Women Workers in Palm Oil Industries: A Violation of Human Rights?

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ABSTRACT: Palm oil is an essential commodity that is quite versatile. It has a function for almost everything, from potato chips to beauty products. It also ends up in the supply chains of some of the biggest names in the beauty industry, including L'Oréal, Unilever, Procter & Gamble, Avon, and Johnson & Johnson. But behind those important uses of palm oil lies horrible facts about women workers in the industries. Women workers in palm oil industries act as the spearhead of palm oil production. They are in charge of some of the industry's most dangerous jobs, spending hours exposed to chemicals and carrying heavy loads such as fresh palm fruits. Subcontractors recruit workers on a day-to-day basis without benefits, let alone health insurance. They did the same-old jobs for the same companies for years. These women workers work in brutal conditions from discrimination, abuse, and harassment. This study uses a library research method and statutory approach. The Authors found an absence of policies in protecting women workers in palm oil industries. Based on the provisions of the Cedaw Convention, Article 3 emphasizes the core of the obligation of the state to make appropriate regulations in fulfilling women's rights, especially in this case are women workers working in oil palm plantations. Indonesia has ratified the Cedaw Convention into Law No.7 of 1984 on the Elimination of All Forms of Discrimination Against Women. The law has explicitly outlined women's rights, political civil rights, and social rights. However, women's rights have not been implemented optimally, either reflected in policies or government programs. The involvement of women as workers in palm oil plantations is a challenge, especially for the government as a policymaker, to protect and provide safety guarantees, especially to women workers.

KEYWORDS: Women Workers, Human Rights, Discrimination.

I. INTRODUCTION

Palm oil is one of the essential commodities for the Indonesian economy. According to The Statistics of Indonesian Palm Oil Industry issued by the Palm Oil Research Center, palm oil businesses contributed the largest state foreign exchange worth \$ 22.97 billion or equivalent to Rp320.5 trillion in 2020. The palm oil industry also absorbs a total of 5.5 million workers or one-tenth of the labor uptake from the national formal industrial sector— Indonesia is the largest palm oil-exporting country globally. Among the many workers absorbed by the oil palm plantation sector in Indonesia, women workers are included in the vital part, ranging from fertilization, weeding, spraying, harvesting, and collecting oil palm remains that fall on plantation land. Female workers spearheaded the palm oil plantation sector until the production process into palm oil became the largest food oil commodity traded globally, which reaches 40% of food oil trade transactions in the world. In addition, behind the world's leading products, especially the beauty industry, including L'Oréal, Unilever, Procter & Gamble, Avon, and Johnson & Johnson (Mason & McDowell, 2020) targeting female consumers is tucked into the terrible facts regarding the condition of female workers in the palm oil plantation sector that supports the supply chain of these products.

In their jobs in oil palm plantations, female workers have to spend long hours carrying heavy loads and exposed to pesticide chemicals, and they work under subcontractors without health insurance. They also operate under pressure, vulnerable to gender discrimination, rights violations, even sexual harassment. Foremen often do this case of harassment against freelance women who work daily in oil palm plantations. (CNN Indonesia, 2020)

Writings related to women workers have previously been written by Yuyun Feriyanti Amandasari, Postgraduate Student of Public Health UGM, in a journal entitled "Sexual Harassment: Health Literacy in Women Workers in Oil Palm Plantations"; (Amandasari, 2021) The paper focuses on the rights of women workers, especially in the public health perspective that discusses the right to protection from sexual harassment, discrimination, and reproductive rights. While in this paper will be more targeted about

discussing how the labor system of the oil palm plantation sector in Indonesia, especially regarding regulations and legal umbrellas from the government, related to the protection of the rights of women workers in the oil palm plantation sector so that later it is expected to open up insight and legal awareness of women workers about their rights and review how the regulations established by the government to date to ensure the legal protection of women workers and the role of oil palm industry actors as the main responsible for the welfare of their workers, especially women workers.

II. PALM OIL IN INDONESIA

The oil palm plantation industry sector is not only related to palm oil crops but furthermore is an industry of significant long-term investments and natural resource consumption. This research is limited to the on-farm process carried out in the oil palm plantation area, and this phase is divided into two main points, namely the not yet produced phase that generally starts from the land clearing process, the breeding process, and the process of planting palm seedlings to begin crop management before making their products. In the phase "plants have not produced" (TBM) generally spends about 0-4 years to then change to the next stage, namely the "plant produce" (TM) phase in this phase, we will find the process of crop management in the form of the fertilization process, plant care process, palm oil harvesting process to produce a quality palm product, in the resulting garden phase generally spends more than four years. (Dalimunthe et al., 2019) Female workers, both women oil palm farmers (plasma farmers) and women workers, play a significant role in the two phases of the on-farm process of oil palm plantations from various activities in these phases identified violations of the human rights of women workers.

Plantations at the beginning of its development came as a new economic system that was not previously known, namely the colonial-patterned commercial agricultural economic system. The system brought by the colonial government or established by foreign capitalist corporations is a European plantation system, which is different from the garden system that

has long prevailed in developing countries in pre-colonial times. (Heru Purwandari, 2011) There is a big difference regarding the garden system and plantation system that is developing at this time. The Garden system shows that plantation business in household business is an additional or complementary business of basic agricultural life activities, especially food agriculture as a whole. This business is usually encountered in small businesses, not capital intensive, and land use is not too broad. Labor resources are centered on family members, less market-oriented, and more focused on serving the needs of subsystems. At the same time, the developing today is better known as a large plantation company that is included in the economic system of commercial and capitalist agriculture. This system is realized in the form of agricultural businesses on a large scale, monoculture, capital intensive, widespread use of land area, large labor organization, detailed division of labor, use of wage labor, complex labor relations structure, and proposed to meet market needs (export commodities). (Achmad Surambo, 2007) The system of large plantation companies requires many workers to support high-scale production. From this point of view, women workers are also members of the palm oil industry even though this type of work is classified as high risk, especially for women.

A. The Involvement of Women Workers

The oil palm plantation industry, for some, is considered a heavy and menial labor sector dominated by male workers as its primary workers. The use of mechanical tools that are relatively large to help work during harvesting also formed the opinion that only men are employed by oil palm plantation companies to take care of menial work in oil palm plantations. But the reality of what happens on the field is not that simple. Recorded on a global scale, data from the International Labour Organization (ILO) shows that more female workers than men occur in the agricultural sector. (Databoks, 2018) According to a report conducted by the Food and Agriculture Organization (FAO) that 61% of women in rural Indonesia are working in the agricultural industry sector. In many cases in Asian

countries such as Malaysia, Indonesia, the Philippines, and Sri Lanka, there are more female plantation workers than men. (Saptari & Holzner, 2016)

Several factors drive women's involvement in various industrial sectors, including the agricultural industry, namely due to economic pressures or family economic needs that are increasingly unaffordable, husbands do not work, and increase the husband's income. In addition, the average woman working in the industrial sector is a lower middle class of the economy whose level of education and expertise is still lacking.(Rahmaharyati et al., 2017: 231) Women as workers have a heavier burden when compared to male workers. Female workers instinctively have their roles related to domestic affairs. The role question is a woman's role as a wife, a mother, and a woman who has a career outside the home.(Rahmaharyati et al., 2017: 233) As with female laborers, they have dual roles as wives and mothers as well as breadwinners. Their involvement in making a living as workers creates conflict and inner pressure in dividing their role in living daily life in a balanced manner.

B. Vulnerability of Women Workers in the Oil Palm Plantation Industry

The expansion of territory or regional development has a good effect on the country's economy and negatively influences the social environment, one of which is gender issues. The Center for International Forestry Research (CIFOR) estimates that about 1.5 million Indonesian female workers work on oil palm plantations. (Theresa & Wahyuni, 2021: 106) Therefore, the protection of female workers is no less important in business activities and is inseparable from human rights. Moreover, there are still many female workers often experiencing violations of their rights as workers. For example, female workers in Sumedang¹ and Jambi² in pregnant conditions perforce to submit resignations so that the dispute in the Industrial Relations Court. In addition, violations of menstrual leave rights against

¹ Supreme Court Decision No. 94 K/Pdt.Sus/2013.

² Jambi Industrial Relations Court Decision No. 03/G/2013/PHI. JBI

female workers are also experienced by women workers of oil palm plantations in Medan.³

The vulnerability of female workers to men tends to be different. In some types of jobs on the farm phase, there are forms of oppression that neglect the rights of female workers. In North Sumatra plantations, workers in charge of harvesting are dominated by men, and 90% of the male workers bring their wives or children to be freelance day laborers as a response to meet the targets charged by the company to him. With a workload of 75 bunches/1500 kg per day and get an average wage of Rp 39,000, - Meaning 2 or 3 people do the wages received. It means that the wife/woman is bound to work on the plantation to achieve the impossible work for one worker to do. (Relis, 2009: 41) In this harvester process, women work to move at least five palm fruit (average 25 Kg/janjangan) to the yield shelter (TPH), quote brondolan, and put it in a burlap measuring 50 kg, tidying the leaves that have been cut and placing it in the cracks between palm plants. In addition, in the North Aceh area, women's majority workers in a day can separate and knock out palm seeds as much as 250 kilograms with a wage of Rp200 per kilogram or receive a salary of Rp.50 thousand per day. (Subagyo, 2021) Even though the burden they bear, both physical and mental, is not proportional to the wage. Sadly, they work without adequate occupational safety and health tools such as helmets, gloves, and boots. Women wear gloves and boots but are brought by the workers. This job is vulnerable enough to take lives.

The vulnerability of female workers is also reflected in the applying pesticide phase. Female workers mainly carry out with a percentage of 90% and status as freelance day laborers (BHL) in the process. There are two ways, namely manually and other ways of using electric/micron batteries. (Hotler et al., 2014: 25) These methods are equally at high risk of adverse exposure to chemicals contained in these pesticides. When explained about the manual way female workers do, they must carry 22 Kg of poison plus 5 Kg of spray tubes. (Hotler et al., 2014) The foreman will bring the necessary pesticides and hand them over to the worker in this manual way.

³ Supreme Court Decision No. 81K/Pdt.Sus/PHI/2015

The latter will put it in a spray and mix it with water (provided by the company) using the correct dose. Workers are responsible for lifting and bringing back to the warehouse spray plantation and must reach the target of one hectare per day (fill the spray three times). (Relis, 2009: 42) The company does not provide masks, gloves, hats, unique clothing and footwear, eye-protecting devices, etc. for use as protection (CNN Indonesia, 2020) when the content in such pesticides is at risk to humans. Gramoxone, Ally, Rhodiamine, and Roundup are products used in the work process. The company does not provide information about the potential impacts and harms of pesticides used, nor does it explain how to use pesticides appropriately and avoid health hazards. Therefore this work is hazardous and has an impact in the long run. (CNN Indonesia 2020) It happened to a female worker named Supriati middle-aged woman who experienced hives and sores on her shoulders, blurred eyes that only have a rare 2m view. He shared it because of the risks of his work as a sprayer since 1999 at PT Socfindo Mata Pao, Serdang Bedagai. (Relis, 2009: 43) In addition, in the process of harvesting and applying pesticides, another technique that also has a significant risk to female workers is applying fertilizer with the materials used generally containing urea, TSP, NPK, Kurater, Borat, and ZA. (Hotler et al., 2014: 27) Other processes in the on-farm phase that are pretty risky, namely the clearing process, (Relis, 2009)In clearing and cleaning grass amongst palm trees, with work support tools in the form of machetes, hoe, and other sharps objects that are certainly at risk if female workers do it.

Inequality is also partly due to the wage factor. Women workers still experience discrimination and injustice. According to data from the Ministry of Protection and Empowerment of Women and Children noted in 2015, there was still a wage gap between men and women in all jobs, including agriculture, forestry, and fisheries. (Kementerian Pemberdayaan Perempuan dan Perlindungan Anak Indonesia, 2016: 58) Selain hak atas upah, pelanggaran hak maternitas juga terjadi. About 20-25% of female workers experience such violations where they work. (Widyaningrum & Rohman, 2021: 315) Such obstacles for female workers to get their rights

to reproductive health because of the difficult procedure of filing rights to ignorance from the workers of their rights. (Relis, 2009)

III. HUMAN RIGHTS AND FEMALE WORKERS

According to Law No. 18 of 2004 (amended to Law No. 39/2014) on Plantations, there are three functions of plantations: economic, ecological, and socio-cultural. As Economic function with the plantation, one of them is as a container to improve the welfare of the people. As an ecological function, plantations become a medium of providing oxygen, carbon sequestration, and buffering protected areas. As for socio-cultural functions, plantations can be one of the unifying means of the nation. (Theresa & Wahyuni, 2021) However, behind the regulations that often occur is an injustice for female workers who are widely harmed and seem not protected rights either by the government or by the company they work for. Not even a few workers experience sexual harassment in the plantation area. (Wirawan, 2020) Female workers play a role in the treatment of oil palm plantations, Indonesia's mainstay export commodity. These women also face more burdens because of the inflexible work system, which sometimes forces them to choose between meeting family needs or taking care of the household. This condition is very discriminatory and can lead to human rights violations.

The discrimination and injustice of women in all aspects of social, political, economic, and cultural have been happening for a long time. (Kaplan, 2014: 162) Women's rights are also part of human rights. (United Nations, 2014) As women's conditions in oil palm plantations currently stated by the Cedaw Commission (elimination of discrimination against women) at Cedaw's general assembly on July 27, 2007, in New York, the committee is concerned that widespread poverty among women and socioeconomic poverty conditions are the cause of violations of women's human rights and discrimination against women. (Surambo et al., 2010: 67) The committee is particularly concerned about the situation of rural women, including the unavailability of legal protections, health care, and education for women. To that end, the Cedaw Committee recommends

that states ensure the improvement of gender equality to the degree of socialization of gender equality issues explicit components of, fully implemented in, national development plans and policies, primarily aimed at poverty reduction, sustainable development, and natural disaster management. (Surambo et al., 2010: 23) For this reason, legal protection is summarized and regulated in an international convention called CEDAW (Convention On The Elimination Of All Forms Of Discrimination Against Women). Indonesia ratified this convention through Law No.7 of 1984 concerning Ratification of the Convention on All Forms of Discrimination against Women. Recognition of women's rights as workers is included. Not enough, the ILO (International Labor Organization) is also involved in honor of women's rights as workers contained in various ILO conventions such as: (Legal Aid Institute and The Indonesian Association for Justice, 2001: 58)

- 1. ILO Convention No. 100 of 1952 on Wage Equality
- 2. ILO Convention No. 111 of 1958 on Discrimination of Employment and Occupation
- 3. ILO Convention No. 156 of 1981 on Equal Opportunity and Equal Treatment for Male and Female Workers: Workers with Family Responsibilities
- 4. ILO Convention No. 183 of 2000 on the Protection of Pregnant Women

In general, it is crucial to see how government policies guarantee women's rights in oil palm plantations represented in related policies. Although Indonesia has ratified the CEDAW Convention through the CEDAW Convention, which emphasizes anti-discrimination provisions, especially on women, as stated in Article 1 of the CEDAW, which reads:

"Any distinction, exclusion, or restriction of any kind made based on a sex that has the influence or elimination of the recognition, completion, or use of human rights and fundamental freedoms in any political, economic, social, cultural, civil or other field by a person and any other fundamental freedom in the political, economic, social, cultural, civil

or any other field by women, regardless of their marital status, based on equality between men and women."

However, until now, plantation women workers still experience discrimination. The rights that must be granted as such are not accepted by the workers at all. Furthermore, the CEDAW Convention covering Political Civil Rights (articles 7-9) and The Rights of The Ecoob (articles 10-14) can be used to see if government policy already refers to the CEDAW Convention. (Surambo et al., 2010: 67) The explanation of Article 3, which is at the core of the obligation of the state in fulfilling women's rights, states:

"States Parties make appropriate regulations, including law-making in all fields, particularly in the political, social, economic and cultural spheres, to ensure the full development and progress of women, to ensure they exercise and enjoy human rights and freedoms based on equality with men."

The CEDAW Convention has explicitly addressed women's rights, both political civil rights, and social rights. More on the rights of women workers, in particular, it is stated in Article 6 and Article 11(1).

However, women's rights have not been in force optimally, either in policies or programs. Policies related to oil palm plantations, such as the Plantation Law, currently still do not touch the interests of women, not even integrating Law No.7 of 1984. (Surambo et al., 2010) Commodity and economic interests take precedence over the protection and safety aspects of women. This makes women often victims of the presence of oil palm plantations. The continuous and systematic exploitation of women workers occurs in oil palm plantations, even in the domestic sphere. As explained above, where domestic burdens continue to grow and have implications for the exploitation of women's power. Women, who are still seen as second entities, have inflicted injustice on them to this day, even further exacerbated by oil palm plantations. Where women's space to express themselves is increasingly limited, even women's habits begin to erode. (Surambo et al., 2010: 68)

The regulation of various protections of women workers' rights in national law is also regulated in Law No. 13 of 2003 on Employment (UUK). The UUK regulates the rights of women workers as stated in article 5 of the UUK, which regulates the labor force without exception having an opportunity without discrimination to get a job, article 6 concerning the right of workers to obtain equal treatment without any discrimination from employers, Article 81 states that female workers during the first and second day of menstruation are not obliged to attend work, Article 82 explains that when they have a miscarriage of the womb or before and after childbirth for female workers are entitled to 1.5 months of rest leave, Article 83 explains that women who have children in breastfeeding should be allowed to breastfeed their children at any time if needed. The rights of women workers in Law No.36 of 2009 on health, especially Article 128, also regulate the obligation of the workplace to provide support facilities for nursing mothers. Article (164), (165), (166) also states that workplace managers must make efforts to prevent, improve, treat, recover and bear all costs of maintaining workers' health.

Seeing the above, some of these points are also recognized both by human rights law No. 39 of 1999 Article 49 paragraphs 2 and 3 on the recognition of special rights protections for women workers related to reproductive rights and in the Employment Law on the part of Women such as non-discrimination treatment, work safety, leave rights, human rights, breastfeeding to social security. Unfortunately, the regulations that already clearly exist are still ignored by the company because it is considered a burden, so that it becomes an additional cost that must be incurred. (Ismono, 2018: 363)

Initiatives from civil society have emerged by carrying out the principle of sustainability in the palm oil sector, such as the *Roundtable on Sustainable Palm Oil* (RSPO), which has paid attention to gender aspects. The RSPO is a non-profit association of stakeholders in the palm oil industry sector that aims to implement global standards for sustainable palm oil production. "Sustainable" status is granted through palm oil mill certification that has complied with RSPO principles and sustainable palm oil production criteria, including gender aspects. Therefore, companies

include being obliged to provide equal pay, form gender committees, and create workplace security and eligibility to prevent gender-based violence and discrimination. Companies should also create training that considers gender-specific needs and provides equal opportunities for workers to take training and participate in voting and making decisions. However, initiatives such as the RSPO will not be effective if Indonesia itself does not have adequate regulations to protect women workers.

Based on the explanation above, the existing regulations on the protection of women workers, in general, have been established by the government, but the enforcement of the law on violations of women's workers rights is somewhat not yet maximal, and existing law enforcement tends to only be used in some cases related to wage violations. (LBH Jakarta, 2019: 75) Though the vulnerability of female workers is not only in terms of wages but more broadly than that, including the dual role of a woman as a supporter of household balance plus more as a breadwinner to help her husband's income meet daily needs. The risk of work accidents and the long-term effects of exposure to chemicals from the fertilization process and the pesticide process have taken a lot of victims. Female workers do not understand well the impact of exposure to chemicals on the body of women workers, especially the palm oil industry sector, which can be hazardous. In the current condition, a factory certified by the RSPO has not fulfilled the rights of women workers because of the regulatory vacuum that regulates explicitly and protects the rights of workers in the oil palm plantation sector, especially regarding women workers, and the lack of a sound supervision system in Indonesia. Existing laws such as UUK are more suitable for workers in the manufacturing sector because the character and working conditions of plantation workers, especially palm oil, are very different from other industries, both in terms of wages, plantation locations, and job burdens.

IV. CONCLUSION

Female workers in oil palm plantations do housework and work as laborers, which means they bear a double burden. Both the government and

companies marginalize the role of women workers as the spearhead of the palm oil industry in Indonesia. There are still exploitative practices and discrimination that women workers feel in oil palm plantations. They work at the most dangerous risk given the anatomical and physiological differences of women that are not balanced with appropriate personal protective equipment.

The State of Indonesia has ratified the CEDAW convention in Law No. 7 of 1984 on the convention on the Elimination of All Forms of Discrimination against women. The state recognizes all rights of women workers listed in the UUK. But law enforcement and labor supervision in the oil palm plantation sector cannot run optimally, especially for female workers because the character and working conditions of oil palm plantation workers are very different, both in terms of wages, plantation location, job burden, and so on compared to female workers in the manufacturing sector. Therefore, there needs to be another policy by the government with a more preventive approach in protecting the rights of women workers, especially in the palm oil industry sector.

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