and Thailand

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Abstract

This article discusses the implications of maternity leave on gender equality by taking comparative cases in Indonesia, Malaysia, and Thailand. This article focuses on three important issues, namely the implementation of maternity leave policies, the funding system for maternity leave policies, and the implications of these policies on gender equality in the workplace. This article uses secondary data from official government documents, documents from international institutions, such as International Labor Organization, World Bank, Asian Development Bank, and related studies. The results of the study show that maternity leave in Indonesia, Malaysia, and Thailand complies with the recommendations of the International Labor Organization conventions 1952 and 2000. The benefits provided by maternity leave accommodates women to work and take care of children. In funding maternity leave, Indonesia and Malaysia use the employer liability scheme, while Thailand uses a combination of employer liability and social security act. These funding schemes are aimed at employees in the private and informal sectors. To promote gender equality in the workplace, the benefits of maternity leave are influential in this effort. The more companies adopt this family-friendly work environment, the more it encourages enhancing gender equality in the workplace. The study finds women are barely in managerial positions due to their responsibility in the family matter. The discussion of maternity leave in Indonesia, Malaysia, and Thailand cases lead to a better understanding of the implementation of maternity leave in developing countries, for which there is currently a research gap.

Keywords: maternity leave; social security; financing system; gender equality; women employee

Introduction

The Maternity Protection Convention No. 3 of 1919 was the pioneer of the global practice of maternity leave policy of female employees. Maternity leave is a policy initiated by the International Labor Organization (ILO) at the International Labor Conference of

1919 (Addati, et.al., 2014). The Convention was adopted by the Maternity Protection Convention No. 103 of 1952 and No. 183 of 2000. Maternity Protection Convention No. 183 of 2000 provides rights to women in the form of a rest period before birth with money guarantees, medical insurance, work protection and non-discrimination, health

insurance and the right to breastfeed for 14 weeks (ILO, 2000). Maternity leave is included in social security provided to individuals to reduce social risk (Government of Indonesia, 1997) and one of the policies which aims to provide health and welfare insurance for postpartum mothers (Addati, et.al., 2014; Siregar, et.al., 2019). One of the goals of maternity leave is to provide protection and income security during the period of maternity leave and to promote equality and protection in the workplace for women and men (Addati, et/al., 2014). In addition, maternity leave is a manifestation of the ILO's commitment in realizing the 5th Sustainable Development Goals, namely gender equality.

The increase in women's emancipation in the era of globalization has led to an increase in the number of female employees in the workplace (Kwegyir-Afful, et.al., 2018; Tominey, 2016). Based on World Bank (2022a), in the last 10 years, women's participation in the workforce globally has reached 47-48%. In many countries, such as America (Glynn, 2019), India (Gupta, 2021), and Canada and Greece, 11-12% of (Kowalewska & Vitali, 2021) the income of women employees is the main source of the family economy. However, female employees often face the threat of losing their jobs during pregnancy or after taking maternity leave. This is because women still tend to lack access to social security, such as pensions, unemployment insurance, and maternity protection (ILO, 2016). In addition, social security tends to be gender blind which treats men and women equally and does not consider discrimination against women in the workplace (ASEAN, 2014). ILO (Addati, et.al., 2014) shows that 830 million women employees have not received maternity protection and 80% of this comes from Africa and Asia. This has encouraged various international and national organizations to be more aggressive in providing women regarding maternity protection (Siregar, et.al., 2019).

This phenomenon also occurs in Southeast Asian countries, including Indonesia, Malaysia, and Thailand with women's participation in the workforce reaching 58% (World Bank, 2022a). It is due to the rapid development of industrialization in developing countries and inadequate family economic conditions. However, this does not reduce the role of women in taking care of the family which causes a double burden for women (Baer, 2021; Bucher-Koenen, et.al., 2020; IWDA, 2016; Rummery, et.al., 2021). Asian women are still often faced with gender roles to take care of the domestic sphere (Kalthom, et.al. in Hirschman, 2016; Ida, 2001) so that this policy can lighten and balance the role of women in taking care of children, especially during the time of birth and job security for women.

This article aims to discuss the implementation of maternity leave policies and issues regarding gender equality in Indonesia, Malaysia, and Thailand. To achieve this goal, this article will answer three basic questions which that are quite important to discuss. The three questions are how to implement maternity leave policies in Indonesia, Malaysia, and Thailand; how the funding system for maternity leave guarantees is provided in Indonesia, Malaysia, and Thailand; and how the implication of maternity leave policies on gender equality in the workplace in these three countries. This study is important to discuss because women often face discrimination due to their pregnancy which leads to gender inequality in the workplace. One of the keys to creating gender equality in the workplace is maternity leave. This article begins with a discussion of the implementation of maternity leave policies and benefits maternity leave in Indonesia, Malaysia, and Thailand. The next section describes the source of the costs, the amount of maternity leave allowances and the conditions for accessing these benefits. The final part of this article discusses the influence of policies on gender equality in the

workplace with a focus on women's career sustainability after maternity leave because women take care of the family with a larger portion than men (Rossin-Slater, 2017).

Maternity Leave, Financing Scheme, and Gender Equality: Conceptual Framework

Maternity protection is a key component of family-friendly policies to promote maternal and child health and prevent discrimination against women in the workplace (UNICEF, 2020). Maternity protection has the main goals of encouraging women to carry out reproductive and productive roles well and encouraging equal employment opportunities and treatment (Addati, et.al., 2014; Borg, 2009). According to Schulze & Gergoric (2015), maternity leave is leave given to female employees who are pregnant, employees who have just given birth and who are breastfeeding are entitled to a 14 weeks period of leave allocated before and after childbirth. Maternity leave is a work absence protection for women which is provided for several weeks and months before and after giving birth (Borg, 2009; Kwegyir-Afful, et.al., 2018; OECD, 2020a). Maternity leave is often used as a measure of health and well-being aimed at protecting the health of mothers and children (Koslowski, et.al., 2021). Maternity leave gives female employees the opportunity to spend time with their babies without worrying about losing their jobs and income (ASEAN, 2014; Ponomareva, 2017).

The concept of maternity protection was introduced through the ILO Convention 1919 (No. 3) which provides limited leave for government and private employees by providing 12 weeks maternity leave, health protection and income compensation while on leave. This convention was revised in 1952 (No. 103) which expanded the range of leave to non-industrial and agricultural employees including housewives and introduced a minimum limit of cash benefits of 2/3 of income. The ILO Convention 2000

(No. 183) is the latest convention which provides protection to all female employees by extending leave for 14 weeks and adding benefits including health, medical, breastfeeding and job protection (ILO, 2012). The expansion of the scope and more adequate maternity protection benefits is a form of developing the status and recognition of women's rights in the workplace (Addati, et.al., 2014). Maternity leave is also recognized in the The Universal Declaration of Human Rights (UDHR) 1948 Article 25 which states that mothers and children are entitled to special treatment and care as social security. The International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966 mentions special protection during the period before and after birth and paid leave with adequate social security. Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979 Article 12b concerning the protection of maternity as a necessary basic right.

In providing leave allowances, each country has a different system in funding maternity leave regarding how much and who is responsible for financing the benefits. The funding schemes which are often used are contribution schemes, non-contribution schemes, combination schemes and employer liability (Addati, et.al., 2014). Contribution schemes are benefits provided based on regular payments made by employees through social insurance (World Bank, 2018; Barrientos, 2010; UNDP, 2016). Social insurance includes old-age benefits, unemployment benefits, pensions, health insurance, and maternity leave benefits. Non-contribution schemes are benefits financed by the government through state funds and taxes (B. Carter, et.al., 2019; ILO, 2018). This scheme is provided to poor and vulnerable individuals or families through social assistance, such as cash transfers, food and goods assistance for basic needs, education and access to clean water and sanitation (World Bank, 2018; UNDP, 2016;

White, 2016). Combination schemes are benefits which are provided by combining contribution and non-contribution schemes with the aim of expanding the range of benefits not provided by either scheme (Addati, et.al., 2014; ILO, 2018; UNDP, 2016). The employer liability is benefits provided by the individual employer which causes a double burden to the employer (Addati, et.al., 2014; ILO, 2018).

The provision of job protection and cash benefits to women during maternity leave is one of the keys to achieving gender equality in the workplace (Addati, et.al., 2014; ILO, 2014). Gender equality can be defined through two approaches, namely the sameness approach which places the position of men and women equally and equity or fairness (Rummery, 2021). The first approach highlights the pay gap and increases women's employment to equal men's. In this case, men are considered as the standard where gender equality occurs when women approach men's norms (Bailyn, 2011). The second approach focuses on five principles, namely anti-poverty, anti-exploitation, equality, anti-marginalization, and anti-androcentrism (Fraser, 1994). Htun & Weldon and UNICEF (2010;2017) gender equality is an ideal condition in which men and women have equal opportunities to participate in politics, economy, social and culture. Their roles are considered equal, no one gets unfair treatment based on gender differences and both are judged as free and autonomous human beings with dignity and rights. Gender equality in the division of labor is understanding that men and women equitably contribute to the work and family environment which can increase men's involvement in family affairs and women's involvement in the workplace (Dearing, 2016). Gender equality in the world of work is against discrimination against pregnant employees including guarantees to return to work after leave with the same position and wage (Addati, et.al., 2014; ILO, 2016).

Method

This article uses a qualitative research method with a case study approach. Qualitative research obtains data from the collection, integration, and exposure of various sources or evidence from various related studies (Yin, 2015). A case study approach is an approach which focuses in depth on a case by explaining it holistically using a certain perspective (Yin, 2018). This approach is used in this study to analyze cases in Indonesia, Malaysia, and Thailand. Source of data used in this study is secondary data. The data used comes from international financial institutions, such as Asian Development Bank (ADB) and World Bank, official country documents, namely laws and documents from international institutions, such as the ILO and UNICEF. In addition, data also comes from books, journals, and news articles as complementary data for maternity leave policy information.

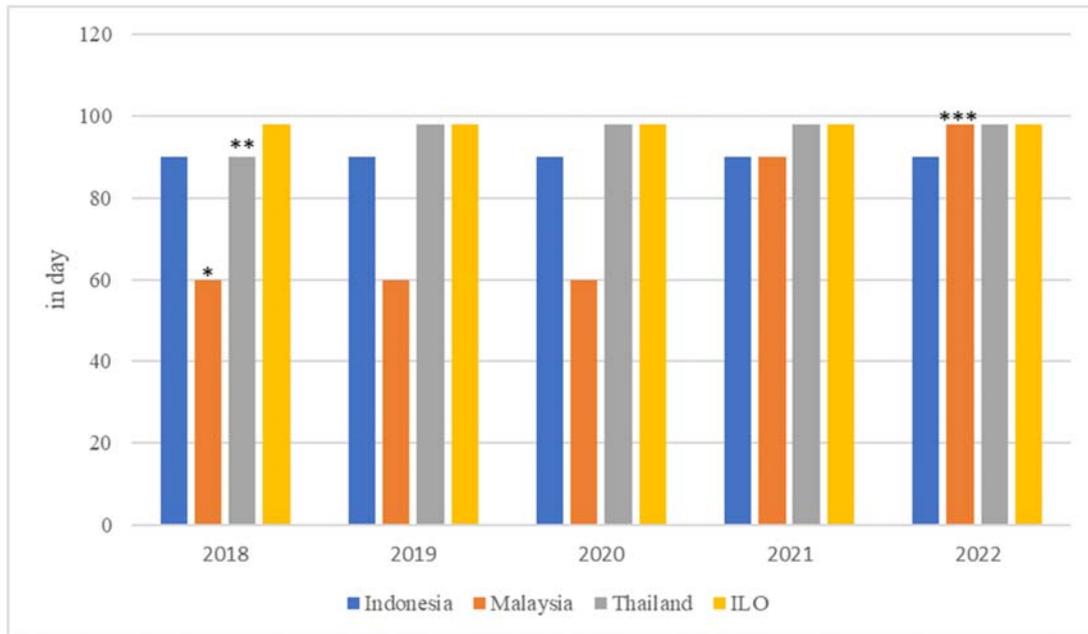
The data was obtained by using a literature review. This method is used to explore research data by identifying, assessing, and synthesizing relevant studies to answer questions (Petticrew & Helen R., 2006). The analytical technique used in this study is a combination of the literature review method and comparative analysis between countries. The literature review was carried out by synthesizing data from the data found (Petticrew & Helen R., 2006). Data synthesis was carried out for generalization in drawing conclusions. Comparative analysis is solving the problem of cause-and-effect relationships by analyzing the factors causing the occurrence of a particular phenomenon (Nazir, 2005). A particular phenomenon is compared across time, culture and space to identify variations which will reveal patterns of differences and similarities in a policy (Brewer, 2011). The comparative analysis between countries aims to sharpen the analysis to make it more complete.

Discussion

Maternity Leave Implementations in Indonesia, Malaysia, dan Thailand

Maternity leave is a basic protection provided to pregnant women employees. The duration and benefits of maternity leave are important in implementing maternity leave (Addati, et.al., 2014). The study of Chatterji and Markowitz (Borg, 2009) showed that the duration of maternity leave affects the mother's physical and mental health and that longer duration of maternity leave has a positive impact on the health of mothers and babies, such as reducing symptoms of depression after childbirth or baby blues and hospitalization during the first six months of birth. In addition, maternity leave also has a positive impact on women's work participation and weekly working hours (Akgunduz & Plantenga, 2013; Dearing, 2016). The duration of maternity leave also influences the mother's decision to return to work after maternity leave. The duration of maternity leave which is too short potentially makes mothers leave work because they feel they are not ready to return to work (Keck & Saraceno, 2013; OECD, 2011). However, the long duration of maternity leave can also hinder women's engagement and advancement in work (Thevenon & Solaz, 2013). According to Dearing (2016), adequate and proper duration of maternity leave has the greatest positive impact on women's work participation.

The ILO Convention 2000 (No. 183) concerning maternity protection states that the duration of maternity leave is at least 98 days from the previous convention of 74 days. The ILO Recommendation No. 191 to extend the duration of leave by 126 days. In Indonesia, maternity leave is regulated in Manpower Law No. 13 of 2003 Article 81/1 state that female employees are entitled to 90 days of leave taken before and after giving birth according to the calculation of the obstetrician (Government of Indonesia, 2003). This leave applies to all female employees who work for a salary. In Malaysia, maternity leave is contained in the Employment Act 1955 Amendment 2021 Part XI concerning Pregnancy and Maternity Article 37 which explains that female employees get 90 days of maternity leave from the previous 60 days (Government of Malaysia, 2021). This leave is intended for private sector employees, whether or not they are members of a trade union in Peninsular Malaysia, while Sabah adheres to local regulations. In Thailand, maternity leave is included in the Labor Protection Act (LPA) 1998 Amendment B.E. 2562 of 2019. Article 41 states that pregnant female employees are entitled to 98 days of leave for each pregnancy from the previous 90 days (B.E. 2541) (Government of Thailand, 2019). This leave applies to all female employees, except administrative employees at both the central and local levels, foreign government employees, employees working in the agricultural and housework sector, principals and teachers in private schools.



Source: ■: Government of Indonesia, 2003; ■: Government of Malaysia, 2021; ■: Government of Thailand, 2019; ■: ILO, 2000; ***: Ragu, 2022
 Note: *: The Malaysian Government before the 2021 Amendment; **: Thailand Government before the 2019 Amendment

Graph 1. Maternity Leave Duration in Indonesia, Malaysia, and Thailand

Graph 1 shows that the duration of maternity leave in Indonesia has not changed, while Malaysia and Thailand have changed over the last 5 years. In Malaysia, the change in duration from 60 days to 90 days through the 2021 Act Amendment. On 21 March 2022, the bill was approved by the *Dewan Rakyat* to extend maternity leave from 90 days to 98 days (Ragu, 2022). Meanwhile, Thailand changed the duration of leave due to the amendment in 2019 from 90 days to 98 days. According to the latest law, the duration of maternity leave in Malaysia and Thailand complies with the ILO Convention 2000 (No. 183), while Indonesia complies with the ILO Convention 1952 (No. 103).

Maternity leave benefits and protections influence female employees' decisions to take maternity leave. Maternity leave benefits includes cash benefits, medical and breastfeeding protection, health protection for pregnant employees, and non-discrimination and work protection (Addati, et.al., 2014).

a. Cash Benefits

Cash benefit is a benefit to replace lost income during maternity leave to fulfill access to health, economic security, and welfare of pregnant women (World Bank, 2022b; ILO, 2021). Cash benefits are important in preventing pregnant women from working in the late stage of pregnancy and returning to work shortly after giving birth which risk their health (Carroll, et.al., 2022; ILO, 2021). In the ILO Convention 2000 (No.183), cash benefits are provided at 2/3 of the salary and are provided under national regulations to women who take leave. In Indonesia, cash benefits are given to employees with a full amount of their salary during the leave under Article 84 of the Manpower Law (Government of Indonesia, 2003). In Malaysia, under the Employment Act 1955 Article 37 Section 2b, cash benefits are provided to employees with their full salary during the leave (Government of Malaysia, 2021). In Thailand, cash benefits are regulated in two

regulations, namely the Labor Protection Act 1998 Article 59 which employers pay the full salary of female employees for 45 days (Government of Thailand, 2019) and Social Security Act (SSA) 1990 Article 67 which provides benefits for 90 days at the rate 50% of salary (Government of Thailand, 1990).

b. Medical and Breastfeeding Protection

Medical and breastfeeding protection are benefits which include care for the period before birth, giving birth, and after giving birth thus the health of the mother and baby is well maintained (Fuentes dan Ben-Joseph, 2022). Indonesia provides medical care to employees or wives up to three childbirth, namely pregnancy routine examination on SSA 1992 Articles 16 about health care (Government of Indonesia, 1992). The Manpower Law Article 83 also explains that female employees are given the opportunity to breastfeed their children and employers should facilitate employees to breastfeed (Government of Indonesia, 2003). Malaysia does not provide medical or breastfeeding facilities to pregnant women in either Employment Act 1955 or social security act. Thailand provides medical protection to insured persons or wives must have paid a contribution for not less than seven months, during the period of fifteen months before the date of receiving medical services up to two birth deliveries based on SSA 1990 Article 65 (Government of Thailand, 1990). Medical coverage consists of: 1) medical examination, treatment and child bearing expenses; 2) medicines expenses; 3) confinement expenses; 4) hospital and ambulance facilities expenses; 5) newborn baby nursing and treatment.

c. Health Protection

Health protection includes working time arrangement about night work, overtime, working on holidays, leave for medical examinations, and leave when children are

sick and protection from hazardous work to ensure the health of pregnant women employees (Addati, et.al., 2014). In Indonesia, health protection is regulated in Manpower Law Article 76 concerning prohibition of employers from employing pregnant women from 23.00-07.00 (Government of Indonesia, 2003). In the Employment Act Section VIII concerning Female Workers, Malaysia does not explicitly regulate pregnant women, but prohibits the employment of women in general in the industrial and agricultural sectors from 22.00-05.00 (Article 34) and prohibits underground working, such as tunnels, canals, and cave (Article 35) (Government of Malaysia, 2021). Thailand in the LPA Part 3 concerning Employment of Women Article 39/1 states that pregnant female workers are prohibited from working between 22.00-06.00 and working overtime or working on holidays. If required to overtime, must be with the approval and not endanger the health of workers. The prohibition on work carried out for pregnant workers is doing work which involves a vibrating engine, driving a vehicle, carrying more than 15 kg, and working on a boat (Article 39) (Government of Thailand, 2019).

d. Non-discrimination and Employment Protection

This protection provides guarantees for female workers not to experience discrimination and termination of employment when taking leave due to pregnancy, childbirth, miscarriage or breastfeeding. Indonesia states in the Manpower Law Article 5 and 6 that both of men and women have the equal right of opportunity and treatment without discrimination in workplace. Protection from dismissal is also regulated in Article 153 Paragraph 1e where employers are prohibited from dismissal workers who are pregnant, giving birth, miscarriage and breastfeeding (Government of Indonesia, 2003). In Malaysia, terminating

employment during maternity leave is a violation. The prohibition on the dismissal of female workers after the leave period has expired is also regulated in the Employment Act Article 42/1 that female employees who remain absent after the maternity leave period is over due to illness marked by a doctor's letter are entitled to an extension

of leave of up to 90 days and after that the employer can give notification termination of employment (Government of Malaysia, 2021). In Thailand, employers must treat men and women equally depending on the conditions of work (Article 15) and employers shall not terminate employment with pregnant women workers (Article 43) (Government of Thailand, 2019).

Tabel 1. Comparison Maternity Leave Benefits in Indonesia, Malaysia, and Thailand

Country/Benefits		Indonesia	Malaysia	Thailand
Duration		90 days	98 days*	98 days**
Maternity cash benefits		Yes	Yes	Yes
Medical Protection	Medical Check Up	Yes	No	Yes
	Breastfeeding	Yes	No	No
Health Protection	Working Time Arrangement	Night work	Yes	Yes (women)
		Over Time	No	No
	Day off	No	No	Yes**
	Dangerous work	No	Yes (women) ***	Yes
Employment protection and non-discrimination	Non-discrimination	Yes	No	Yes
	Employment protection	Yes	Yes	Yes

Source: Addati, et.al., 2014; *: Ragu, 2022; **: Government of Thailand, 2019;***: Government of Malaysia, 2021

Financing Scheme of Maternity Leave

In financing maternity leave, both Indonesia and Malaysia delegate this obligation to employer liability for providing benefits (Government of Indonesia, 2003; Government of Malaysia, 2021), while Thailand uses a combination scheme between employers and social security (Government of Thailand, 1990; 2019). Funding through the employer's responsibility is an benefits provided by the employer based on the labor law or an agreement employment contract (ILO, 2012). In combination scheme, the distribution of the amount of funds by both parties is regulated in national regulations. The scheme of financing maternity leave through employer liability under the ILO

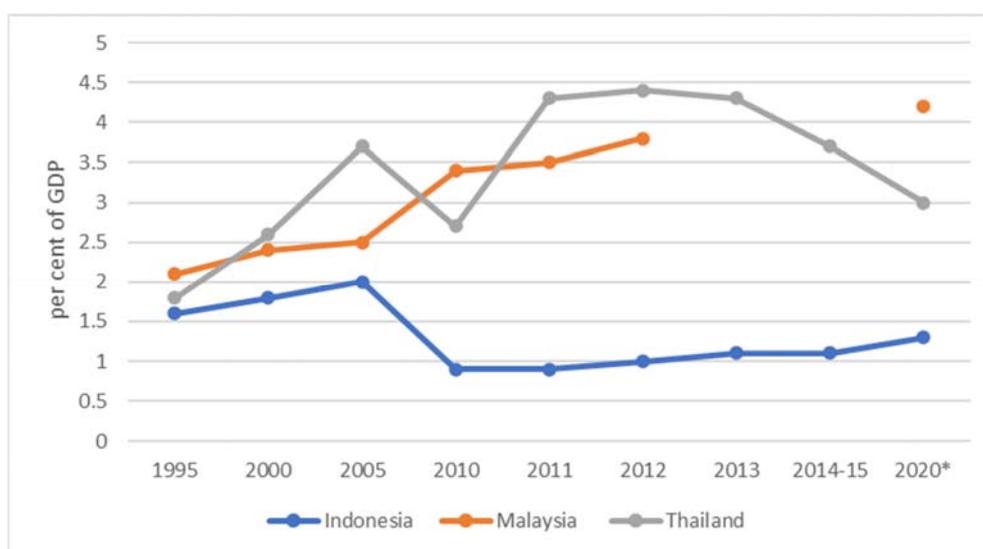
Convention 2000 (No. 183) is allowed to finance benefits in accordance with it is agreed at the national level. Unlike the ILO Convention No. 3 and 103 which advocate funding of benefits using public funds and social insurance and not relying on employers. However, in practice the contribution of social security funding related to working conditions using employer liability schemes is a common practice in most countries in East Asia Pacific (Holmemo, et.al., 2020). In contrast to members of the Organization for Economic Co-operation and Development (OECD), state expenditures for maternity leave are relatively high (Stewart & Carmen Huerta, 2006) so that leave funding is done through social security schemes. This is inseparable from the tendency of developed

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countries as welfare countries to expand their social security system and coverage (Tomita & Kimura, 2021) with large expenditures of Gross Domestic Product (GDP) for social protection (OECD, 2020b).

In Southeast Asia, Indonesia is classified as a low-middle-income country, while Malaysia and Thailand are classified as an upper-middle income country (World Bank, 2022c). Amidst this income, the state is expected to spend adequate budget on social protection, but in reality social protection

spending is still a small part of GDP. This is influenced by factors, such as the lack of state commitment in expanding social protection, differences in the development urgency, and related to historical legacies (ADB, 2016). The low capacity of the state for coverage social protection encourages other schemes to fulfill social protection which the state has not been able to afford (Sumarto, 2020), one of which is the employer liability in providing maternity leave benefits.



Source: ILO, 2018; 2020*:ILO, 2021

Graph 2. Government Social Protection Expenditure (percent of GDP)

Graph 2 above shows that Indonesia's spending on social protection is relatively low compared to Malaysia and Thailand. Social protection in Indonesia emerged as a consequence of the Asian financial crisis, so this sector is still relatively new. However, the increase in state spending on social protection is increasing every year. The increase in spending occurred as a result of the government increasing the budget of social programs to overcome poverty, such as the Family Hope Program – *Program Keluarga Harapan* (PKH), Prosperous Rice – *Beras Kesejahteraan* (Rastra), and the Smart

Indonesia Program – *Program Indonesia Pintar* (PIP) (Sekretariat Kabinet Indonesia, 2016). Based on data from the World Bank on public spending in 2017 (OECD, 2019), the increase in the budget in 2016 was divided into 44% for social assistance and 56% for social insurance. Of the 56%, the expenditure is divided into various protections, one of which is health protection, including maternity leave benefits.

Malaysia's spending on social protection is high compared to Indonesia. Graph 2 shows an growth trend in social protection spending, although the data is incomplete.

This is inseparable from the existence of social protection in Malaysia since the beginning of independence (Bank Negara Malaysia, 2020) due to the constitution which was formed with the help of the British Colony (Sumarto, 2020). Social protection in Malaysia focuses on Social Safety Nets (SSN) to reduce poverty, social insurance for pension schemes and related to employee insurance and labor market policies (Bank Negara Malaysia, 2020). Social protection spending on SSN is largely insufficient to ensure a decent standard of living for vulnerable households. Social insurance also faces challenges in sustainability and lack of coverage for informal sector workers. The increasing number of elderly people is a challenge for the state in financing pension funds. In practice, the social insurance ratio is relatively high reaching 89% of total social protection expenditure (ADB, 2016).

Compared to Indonesia and Malaysia, Thailand spends the highest social protection funds except in 2020. This is because Thailand is facing problems with the growth of the elderly population and the high number of informal workers (World Bank, 2021). Social protection in Thailand focuses on the elderly and pensions by providing Old Age Allowance (OAA), State Welfare Card (SWC) as social assistance and health protection namely Universal Health Coverage (UHC) (ADB, 2016). Government spending on SWC reached 2.29% of GDP which occupies the largest expenditure in social protection and is followed by OAA (World Bank, 2021). In 2016, UHC covered 75% of Thailand's population and 25% was covered by social insurance and civil service schemes (Paek, et.al., 2016).

In financing maternity leave, Indonesia and Malaysia use employer liability schemes in providing maternity leave benefits except for entrepreneurs and civil workers (SSA, 2018). Employers bear 100% of the total costs for maternity leave benefits, while for civil servants, it is funded by the state. Thailand

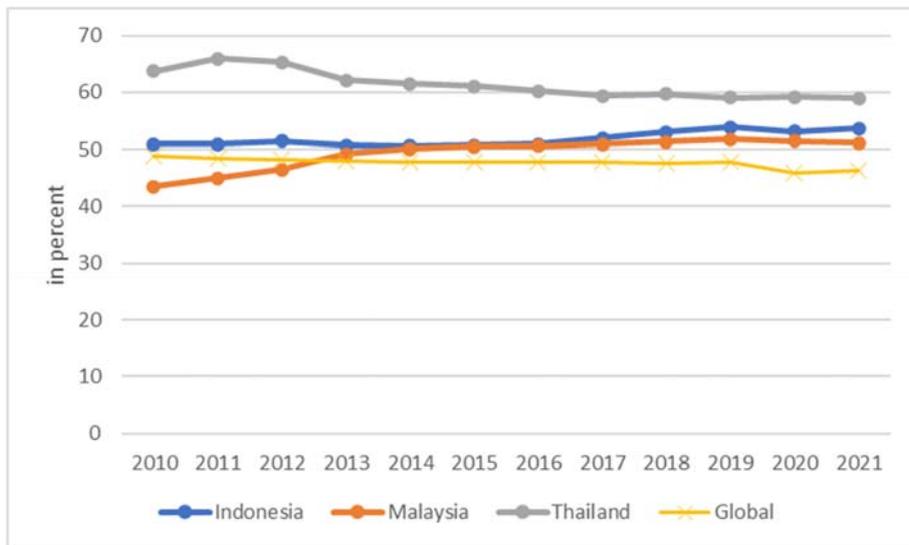
uses a combined scheme between employer and social security to provide maternity leave benefits for female workers. LPA Article 59 (Government of Thailand, 2019) states that employers are obligated to pay employees according to the worker's salary or daily basic wage for 45 days and SSA Article 67 states that employees receive an allowance of 50% of the applicable salary for 2 births (Government of Thailand, 1990; 2019). Sources of funds used to fund benefits in the 1990 SSA came from: 1) contributions from the government, employers and workers; 2) interest; 3) additional funds by entrepreneurs; 4) donations and subsidies; and 5) fines. To receive maternity leave benefits, employees are required to pay a contribution of not less than 7 months for 15 months before receiving the benefits. Employees pay a contribution of 1.5% or 144 baht of income from 1,650 to 15,000 baht (Paitoonpong, et.al., 2010; SSA, 2018).

From the description above, it can be seen that the priority of state spending in social protection, both Indonesia, Malaysia, and Thailand focuses on overcoming poverty and vulnerability. Indonesia focuses on reducing poverty through social assistance programs, such as PKH and Rastra. Malaysia and Thailand are experiencing the phenomenon of the elderly population which causes one of the social protection priorities related to pension funds to reduce economic vulnerability. The same problem experienced by the three countries is the high number of informal workers and the lack of affordability of social protection for them (World Bank, 2021; Bank Negara Malaysia, 2020; Zin, et.al., 2001). In providing leave benefits through state funds or non-contribution schemes, both Indonesia, Malaysia and Thailand only cover civil servants, while private and informal workers are not affordable. This strengthens the provision for providing maternity leave benefits through the responsibility of employers, especially for informal workers.

Maternity Leave Implications on Gender Equality in the Workplace

Maternity leave policy is one of the ways to achieve gender equality in the workplace. Maternity leave is an attempt to give women the opportunity to carry out work and family affairs in a balanced way. Given the stigma of women being the main person in charge of housework, this causes women to often

be faced with choices of work or family (Alon, et.al., 2021). In many studies, Baum & Ruhm and Del Rey, et.al. (2016; 2021) show that maternity leave increases women's participation in the workforce. However, this is not applicable in developing countries the high participation of women in the workforce is due to urgent circumstances to enter the world of work, such as poverty (Fallon, et.al., 2017).



Source: World Bank, 2022

Graph 3. Women Participation in the Workforce (in a percent)

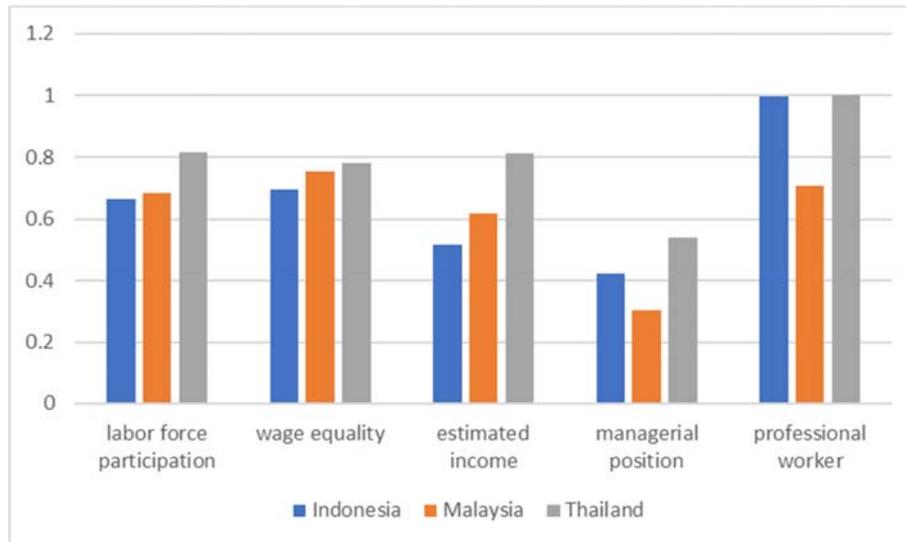
In Indonesia, Malaysia, and Thailand, the participation rate of women in the labor force is higher than the global rate. In Indonesia, the increase in women's participation experienced a significant increase from 2010 to 2013. In Malaysia, women's participation tends to be stable and has a small increase. In Thailand, the highest female participation occurred in 2011-2012 and decreased after that. This increase in numbers occurred partly because there was an increase in the number of women pursuing higher education (WEF, 2021). Based on United Nations Educational, Scientific, and Cultural Organization (UNESCO) (2022), the number of women in higher education in Indonesia, Malaysia, and Thailand is higher than men.

On the other hand, the decline in the female participation rate in Thailand is due to an increase in the elderly population which causes a decrease in the number of active female labor force (WEF, 2021).

Women's participation rates and high education are not necessarily followed by decent job opportunities and income. In the global gender gap data (WEF, 2021) related to economic participation and opportunity, the gap rate still shows. Of the 169 countries in the survey, Thailand is ranked 22, Indonesia is ranked 99, and followed by Malaysia at 104. This ranking is taken from several aspects, such as labor force participation, wage equality, estimated earned income, managerial entry level, and professional and

technical workers. From the aspects above, only professional and technical workers in Indonesia and Thailand show disparity. The

other aspects still show gaps, especially in managerial positions.



Source: WEF, 2021

Note: Number 1 show disparity and number 0 show parity

Graph 4. Gender Global Gap Subindex Economic Participation and Opportunity

The graph above shows the gap rate in Indonesia, Malaysia, and Thailand still high. From the number above it can be concluded that women participation and opportunity in economics is still far from equality. Maternity leave policy is one of the policy to promote gender equality in the workplace. To see the implications of maternity leave in gender equality uses five principles by Fraser (1994), namely anti-poverty, anti-exploitation, equality, anti-marginalization, and anti-androcentrism below.

a. Anti-poverty

Maternity leave policy is an adequate effort to prevent poverty in pregnant women. Maternity leave provides cash benefits for female workers during the leave period which aims to prevent women from losing sources of income which cause poverty during pregnancy and childbirth (Fallon, et.al., 2017). In the previous discussion, both Indonesia, Malaysia, and Thailand regulated

the provision of cash benefits for maternity leave in the law as an obligation. Although this policy is intended for all women, in reality there are still many women who are not covered by this policy, especially women who work in the informal sector (ASEAN, 2014).

b. Anti-exploitation

Maternity leave might be an attempt to prevent the exploitation of pregnant women workers by providing protection, such as health protection and cash benefits. By providing such protection, it can avoid exploitation especially from excessive working hours and from hazardous work which risks workers' pregnancies. In Table 1, Indonesia, Malaysia, and Thailand have set this protection. In addition, by providing cash benefits to workers reduces women's economic dependence on men. However, an obstacle for private and informal employees who use the employer scheme to finance maternity leave benefits.

This scheme can be an excuse for employers not to hire and promote pregnant workers in order to avoid the double burden of spending funds due to maternity leave (Karshenas, et.al., 2014) and vulnerable to exploitation due to the weak bargaining position of women (Shimillen, et.al., 2019).

c. Equality

Income Equality. Maternity leave has no effect on income equality between men and women. In general, income inequality occurs in the world of work where women earn lower incomes than men. Based on WEF (2021), on average women in the world receive 37% less income than men. In Graph 4, the income gap still occurs in Indonesia, Malaysia, and Thailand. In Indonesia, women earn 23% less than men (UN Women, 2020a), in Malaysia, women earn 3.2% less (Shimillen, et.al., 2019), and in Thailand, the income gap is 10.94% (UN Women, 2020b).

Leisure Time Equality. Maternity leave slightly increased leisure time for women. Maternity leave gives women the opportunity to focus on taking care of their children without the burden of public work. Women who work in the public sector often experience a double burden which reduces their leisure time. In the household, usually men only have one efficient job, while women are divided between work, taking care of children and leisure time (Del Rey, et.al., 2021). This is also due to the amount of workload by women is 2 times greater in taking care of the family than men (WEF, 2021; Yerkes, et.al., 2020). Increasing women's leisure time depends on the involvement of men in taking care of domestic work (Fraser, 1994). This can be achieved by providing paternity leave or parental leave so that men also help women in taking care of their children, especially during time of birth. In Indonesia, paternity leave is provided for all workers for 2 days as regulated in Article 93 of the Manpower

Law (Government of Indonesia, 2003). In Malaysia, paternity leave is granted for 3 days in the Article 60 FA Amendment 2021 (Government of Malaysia, 2021). In Thailand, paternity leave is still limited to 15 days for civil workers (Kusmit, 2017).

Respect Equality. Maternity leave is a good in providing equal respect for female and male workers. Equality of respect can be achieved by treating female and male workers equally without any discrimination (Carter, 2011). Equality of respect requires recognition of women as individuals and workers (Fraser, 1994). Maternity leave gives women the opportunity as individuals to carry out their nature to get pregnant, give birth, and breastfeed, while as workers, maternity leave gives women the opportunity to be able to work without discrimination due to their nature as women. Through this policy, both Indonesia, Malaysia, and Thailand have made efforts to respect the equality between women and men.

d. Anti-marginalization

Maternity leave is quite an effective in reducing the marginalization of women in the workplace which is often caused by female reproductive factors (Addati, et.al., 2014). Laws in Indonesia, Malaysia, and Thailand protect women from being terminated during maternity leave so that women can maintain their position in the workplace without worrying about losing their job while on leave. In addition, supporting facilities such as a place for breastfeeding and child care day provided by the company also support women with child care obligations which are not marginalized in the workplace. The availability of these facilities has an impact on women's ability to enter and survive in the workplace (WEF, 2021). Among Indonesia, Malaysia, and Thailand, currently only Indonesia has regulated breastfeeding facilities in Article 83 of the Manpower Law (Government of Indonesia, 2003).

e. Anti-androcentrism

Maternity leave is quite influential in combat androcentrism in the workplace. The existence of maternity leave shows that employers have accommodated the role of women as individuals who give birth and take care of families to be in the workplace. The existence of maternity leave changes the traditional view that women only work in the domestic sector. Although maternity leave has accommodated women's reproductive roles in the workplace, this does not affect the level of women in managerial positions as shown in Graph 4. The existence of a glass ceiling makes it difficult for women to advance in career because of gender stereotypes that women are not suitable to be leaders (Schaap & Shockley, 2020). Inflexible working hours are one of the reasons women are reluctant to get promoted because of the responsibility to take care of the family which requires more flexible time (Barsh & Yee, 2012; Thomas, et.al., 2020).

Explanation above can be concluded that maternity leave is good in preventing poverty for women and respecting equality. However, other principles still need improvement to achieve ideal gender equality. The principle of anti-exploitation will be better if the funding of benefits uses a state fund or social security scheme to reduce exploitation by employers. Equality of income can be achieved if domestic work becomes paid work, equality of leisure time can be realized if there is cooperation or equal division of domestic tasks between women and men so that the double burden does not burden women. Anti-marginalization can be increased by providing family-friendly facilities so that women can work and take care of children in the workplace. Maternity leave is quite good against androcentrism by accommodating the reproductive role of women in the workplace, although it is still not optimal, especially in managerial positions.

This study comes with limitations due to lack of previous studies in the research area and lack of available data. The lack of previous studies which is not many studies conducted maternity leave study in developing countries, including Southeast Asia countries. Most of the studies are conducted in developed countries which have different implementations with developing countries. This article also faced the lack of available data when collecting the data. Most data were collected from an international organization with bare explanation about implementations of maternity leave in Indonesia, Malaysia, and Thailand. The local data also limited to collect apart from government laws.

Conclusion

This article concludes that the implementation of maternity leave policies in Indonesia, Malaysia, and Thailand is quite varied and this variation is inseparable from the system and capacity of funding maternity leave in these countries. Maternity leave policy in Indonesia has complied with the standard duration of the ILO Convention 1952 (No. 103), while Malaysia and Thailand have complied with the ILO Convention 2000 (No. 183). Since was introduced of the maternity leave policy in the three countries, Malaysia and Thailand, the duration has changed so that it complies with the ILO Convention 2000 (No. 183) with a minimum duration of 98 days. Some benefits which support maternity leave are also included in the law, such as cash benefits, medical and breastfeeding protection, health protection, and non-discrimination and job protection. Indonesia does not provide health protection related to the fixing of working hours and the prohibition of hazardous work. Malaysia only provides cash benefits and job protection. Thailand provides all of the above guarantees except breastfeeding guarantees. Maternity leave benefits are inseparable from the funding

scheme in fulfilling the benefit. Indonesia and Malaysia use the employer liability scheme and Thailand uses a combination of employer liability and SSA schemes. This is due to the priority spending on social protection of the three countries for poverty and vulnerability, thus requiring other schemes to meet social protection that the state has not yet reached.

The maternity leave benefits provided affects gender equality in the workplace. The availability of benefits of maternity leave is a fairly good way to promote gender equality in the workplace by providing opportunities for women, especially pregnant women, to remain economically involved. Maternity leave is not entirely successful in promoting gender equality in the workplace based on Fraser's principles. However, maternity leave is one of the policies which can improve gender equality. Combating gender inequality requires efforts and cooperation from various sectors and aspects so that gender equality can be fully realized. There needs to be a more comprehensive policy and a strong commitment from the company to create a family-friendly work environment so that women have more opportunities to balance work and take care of the family. Further study needs to develop more research to draw a deep link between maternity leave and gender equality in Indonesia, Malaysia, and Thailand to be more complete. There is a need of more study about maternity leave implementations in general in developing countries which leads to sufficient data.

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