

89 | 'period problems' at the coalface

Kuntala Lahiri-Dutt and Kathryn Robinson

abstract

Menstruation leave for women workers brings into the public domain of mining ongoing debates around protective legislation for women. It brings into focus the presumed tensions between gender equity and gender difference with regard to women's economic citizenship. Large-scale mining in East Kalimantan in Indonesia has offered some opportunities to poor and unskilled rural women to find formal jobs in the mines as truck and heavy equipment operators. This paper presents a case study of women in mining occupations, considers the implications of current menstruation leave provisions on the employment of women in the mines and raises serious issues related to gender equity in the workplace. The involvement of women in a non-conventional workplace such as the mine pits, providing a novel site for contestation over the rights of women workers, illuminates a less-debated area in feminist studies, especially in view of the significant ongoing changes in the Indonesian framework for industrial relations.

keywords

menstruation leave; mining; women's work; gender equity and gender difference; Indonesia

introduction

Indonesian labour law contains controversial provisions relating to gender-specific entitlements: apart from maternity leave, Indonesian women workers can also claim menstruation and breastfeeding leave. This paper begins with the history of maternalist protection clauses in labour laws, that is the legal provision of gender-specific entitlements for women workers, related to their maternal duties. These arose in the context of the global movement for worker protection that developed in the final years of the nineteenth century and reached its heyday in the years after World War I. For Indonesia, these clauses were a legacy of Dutch colonial law, but also resonated with local sensibilities. From a global perspective, the right to menstruation leave is legislated only in Indonesia, Japan (Nohara and Kagawa, 2000), Korea and Taiwan (Lee, 2005). The political contestation over menstruation leave in Indonesia, culminating in law reform in 2003, manifests the terms of a contentious issue for feminism everywhere: how to achieve gender equity while recognizing gender difference. This paper contextualizes contemporary debates over menstruation leave in Indonesia within changes in the labour market, including the feminization of the workforce associated with world market factories, and the growth of a female middle class. It presents a case study of the contestation over menstruation leave provisions between women workers in a large and globalized mining enterprise in which some women have recently entered a relatively non-traditional occupation as heavy equipment operators in the mine pit.

Menstruation marks women as different from men, but anthropological research reveals the wide range of cultural constructions of this universal and natural physical process experienced by women (see Classen, 1992, van de Walle and Renne, 2001 for other countries; and Pederson, 2002 for Indonesia). There is, however, still not enough medical evidence relating to women's capacity to work while menstruating (Messing, 1999), and more myths and culturally rooted beliefs related to menstruation than hard science, especially in regard to women's work (Thomas and Ellertson, 2000). Germaine Greer identified prevailing Anglo-Saxon attitudes to menstruation as the 'most pervasive and significant manifestation' ...[of]... 'the fear of the dangerous womb' (1971: 50). In her view: 'The success of the tampon is partly due to the fact that it is hidden Women still buy sanitary towels with enormous discretion, and carry their handbags to the loo when they only need to carry a napkin' (*ibid.*). Whereas in Anglo-Saxon cultures menstruation tends to be hidden from public gaze, the legal provision of menstruation leave in several Asian countries brings embodied femininity into public discourse, especially in defining women's economic citizenship.

special legal protection for women workers

Demands for legislated worker protection arose in the nineteenth century from critiques of the negative consequences for workers of laissez-faire capitalism, and concerns that industrial working hours and conditions would shatter family life and working class morals due to high demand for the labour of women and children (Kessler-Harris *et al.*, 1995). Associated problems of high infant mortality and low birth rates gave rise to protective maternalism, related to the predominant definition of women's citizenship in terms of maternal duties (*ibid.*). This approach also reflected new strands of liberalism (opposed to the laissez-faire position) that demanded that the state intervene to protect the rights of individuals (see Sawer, 2003). Maternal protection also drew support from the growing movement for women's rights. One of the first international conventions promulgated by the International Labour Organization (ILO) in 1919 was a ban on night work for women, based on concerns for moral protection.

Paid maternity leave, intended to combine the emphasis on women's motherhood and related roles with productive roles in the workplace, is the most enduring and widespread legacy of this movement, now enforced in some form in over 120 countries. It is intended to ensure that childbearing does not become a source of discrimination in the labour market. Less common protection clauses – rights to breastfeed in working hours, and the provision of menstruation leave – are also tied to the maternal roles of women workers.

Protection clauses have been controversial for many women activists, because of their link to definitions of women's citizenship that primarily emphasized their maternal roles (see Yuval-Davis and Anthias, 1989). In the West, such definitions were related to notions of 'the family wage' that entitled men to higher wages in their role as principal breadwinners (Jansz, 1995). Indeed, there were men who supported protection clauses precisely because they argued that women should not be in the labour force on equal terms with men, and that their primary social responsibility was as wives and mothers (see Kessler-Harris *et al.*, 1995).

history of protection clauses in Indonesian labour law

Night work for women workers had been banned in the Netherlands in 1899 and 1919 (Locher-Scholten, 1987). The Netherlands ratified the 1919 ILO Convention banning night work for women in 1922; the ILO consequently questioned the situation in the Dutch colonies, leading to the Volksraad (People's Council) in the Netherlands East Indies (NEI) enacting a ban on women working between 6 pm and 6 am, and placing limitations on work deemed to present

moral danger to women (Staatsblad 1925 No. 647 and Staatsblad 1941 No. 45) (Locher-Scholten, 1987).

It was not without controversy: to counter what was seen as the European ideal of women's primary domestic role, employers in the colony argued that custom (*adat*) supported women working outside the home. But 'discussion in the Volksraad was only a weak echo of the stormy debate which had raged in the home country's press and parliament' in 1899 when the Dutch parliament enacted protection laws (Locher-Scholten, 1987: 91). The economic arguments of Dutch entrepreneurs in the colony led to numerous exceptions.

The intense international action around the question of protection in the second decade of the twentieth century coincided with the period in which Indonesian nationalists were beginning to articulate their anti-colonial position, drawing on European ideas of nationalism, liberalism and socialism. One of the leading intellectual figures in the protection debates was the German socialist Clara Zetkin, who had initially opposed protection legislation but by 1891 had become a supporter (Kessler-Harris *et al.*, 1995). Zetkin subsequently was an important influence on women in the left-leaning Indonesian women's organization, Gerwani, which was formed in 1950, and in which SK Trimurti was a leading figure (see Wieringa, 2002). Trimurti was also a leader of the worker's party, Partai Buruh, and on this basis, after the 1945 declaration of independence, she was appointed Indonesia's first Minister for Labour (1947–1948). She oversaw in 1948 the drafting of the Republic's first labour law that included protection clauses. Incorporating the earlier colonial legislation (noted above) that emphasized protection of women from working in unsafe environments (Olney *et al.*, 2002: 16), it also specifically prohibited women from working in mining, and female workers were given two days menstruation leave per cycle, paid maternity leave and the right to breastfeeding breaks. The concern with women's specific difference, while ensuring their rights to be part of the paid labour force, is consistent with a strong strand of Indonesian women's activism, which acknowledges the specificity of women's reproductive functions, but sees this as a basis for special protection by the state, rather than a justification for gender inequity (Robinson, 2008). In 1958, the infant Indonesian republic ratified ILO Convention 100 on equal pay for equal work (Law No. 10, 1958).

the changing context of women's work

Until the 1980s, when new foreign investment regulations in Indonesia resulted in the opening of the economy to foreign investors and the growth in light manufacturing, around two-thirds of the female labour force was employed in agriculture (Sumbang, 1985), which was characterized by household production and the informal labour market. Legal provisions surrounding the formal labour

market had little impact on their work conditions. While resource extraction industries (the dominant form of foreign investment in the 1970s) attracted predominantly male workers, by the late 1980s, around 80 per cent of workers in the developing light manufacturing sector were young women, mirroring the situation globally (Elson and Pearson, 1981). In addition, the affluence generated for the middle classes in the developmentalist economy of Suharto's New Order regime (1966–1998) created a group of women whose middle-class position derived from their own white-collar occupations (Sen, 1998).

Suharto's New Order employed a state ideology that defined women's citizenship primarily in terms of maternal and domestic responsibilities, justified in terms of her *kodrat* (biological predestination) (Robinson, 2008, Chapter 3). In response to the UN-sponsored world conferences on women, in 1978 Indonesian government policy acknowledged women's *peran ganda* (dual role) spanning the home and the wider economy. Over the next 20 years, in an increasing embrace of women's role in employment outside the home, the rhetoric of government policy shifted to stress the importance of both men and women as 'human resources' for development, a discourse consistent with state emphasis on growth-driven development (see Berkovitch, 1999). Indonesia became a signatory to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1984 and since the fall of Suharto in 1998, ILO Conventions concerning gender equality in employment have been incorporated into a number of post-New Order government regulations concerning labour relations.¹

As women moved into the formal economy, the gender-specific provisions of the labour legislation became controversial. The protection/discrimination contest in Indonesia reflects the polarized positions of women activists on a global scale, beginning in the nineteenth century (see Kessler-Harris *et al.*, 1995).

Already in 1975, Suwarni Salyo of the Komisi Nasional Kedudukan Wanita Indonesia (National Commission on the Position of Women) had commented that these rights often resulted in employers excluding women from employment, or denying married women managerial positions (p. 449). In the mid-1980s, it was noted that protective labour laws 'are frequently disregarded or cited as reasons for hiring men'. By the early 1990s, different class interests emerged in regard to the protection clauses. IWAPI, the Association of Indonesian Businesswomen, argued that menstruation leave under the legislation was 'contradictory to the aims of women's emancipation ... [because] the large numbers of women who make use of this right only serve to lower the productivity of the companies in which they work and, as a result, many companies are reluctant to employ women' (Kacasungkana, cited in Sen, 1998: 46). Middle-class women in white-collar employment no longer made use of this provision so to them it was 'old-fashioned' and discriminatory. They also expressed a management point of view, that such leave reduces productivity. An argument often put forth in Indonesia

1 These guidelines are embodied in the sets of Circulars of National Guidelines in Indonesia, Ministry of Manpower, concerning prohibition of discrimination against women workers in company regulations or Collective Labour Agreements (available at <http://www.ilo.org/public/english/employment/gems/eo/guide/indonesi/mmp.htm> (accessed on 8 August 2005).

(and elsewhere) is that such legislation poses 'a serious impediment (particularly where multiple shift work has been introduced) to the employment of women in large-scale industries' with usually better wages and working conditions (Boserup, 1970: 113, cited in Elliott, 1994). In 1992, opponents of protection succeeded in putting a proposal to repeal the clauses to parliament, but it was not successful.

It is often claimed that there is a danger that women, once excluded from particular occupations, are forced to work in alternative and dangerous occupations (Elliott, 1994). However, Kacasungkana argued in 1992 that the majority of blue-collar workers continued to make use of menstruation leave, especially because of poor nutrition and health among working women (cited in Sen, 1998: 46). Furthermore, an ILO manual for labour activists (Olney *et al.*, 2002) argued that menstruation leave is an issue around which women can organize in a traditional Muslim setting. This activist booklet saw it as a vanguard issue that could draw women into wider struggles, and suggested that it can also provide leverage to convince employers 'anxious to avoid absences and to maintain a regular rhythm of production ... to recognize the value of an improved working environment' (*ibid.*). The significance of the reference to a Muslim setting is that the parallel with Islam's prohibition on women's participation in prayers and fasting while menstruating has been drawn, for instance, by a woman politician who argued that the risk to women's reproductive health at this time should lead to similar care for women's bodies in the workplace.²

2 A woman politician from the new Islamic party PKS informed Robinson (personal communication 27 November 2005) that she had campaigned on the issue of menstruation leave in the 2004 elections. In her view, because Islam prohibited women's performance of religious obligations – in particular daily prayers and fasting – while they were menstruating, this indicated a concern for an increased risk to women's reproductive health at this time, and by implication, similar care for women's bodies should be exercised in the work place, through provision of menstruation leave.

In 1997, the then Minister for Labour announced his intention to revisit the labour laws, including the protection clauses. This gave rise to much public debate, with labour activists demanding that the protection provisions for women be retained and extended to provide better state protection for women working overseas, especially in the Middle East and East Asia as domestic servants. The basis of the outcry were the frequent reports of women overseas labour migrants being subject to physical and sexual abuse, and demands by labour and women's advocacy groups for the government to provide greater protection. Some middle-class women, on the other hand, signaled their desire to have the protection provisions, especially menstruation leave, rescinded as they felt it was discriminatory and also that it impacted on employers' willingness to employ women, especially in the higher paid jobs where men predominate. Their argument did not win the day and protection clauses were retained.

revisions to the labour law in 2003

Post-1998, Indonesia was in a phase of political transition associated with the demise of the authoritarian Suharto regime and the transition to more

democratic politics. An important change was Law No. 21, promulgated in 2000, that permitted workers to establish unions at the enterprise level, and there has subsequently been an efflorescence of enterprise unions (representing employees from a single enterprise or company, in contrast to mass-based trade unions) (SMERU, 2003). In 2003, the government again revised labour legislation, in Law No. 13, 2003. The Suharto government had tightly controlled industrial relations, formally recognizing only one trade union, and stipulating the level of minimum wages (SMERU, 2003). The military were given a role in securing workers' compliance in this highly controlled labour regime. (This labour regime was termed Pancasila labour relations, reflecting a formal ideology of consensus and harmony that rejected the 'Western' idea of labour relations as agonistic, and at the same time disguised centralized paternalistic and authoritarian control. See Hadiz, 1997.)

The 2003 law brought together much of the basic regulation of the labour force, replacing or overriding many existing laws and regulations. It retained clauses providing special protection for women, in spite of demands to exclude them. Article 81(1) states that: 'Female workers/laborers who feel pain during their menstruation period and notify the entrepreneur are not obliged to come to work on the first and second day of menstruation. (2) The implementation of what is stipulated under subsection (1) shall be regulated in work agreements, the company regulations or collective labour agreements'. Article 76 retains restrictions on night work (11 pm to 7 am) for pregnant women, and Article 77 places an obligation on employers to provide transport, food and drink, and moral protection through providing a decent and safe workplace for women engaged in night work (11 pm to 5 am).

Whereas protection clauses have fallen away in many parts of the world as the climate for labour regulation has moved towards equal treatment for men and women, Indonesian unions have supported the continued provision of menstrual leave, in spite of the criticisms noted above that it could contribute to discrimination against women in the workforce. The Indonesian woman labour activist Dita Sari (who had been jailed by the Suharto regime) explained the support on the basis that it was not sensible to give up a right that had already been won.

In the original provision in the 1948 Indonesian law, employers were obliged to provide two days paid leave. Under the 2003 law, the conditions surrounding the provision of menstruation leave are subject to negotiation between employers and enterprise unions, and unlike maternity leave, payment is not obligatory. In most cases women avoid taking this leave, especially white-collar workers. It is now commonly reported that to be able to take the leave, employees are required to undergo a brief medical examination to prove that they are indeed menstruating.

Enforcement is critical to the protection regulations delivering benefits to women. In line with the general trend in the 2003 legislation, this legislation offloads the specific designation of rights to employers and to workplace agreements. The failure to implement these rights, and demands that the state enforce them, are the source of many labour protests. The case study of women mine operators that follows shows how changes in the provisions of the 2003 law open up space for contestation about this right, which becomes critically important to workers in a modern mining workforce where additional incomes and promotions are tied to productivity that is directly associated with attendance. First, some evidence about the current operation of this law elsewhere in Indonesia, and its consequences for women.

what difference does the law make?

Under the Suharto government, in spite of the system of Pancasila labour relations and the single official union, strikes still occurred and were frequently triggered by the failure of companies to implement legislated provisions such as minimum wages and work conditions, including menstruation leave. A 2003 report noted that failure to receive menstruation leave entitlements was one of the common reasons for industrial disputes (SMERU, 2003). Infringements of regulations have rarely been investigated, and enforcement is weak.

Menstruation leave has had utility for the growing number of women factory employees whose work often includes compulsory overtime that can stretch the working day to 10 or 12 hours, and may involve either standing or some other form of physical work. Women factory workers described by Warouw (2004) in the West Java industrial region of Tangerang (in 2000–2001) struggled to survive on the minimum wage, and relied not only on overtime, but also other allowances to support themselves. Married women workers were deemed single by employers and did not receive the allowances (such as housing allowances) awarded to men as presumed breadwinners. Women who opted to work during the mandated two days menstruation leave could claim an extra allowance (Warouw, 2004). In the example provided by Warouw, a woman worker received Rp 8,000 menstruation allowance to complement her base wage of Rp 426,500 and overtime of Rp 1,035,500. Electing to work during menstruation leave also allows women to benefit from routinely worked overtime. This is similar to the situation described by Lee and Cho (2005) in Korea where in practice most women workers do not take their menstruation leave and receive a special compensation (50 per cent of premium wages) for working on a legal day off. This results in employers paying a woman worker an amount equivalent to wages of about 18 working days in a year. Female workers' wage levels are about 40 per cent lower than male earnings, hence menstruation leave is one way of compensating such a wage discrimination based on gender (Lee, 2005).

Unlike SK Trimurti's original 1948 legislation, the 2003 law makes the precise form of entitlement to menstruation leave subject to negotiation between the employers and the enterprise union in businesses with more than 100 employees. In the increased climate of political contestation since 1998, there have been a number of studies of work conditions that have noted the poor enforcement of legislated workers' rights. For example, a survey by the women's group Yayasan Jurnal Perempuan found that companies were 'lax' in acknowledging rights under the 2003 law. Of 10 companies they surveyed in the cities of Jakarta, Tangerang, Bandung and Solo, only one was unequivocally granting women the right to menstruation leave. Seven other companies stated they would grant the leave 'only if the worker felt too ill to work ... However, in such cases, the woman must be examined by her supervisor before the leave is granted' (Komandjaja, 2004).

Warouw (2004) had found that workers in Tangerang were usually required to seek the supervisor's permission to visit the toilet during the long working day and this could be embarrassing for women. Some companies provided medication in the company clinic, so menstruating women could work on. The NGO Clean Clothes Campaign (CCC) activists Keady and Kretzu (2003) reported that the 'procedure to take menstruation leave in Nike's subcontracted factories is plagued with a degree of fear and humiliation that is so severe, most women would rather suffer than take the days off'. Under the provisions of the 2003 law, the company has instituted procedures in which a woman must speak to her line-chief, and visit the factory clinic in order to show blood to the clinic staff to prove that she is menstruating. The factories discourage women taking the leave in order to keep the assembly line fully staffed. Women feel they attract the hostility of supervisors if they take leave. Keady and Kretzu (2003) report that the toilets are inadequate, in number and standard, for women to appropriately manage the days that they are bleeding. Workers commonly had to queue in their two allotted toilet breaks per day, and toilets often were broken or had no water. The procedure can be intimidating and humiliating. In a study of abuse of workers' rights, Blecher (2004: 483) noted that: 'In Indonesia, women are routinely asked to drop their pants and prove they are menstruating in order to obtain the legally mandated menstruation leave. As a result, many women choose to forgo their right to this leave rather than submit themselves to humiliation'.

The Yayasan Jurnal Perempuan survey found that in most of the businesses, employers provided monetary compensation for workers choosing to work on leave days, and a representative of one company stated that only 5 per cent of women workers took the leave, the rest preferring the bonus. One company defended the practice of checking the women claiming the leave because in many cases women abused the right and took leave near the weekend (Komandjaja, 2004).

women operators in the mine pit

Until the 2003 revisions of the labour law, Indonesia banned women from working in the mines, especially in underground mining. Such bans have been a common feature of protection clauses; mining is deemed dangerous, dirty and hazardous work that is physically and morally unsuitable for women. Pit life is perceived as a male world where the heavy manual character of the work, the dirt and risk, normalizes the male miner whose interests are protected over those of women workers (see Eveline, 1998; Campbell, 1984; Allen, 1981). Connell writes: 'Images of mining as human endeavor incorporate the imperatives of physical strength, endurance and filth, all characteristics of masculinised work' (1987: 85). Indeed the bodily effects of such male endeavours are 'one of the main ways in which the power of men becomes "naturalized", i.e. seen as part of the order of nature'. This gendered view of mining originated in Europe and North America in the early modern period (Burke, 1995; John, 1980). Although today large-scale mining is safe, mechanized and well-paid work, this ideology remains and keeps mining as a masculine endeavour (Lahiri-Dutt and Macintyre, 2006). In modern mining towns the mine is usually no longer an underground pit, but the dominance of men in operational and managerial positions is still evident, and the women of the community are principally miners' wives or workers in service industries including prostitution (Kideckel, 2004; Carr, 2003; Robinson, 1996).³

3 Garza (2005) interviewed young women who migrated to Sangatta in search of husbands; the miners are desirable spouses because of their high wages and pensions.

The masculinized world of the mine pit is the setting for our case study of menstruation leave in an unusual women's occupation, namely the small number of women working in the mine pits as operators of heavy machinery in the Kaltim Prima Coal (KPC) mine in Sangatta, East Kalimantan. While many female company employees work in offices as secretaries and assistants, the recruitment of female operators challenges conventional notions of gendered work in Indonesia (Lahiri-Dutt, 2006a). Operators' jobs entail driving trucks and heavy machines such as mechanized shovels in the pits. The women themselves feel they are stepping outside of the usual gendered patterns of work. One of them commented: 'This is a man's job, but I have now proven that I can do it'.

menstruation leave in the mine pits

The research at Sangatta took place in 2004 at a time when national labour legislation, including protection clauses, was under review and subject to public discussion. Lahiri-Dutt collected the data in a survey of women employees. The case of women working in the mines is a relatively new phenomenon in Indonesia compared to India where there is a long history of women working in the collieries since colonial times (Lahiri-Dutt, 2000). The research project resulted in further research as a consultant to develop a gender policy for the company. The research asked: 'Why does the company hire women in what is generally seen as a

non-feminine area of work’? and ‘What are the gender issues surrounding women’s employment in the mining company’? While the numbers of women involved in this mining project are small, menstruation leave has emerged as a contentious issue among women employees (Lahiri-Dutt, 2004).

The mining company PT KPC operates in East Kalimantan. Originally owned by Rio Tinto and BP, it has been fully owned by Indonesian shareholders since 2002. The company was established in 1987 and the mine began operation in the early 1990s. In terms of production, it is one of the largest mining companies in the world.⁴ It had a presence in Sangatta before government services reached the remote forest-covered tract some 50 kilometres north of the equator, and consequently its relations with the local community have been described as operating on a ‘patron-client model’ (Kunanayagam, 1995), because the company has become a major provider of services to the community that has sprung up around the mine site.

In its 17 years of operation in Indonesia, about 308 women have entered the company workforce; in 2004, there were 147 female employees. In recent years, there has been a slight decrease in the proportion of women from a high of 7.6 per cent in 1994 to 5 per cent in 2002. Just over half (56 per cent) of the women workers are in the ‘white collar’ or administration divisions of the company – almost all in lower-level jobs – with the remainder working in operations-related areas. There is only one woman at the senior managerial level in the operations area of the company. Even in offices, women are usually either secretaries or office clerks.

The female operators comprise only 3 per cent of all workers in the mining operations division, but they represent 34 per cent of the total female workforce, and this is the largest concentration of women in any single division. Expatriate company managers had an explicit commitment to hiring women operators. A senior expatriate manager observed: ‘women are more careful in their jobs and as a result not one of them have had any accidents. They can also cope better with repetitive and tedious jobs, are easier to deal with, and tend to have a steadying impact on men. Above all, women do not take time off for prayers, interrupting work schedules in the field, and cope well with colleagues at the workplace’. A senior Indonesian manager added that ‘women create less trouble than men’ clarifying that his impression has been built up during industrial disputes, in which men took a lead role. A (male) supervisor noted that ‘women are easier to give instructions to’. Another Indonesian manager commented that it is commonly perceived in the company that women operators are more careful – so far no woman driver had experienced a collision.

The average woman worker at KPC is young – about 33 years old⁵ – married (56 per cent of them to a spouse within the company), with minimal educational achievement (at most senior high school) and working in a low-level job. Roughly

4 The company has a good record in terms of some of the common complaints against resource-based industries. It is an ISO 14001 company, with exemplary records of care for the environment and one of those against which the civil society organizations such as JATAM had the least number of complaints.

5 The range is 22–49 years.

one-third of women workers have been employed for 0–6 years, another third for 6–12 years and the final third for 12–18 years. Interviews provided an explanation for this pattern. Women commonly leave their job after about four years of service, and this is very often linked to difficulties married women face combining child care and shift work responsibilities. Childcare in particular is a major issue for all women workers in Sangatta because most of the workforce has migrated from other islands like Sulawesi and Java. Because of the lack of locally available family support, families need to employ domestic help. Women who overcome the problems of childcare seem to remain in the job for about 8–9 years. Among the women employees, the operators tend to start at about 18–20 years, whereas the female clerical employees start at around 22–24 years and have higher levels of education (Lahiri-Dutt, 2006b). However, the operators are able to earn more than the clerical staff, although they occupy the lowest rank in the company hierarchy and have limited promotion opportunities. At best, an operator can advance to the level of 'trainer', and so far only one woman has been promoted to this position.

Women face subtle prejudices in the workplace, as a common misogynist view evidenced in the words of a senior manager in the Human Resources department indicates: 'Women are made of 60 per cent emotion and 40 per cent reason; they are not good as leaders in positions of responsibility'. Yet, the notable fact is that some women remain working as operators for many years. This does not necessarily indicate a strong commitment to building a career in the mining industry; rather, a woman may feel she has little choice other than work outside the home. Operator Nurmaliyah commented that a woman stays on in her job as an operator 'if her husband is in a similar level as hers or is in a lower rank. If the husband is much higher in rank, then she prefers to stay at home'. Indonesian marriage law legislates the male as head of the household – and principal breadwinner – and the wife as the primary housekeeper. The model of the stay-at-home housewife is exaggerated in the work and housing conditions established by the mining company (Robinson, 1996). However, many of the women expressed their pride in their ability to perform as well or better than men in this traditional male occupation. Nengseh, a local Kutai woman with little education expressed her feelings of power on her first day on the job:

When I came to work in the field, it was better than the idea I had about it. In my mind, I had imagined it to be a dirty place. In my imagination, I had also visualized the truck to be very hot, but I found that it was quite comfortable ... I was not sure of my ability to drive such huge trucks and kept thinking, 'will I be able to drive such gigantic trucks? I cannot even drive a car, how will I drive this huge truck?' It was bigger than anything I had ever seen before. When I was all by myself, I was delighted and very proud too to be sitting in the cabin of the truck by myself. All my fear had vanished, and a confidence overtook me. Holding the steering wheel of the truck, I felt a surge of power coming over me.

The delight and pride she felt with her job, being alone in the cabin of the truck, driving it around the mine pit and the vanishing of her fears created a new confidence. She added: 'I still feel a sense of power, holding the steering wheel of the truck'.

The job of an operator – driving trucks around in the pit, carrying the rocky material removed to expose the coal seams (called overburden), or spraying water to reduce dust, and (more rarely for women) operating the shovel at the coalface – radically diverges from the occupations these women previously pursued. The high level of mechanization means the job does not involve heavy physical work – but in spite of this, the more skilled shoveling operations at the coal seams are reserved for male operators. The work in the pits is done in shifts and the company had to seek special permission from the local government to hire women to work at night in the mine pits, because women's night work is still restricted under the 2003 labour legislation. The trucks are state of the art gigantic machines, with air-conditioned cabins, often fitted with radio communication and GPS that monitor their movements from the pit office. If anything, the work is monotonous; Diana complained about the repetitiveness of the movements and consequent boredom being the most tiring aspect of the work. The night shift is disruptive of family life for both men and women, but for women with young children, it can mean overall lack of sleep and fatigue leading to increased risks. While women operators have the reputation of being extra careful, and, as we have heard, no woman has ever had an accident in the history of this mine, the numbers of women are not large enough to enable us to claim that women work more safely.

Women's dual role or *peran ganda* recognized in government policy is a reality for the truck operators; gender roles do not quickly change in a closed mining community where the most common status for women is that of housewife. This conflict becomes apparent after the birth of a child or two, especially since most workers lack family support. Several women operators took up 'unfit termination' of the job after having children, although those Lahiri-Dutt spoke to commented that if it were not for childcare problems they could have gone on working.

Women face hardship and discomfort at work, including driving vehicles that are ergonomically unsuited to Indonesian bodies, and lack of toilets close to the pits for both men and women. Lower back pain is common among both male and female workers as small Indonesian bodies have difficulty reaching the equipment fitted in the modern shovels and trucks. However, whereas men can cope with the inadequate number of toilets, especially on nightshift, women find it more difficult. The toilets are inconveniently located, usually in the dumping area, which can be some distance from the handling point. This is a particular problem for women during menstruation. Several female operators complained about the lack of adequate lighting in the toilets at night and raised the need for culturally appropriate squat toilets rather than the existing western-style toilets.

Hafsah is a 29-year-old woman from Sulawesi, married with a small child, and working for the mining company. She feels that she must not be too demanding; 'otherwise men in the field would think I am not up to my job. They will say, "if you can't work like us, don't try to work here in the mines"'. But when I am at home, I behave like any other housewife, so that my neighbours think that I am just like them, not different.' However, she felt proud that she could perform a man's job.

contestation over menstruation leave

Menstruation leave has created a stir among women operators because their remuneration is attached to a sizeable performance-related cash bonus linked to attendance and productivity. This economic incentive, introduced by the company to ensure regular attendance at work and increased productivity, can amount to almost six months' additional pay in a year. If women operators take the menstruation leave to which they are entitled, their income is dramatically reduced relative to their male co-workers. The unions in the workplace are aware of the issue, and are generally supportive of the women, although they are yet to take up an official stand on the subject. One union leader commented that 'a women operator should be eligible to get the bonus even if she stays at home, because this facility was granted to her by the law set by the highest authority in the country'. Another union leader argued strongly that 'female operators must have the same bonus rate even if they are unable to work during their heavy period days'.

The question of the 'right' to take the leave has divided company employees, however. Notably, it has created a gulf between different women employees: the office staff are less inclined to stay at home for two days but the operators are keen to take the leave. Yosephina, a young Bugis woman, said: 'I am working at a man's job in the field, I am driving heavy trucks and cutting the coal with machines. Tell me, how will I be able to work during my periods?' Women take on the stereotype of mining as men's work, as difficult, dirty and dangerous, and some feel that they are not capable of performing their duties while menstruating. Such internalization of a specific occupational identity is not uncommon; particularly in jobs 'seen' as difficult, the occupational identity becomes a resource that members draw upon, enact and affirm through their everyday actions to enhance the meaningfulness of their work (see Lahiri-Dutt, 2006a for an Indian case study).

Perhaps relevant here is another fact that divides the women. Operators wear a uniform of close fitting blue jeans, while office workers are more likely to wear skirts. Therefore, when the expatriate office manager challenged Lahiri-Dutt: 'Do you take two days off in a month?' his question glossed over significant issues of

difference. Because, while her answer would be, 'No I do not', if she was working in a mine pit in a job that is still highly gendered, and where toilets are inadequate, she may feel that she needs to rest during these two days that are granted by law as her gender right. In their different working conditions, the women office workers did not experience the same felt need for menstruation leave and have generally failed to express support for the operators when some of the unions argued that the two days leave should not be allowed to impact negatively on a woman worker's productivity bonus. The operators want the leave because of their different work conditions, but they experience high economic costs as a result of exercising their right.

The everyday presence of women in the mine pit has not disrupted stereotypes about men's and women's work. Because she is 'out there in the field', an operator feels that she is in a masculinized blue-collar job, although she is sitting in an air-conditioned cabin in the truck. Intangibles such as the sense of risk, the heavy work, the shifts and the masculinist symbolism of mine work all contribute to this feeling. It is precisely because working in the pit is perceived as a 'dirty and dangerous' male occupation, that women pit operators want to take the leave rather than have it paid out, like many factory workers, or ignore it like the office workers in Sangatta.

In a different context, Messing described how 'Over drinks at a scientific meeting, one woman remarked: "We'll know we're free when we can openly carry a tampon through the office on the way to the bathroom"'. None of us felt able to do that' (1999: 158). This scenario is faced in reality by Puti working in an Indonesian mine pit when she has to report to her '*ledihan*' (operators' term for 'leading hand' or supervisor – usually a man) with complaints of pain and discomfort. It is this '*ledihan*' who can permit her to go to the clinic for a personal check up to ascertain whether she is lying or not. In the mining company this medical check is perfunctory, and does not exhibit the extreme invasive practices described in the reports from factories in Java cited above, where women are expected to 'drop their pants'. But the expectation is that a woman must go to a supervisor of the opposite sex to tell him of her 'condition', and this is embarrassing.

The impediments to workplace participation that the operators describe relate less to gender-specific physical limitations than to practical obstacles they face in their specific working conditions. The other obstacles they face are expectations that women take primary responsibility for the organization of domestic affairs. This sexual division of labour is exaggerated in the context of a mining town, and in the Indonesian context, by the continuing circulation of state promulgated gender ideologies emphasizing women's *kodrat* (biologically based, predetermined gender role).

Some female operators commented that they did not have an accurate picture of the working conditions in the field before commencing employment. In regard to

working during menstruation, one of the operators commented that the situation in the mine pits should be more clearly explained in the employee recruitment and induction processes. A union leader proposed that the advertisements should mention general working conditions such as night shifts and facilities such as toilets, matters of concern to prospective female employees. This would more adequately prepare them for work in the pits.

The continued provision of menstruation leave in the revised labour legislation, despite attempts to have it removed, indicates the continued significance of menstruation as a marker of gender difference in Indonesia. For the majority of Muslim women in Indonesia, while they are menstruating, their religion proscribes them from performing daily prayers and from fasting during the holy month of Ramadan. While this could be read as menstruation signifying impurity, it is also considered a marker of women's biological specificity and a state of delicate body condition that necessitates protection from strenuous activity (such as praying or fasting). These prevailing attitudes to menstruation and the gendered nature of mining work become relevant in the mine pit, and many women operators choose to take the two-day leave as their birthright.

conclusion

In her landmark essay on gender difference and equality, Joan Scott enjoins us to 'reconcile theories of equal rights with cultural concepts of sex difference, ... to point up rather than resolve conditions of contradiction, to articulate a political identity for women without conforming to existing stereotypes about them' (1988: 48).

Menstruation leave for women workers brings debates about gender equity and gender difference into sharp focus. Indonesian government policy is contradictory, with women being guaranteed formal political equality but also subjected to regulatory regimens (such as the Marriage Law designating men as household heads) that emphasize difference. In particular, the gender ideology of the Indonesian government has valorized women's biological specificity (*kodrat*) as the basis of their social participation.

Indonesian labour law manifests these contradictions, with protection clauses that have delivered benefits to women but also contributed to a segmented labour market in which women on the whole receive lower wages. There has been a move from the paternalistic and exploitative system of Pancasila labour relations since the fall of the Suharto regime, to a system that allows greater unionization, but removes much of the regulation of labour relations and remuneration from centralized standard setting to local bargaining. This change has had contradictory effects for women workers. The revised protection clauses

in the 2003 Indonesian labour law leave intact the right to menstruation leave, but the specific provisions are located in company regulations and enterprise agreements. The conditions under which women receive the leave are dependent on negotiation and have become less transparent – not that they were ever fully enforced by the state. The requirement of ‘proof’ in many enterprise agreements puts a burden on the woman worker that may make her reluctant to claim her right. Protection legislation has the capacity to mark women as different in a new industrial–relations setting where wages and conditions are determined not by government regulation as in the past, but by collective agreements and corporate will. That rights to menstruation leave need to be negotiated in enterprise agreements has the potential to cause conflict with workmates – male and female. But menstruation leave can also become a rallying point that brings women into focus in male dominated trade unions and which mobilizes women for whom other trade union demands may not have appeal.

The Sangatta case illustrates the potential of such provisions to adversely affect women’s earnings relative to men in a setting where otherwise there is no difference in remuneration for male and female workers.

In the words of the Human Resources Manager in Sangatta, menstruation leave opens ‘a can of worms’, especially in regard to women’s work in the mine pits. Many male trade union leaders in Sangatta have supported women’s right to take menstruation leave without discrimination in pay, but this claim is not necessarily supported by other workers. The effects of the 2003 Indonesian legislation lead us to ask: is menstruation leave part of the ‘rights package’ of women workers, and is it the responsibility of the state to make sure that all women have the choice of taking the leave without undergoing financial or other discrimination? State enforcement was never strong, but prior to 2003 the legislated provisions were a strong basis for industrial protest. The local nature of negotiations post-2003 can pit women who wish to take the leave against fellow workers.

For feminists, rights to menstruation leave raise complex questions of gender equity, difference and women workers’ rights. To the workplace health professional, menstruation may raise the question of women workers’ health, safety and productivity. The Indonesian state regards the protection clauses in the labour law as a measure to protect women from the harshness of working life. This attitude is linked to official valorization of a woman’s reproductive duties as her primary social role. However, seen as a celebration of the ‘nature’ of women, menstruation leave can also raise the question of whether women indeed require ‘special’ protection in the workplace (or indeed other spheres of life, including quotas in representative political bodies). While arguments for protection clauses may have changed since the late nineteenth century debates, the Sangatta case also shows that while gender-specific leave may lead to discrimination against women in the job market, it can also provide a means of

addressing perceived obstacles to women choosing 'male' occupations that offer higher earnings than female jobs (like the office clerks) in a fundamentally sex-segregated labour force.

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author biographies

Kuntala Lahiri-Dutt is co-editor (with Martha Macintyre) of *Women Miners in Developing Countries: Pit Women and Others* (2006). She is a Fellow in the Research School of Pacific and Asian studies at The Australian National University. Trained as a human geographer, Kuntala has published widely on the challenges gender poses in large and small mines and quarries

Kathryn Robinson is author of *Stepchildren of Progress: The Political Economy of Development in an Indonesian Mining Town* (1986) and co-editor (with Sharon Bessell) of *Women in Indonesia: Gender Equity and Development* (2002). She is Professor in the Department of Anthropology in the Research School of Pacific and Asian Studies at the Australian National University.

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