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# WOMEN AT WORK

Legal and Regulatory Barriers  
and Opportunities to Women's  
Wage-Employment in ASEAN  
Member States



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The Association of Southeast Asian Nations (ASEAN) has long been committed to promoting gender equality. The ASEAN Socio-Cultural Community (ASCC) Blueprint for 2015 included as a key objective to “[s]afeguard the interests and rights as well as provide equal opportunities, and raise the quality of life and standard of living, for women” (ASCC Blueprint, C.1. para. 27). The current ASCC Blueprint for 2025 includes as an objective to “work towards achieving gender equality and the empowerment of all women and girls” (ASCC Blueprint 2025, A.2.vii). Further, the ASEAN Committee on Women 2016–2020 Work Plan included provisions to promote “gender mainstreaming in labour employment policies to promote decent work for all” (Project/Activity 4) and cooperation “with SLOM in strengthening social protection for women in the workplace” (Subgoal 4.2.2).

This brief reviews the status of national laws and regulations in the region in reaching these objectives as they relate to women’s wage employment. It examines how laws and regulations in ASEAN member states enable or limit women in entering, remaining, and advancing in the formal sector workforce. Specifically, this brief analyzes how employment discrimination, regulatory employment restrictions, gender inequalities in civil and administrative laws, and sexual harassment limit women’s abilities to engage in wage employment. It also analyzes how laws and policies can support working women and parents. While this brief focuses on formal employment, women who are informal workers often face heightened legal and regulatory constraints and barriers.

Significant progress has been made, but opportunities for improvement remain. Each section of this brief identifies opportunities for action by ASEAN and its member states. These are highlighted for consideration by the ASEAN Committee on Women and other bodies.

## Introduction

Women face layers of regulatory, social, and cultural inequalities in accessing employment opportunities globally, including in ASEAN member states. Laws and regulations can positively or negatively influence women’s economic participation across women’s lifecycles—from first job application through retirement—and can affect women’s job prospects, decision-making power, earning potential, career growth, and family life. The World Bank’s 2018 Women, Business and the Law (WBL) project estimates that globally, over 2.7 billion women are legally restricted from having the same choice of jobs as men.

If confronted by employment barriers, women are more likely to live in poverty, have less decision-making power in the home, and are less likely to engage in leadership roles in civil society. Regulations and policies restricting women’s labor force participation also have significant macroeconomic implications. Countries grow faster when women can work freely. McKinsey & Company (2015) estimates that if women’s role in the labor market were identical to that of men, the gross domestic product of East and Southeast Asia (excluding China) would increase by 30 percent. Thus, it is crucial to address these barriers in order to unlock women’s full economic potential across the ASEAN region.



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## Legal and Regulatory Barriers and Opportunities to Women's Wage-Employment in ASEAN Member States

### Employment Discrimination

Gender discrimination in access to employment, career opportunities, and equal pay creates obstacles for women to work and leads to a greater concentration of women in low-paying and low-productivity jobs, and thus impedes economic growth. Implicit or explicit gender or maternity bias results in discriminatory regulations and policies that limit career participation and advancement for women of childbearing age.

#### Legal protections for women against discrimination can promote women's ability to work.

Two ASEAN member states prohibit discrimination in hiring, six prohibit discrimination in employment, two prohibit discrimination in promotion, and four prohibit discrimination in dismissal (Table 1). Despite these laws, occupational segregation—where women are overrepresented in the teaching, care, and personal service professions but underrepresented in higher-paying professions (science, technology, engineering, and mathematics)—results from cultural expectations and biases, social and educational opportunities, and restrictive legal regulations or the lack of protective ones. Occupational segregation is further exacerbated by lax or limited enforcement of nondiscrimination regulations.

**Table 1: Member states that have laws prohibiting discrimination**

	Hiring	Employment	Promotion	Dismissal
Brunei Darussalam				
Cambodia	✓	✓	✓	✓
Indonesia		✓		✓
Lao PDR		✓		✓
Malaysia				
Myanmar				
Philippines		✓	✓	
Singapore				
Thailand		✓		
Viet Nam	✓	✓		✓

**Maternity discrimination is prohibited in many countries but remains widespread.** The International Labour Organization (ILO) Maternity Convention prohibits pregnancy test requirements in hiring unless the work entails significant health risks for the woman or the unborn child. The convention guarantees the return to the same or equivalent position following maternity leave; it also prohibits the termination of employment during pregnancy or parental leave unless the employer can prove that the dismissal was unrelated to the pregnancy or motherhood.

However, in practice, women commonly experience discrimination in hiring, employment, promotion, and retention arising from employer perceptions and gender biases about women's abilities and their level of commitment to their jobs and careers. In particular, women who are mothers, pregnant, or simply of childbearing age are often perceived to be less available and committed to their work (Bernard, Correll, and Paik 2007). For example, in Viet Nam, some companies have written policies limiting women from holding higher-level positions, and some job advertisements call only for male applicants (Viet Nam News 2017).

There are no legal mechanisms for prohibiting employers in the ASEAN region from asking job seekers about their family status. However, six ASEAN member states—Cambodia, Indonesia, Lao PDR, Philippines, Thailand, and Viet Nam—prohibit

## *Pregnancy and Motherhood Discrimination for Migrant Workers in Asia*

In Asia, manufacturers rely heavily on temporary migrant workers, many of whom are young women. Examples from Malaysia and Thailand demonstrate how regulations on motherhood and migratory work can have a discriminatory or supportive effect on women. For instance, there are 2 million legal migrant workers in Malaysia. Migrant workers must pass a pregnancy test to obtain a work permit for manufacturing and other low-skill sectors. Once hired, female migrant workers are subjected to annual pregnancy tests. If pregnant, a worker will lose her work permit and be deported to her home country at her own expense. Children of female migrant workers from Cambodia, Lao PDR, and Myanmar born in Thailand can become legal residents, obtain health care, and attend school, thus enabling migrant women in Thailand to become mothers while maintaining employment (Fair Labor Association 2018).

the dismissal of pregnant workers. In Cambodia, pregnant workers are protected from dismissal, but employers have found a work-around to avoid paying legally mandated maternity benefits. Female factory workers are typically employed through short-term contracts in Cambodia. To avoid having to pay maternity benefits, some Cambodian employers do not renew the employment contract when a female worker becomes pregnant. These women find it hard to find other work when visibly pregnant (Sineat and Handley 2018).

**Women earn less than men for work of equal value throughout the world.** Although the wage gap is influenced by levels of education, qualifications, and experience, discrimination and gender stereotypes may also contribute to the gap (Paquette 2016). In some ASEAN member states, the wage gap is widening, while other member states, including Indonesia, have seen progress in wage equality for equal work (World Economic Forum 2017). Some wage inequalities are found in work that is identical, such as “surface technicians” (male-dominated occupation) being paid more than “cleaning maids” (female-dominated). Wage inequalities are also found in different occupations deemed to be of equal value.

The ILO Equal Remuneration Convention stipulates that men and women should receive equal pay for equal value of work. The Philippines and Viet Nam have regulations guaranteeing men and women equal remuneration for work of equal value. Employers can use strategies to reduce the gender wage gap, including job evaluations that use gender-neutral criteria (such as skills, qualifications, responsibilities, and work conditions), wage transparency, and objective wage and promotion criteria.

Research has also found that wage inequalities deter many women from entering the labor market at the same rate as equally skilled men. Employers may perceive employees who are mothers to be less available and committed to their work, and thus, pay mothers less. Research in other regions has found the coexistence of a motherhood wage penalty with a fatherhood wage bonus. In other words, women who are mothers earn less than women who are not mothers, while men who have children enjoy a wage increase. There has been no published research on the motherhood wage gap in ASEAN countries.



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## Women are at a Disadvantage in Many Pension Systems

The structure of pension systems, including the statutory retirement age and the calculation of retirement benefits, affects men and women differently. The gender gap tends to be wider in pension schemes where the final salary is the basis for the pension, as women's salary growth and ending salary are often lower than that of men's (Cameron 2014). Breaks in women's employment to care for children or other family members or part-time work have negative consequences on women's pensions. When the retirement age is lower for women than men, women's opportunities to earn pension benefits and save for retirement are reduced. For instance, the mandatory retirement age is 55 for women but 60 for men in Viet Nam. Pension-based paid parental leave, childcare support, and provision of supportive work-life balance policies lead to shorter career interruptions for women—and thus, more equal pension benefits.

## RECOMMENDATIONS

- Assess enforcement of nondiscrimination regulations and use findings to develop and implement improved enforcement, compliance, and monitoring and evaluation procedures.
- Support private sector actors in evaluating the potential economic impact of reducing employment discrimination.

## Employment Restrictions for Women

Women's employment possibilities are limited by restrictions on which occupations women can hold. Such restrictions also reduce the employer's pool of qualified job seekers. Eliminating barriers that prevent women from working in certain sectors or occupations can increase labor productivity.

**Women are banned from numerous professions due to concerns about strenuous work conditions and their reproductive health.** Four member states in ASEAN legally restrict women from doing the same jobs as men (Table 2). However, this is not an issue unique to ASEAN; all regions of the world have countries that restrict women's employment in particular industries. These countries still have laws preventing women from seeking formal employment in certain sectors, including mining, manufacturing, construction, energy, agriculture, water, and transportation (World Bank Group 2018). Such regulations often bar women from higher-paid industries, such as mining or construction, or industries in which jobs are more readily available. They prevent women from working legally in these occupations and dampen their earning potential, thus increasing the gender wage gap.

**Table 2: ASEAN member states with laws restricting women from working in specific sectors**

	<b>Mining</b>	<b>Factories</b>	<b>Construction</b>	<b>Agriculture</b>	<b>Water</b>	<b>Energy</b>	<b>Transport</b>
Malaysia	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Myanmar	<b>X</b>	<b>X</b>					
Thailand	<b>X</b>		<b>X</b>		<b>X</b>		
Viet Nam	<b>X</b>		<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>

**Mining is the most common profession in which governments bar female employment.** Malaysia, Myanmar, Thailand, and Viet Nam prohibit women from working in mines. Global research demonstrates that a number of factors cause these governments to consider women unfit for mining, namely: the arduous, hot, and sometimes dangerous working conditions; the pervasive view that mining is associated with masculinity; and risks of sexual harassment in remote locations (Abrahamsson et al. 2014). However, mining work can also offer more lucrative pay and advancement opportunities than many other industries, precisely because of the risky, challenging working conditions. Additionally, in some communities, mining is the only stable, formal sector employment option.

**The use of technology and equipment can alleviate concerns about women's health and safety, thereby reducing the perceived need to restrict women's employment and ensure the health and safety of all workers.** Technology can support

women in countries where women are legally restricted from jobs that demand heavy lifting (World Bank Group 2018). Regulations that require employers to supply equipment and adapt technologies to help with heavy lifts and strenuous tasks can address physical constraints. For example, machinery and technology to load, unload, haul, lift, excavate, and shovel reduce workers' exposure to hazards in work that has traditionally required heavy manual labor.

**All employees who work night shifts require special protection.** Working

at night is sometimes the only employment opportunity available to women, often offering higher remuneration in manufacturing, processing plants, and call centers. Night schedules are often an integral part of work in some occupations, such as first responders, health care workers, road construction crews, or bakers. Studies have demonstrated that working nights and rotating shifts are associated with multiple health issues for both men and women. However, there is also well-established scientific evidence that nonpregnant or non-nursing women generally have the same tolerance level to night work as men (Politakis 2001). The ILO Night Work Convention of 1990 seeks to protect the health and safety of all night workers in most sectors, balance family and social responsibilities, provide opportunities for occupational advancement, and ensure appropriate compensation. While ASEAN member states do not restrict women from working at night, regulations are needed to ensure that all night workers, including women, receive protection.

### *Sector Restrictions in Thailand*

Section 38 of the Labor Protection Act of 1998 prohibits employers from requiring a female worker to perform the following work:

- (1) mining or construction work which must be performed underground, underwater, in a cavern, in a tunnel, or in a crater of a mountain, except where the conditions of work are not hazardous to the employee's health or body;
- (2) work on scaffolding which is 10 meters or more above the ground;
- (3) production or transportation of explosives or inflammable materials; and
- (4) such other work as is prescribed by Ministerial Regulations (ASEAN Service Employees Trade Union Council 2013).

## RECOMMENDATIONS

- Study the positive effects of regulatory changes allowing women to work in previously banned professions.
- Conduct an economic impact analysis of the cost of restricting women's employment.

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## Ability to Seek Wage Employment

Women's ability to seek wage employment is reduced when their mobility, agency, and decision-making power are restricted by civil and administrative laws. Marriage changes the legal status and powers of women in some ASEAN countries.

**Social and legal obstacles that limit women's decision-making and mobility restrict women's wage-earning opportunities.** With the intention to protect the family unit, Malaysia has laws requiring married women to obey their husband, which could restrict a married women's ability to seek employment if her husband does not approve of her working. This law also restricts the ability of married women to travel outside the home against her husband's will. Similarly, regulations in Indonesia stipulate that the husband is the head of the household; thus, he has the authority to make decisions about household matters, including family location of residence. When lacking the right to engage in such decision-making, a married woman's horizon of employment opportunities may become more limited because either she (a) cannot seek employment that requires relocation or (b) loses her existing employment when her husband decides to relocate the family.

**Child marriage reduces girls' educational attainment, workforce participation, and intra-household bargaining power.** Girls who marry underage are more likely to drop out of school, have children as teenagers, and live in poverty. With limited education and significant household responsibilities, girls who marry young are less likely to engage in wage employment. The United Nations Children's Fund (UNICEF) estimates that around the world 12 million girls under the age of 18 marry each year. Global research demonstrates that ending child marriage would allow girls to remain in school longer and increase the amount women earn. Cash transfers, reduced school fees, teacher trainings, and life skills support help to retain girls in school (Kalamar, Lee-Rife, and Hindin 2016). Global research also has shown that programs and policies to support girls remaining in school is one of the best ways to reduce child marriage. In the last 30 years, the rate of marriage before age 18 has been cut in half in Indonesia (UNICEF 2014).

Despite recent progress and a legal marriage age of at least 18 in all ASEAN member states, high rates of child marriage persist in some countries. The percentage of women aged 20 to 24 who were married or in a union prior to the age of 18 varies: from 11 percent in Viet Nam to 35.4 percent in Lao PDR (UNICEF 2018). Enforcement is also a prevalent issue, impeded by legal exceptions in eight of ten member states. Further, with parental consent, girls can be married at the age of 16 in Cambodia, Indonesia, Malaysia, and Myanmar (World Bank Group 2018). Parental exceptions allow poor families to marry off their daughters when they are young to reduce the family's financial burden.

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## RECOMMENDATION

- Support civil society organizations and policy makers in enforcing the legal age of marriage and in supporting girls to remain in school.

## Sexual Harassment in Education, the Workplace, and Public Places

Sexual harassment is prevalent across Southeast Asia. Sexual harassment disproportionately affects girls' access to education, women's employment and career trajectory, and women's and girls' physical mobility. Recognizing the significant, negative impact sexual harassment has on women and the economy, almost all ASEAN member states, with the exception of Indonesia, have legislation addressing sexual harassment (World Bank Group 2018). One-half of ASEAN member states specifically regulate workplace sexual harassment. In the Philippines, it is estimated that eliminating workplace sexual harassment entirely could result in a savings of nearly \$57 million annually (Nathan Associates 2016). Recognizing the deleterious effect of all forms of sexual-harassment, the Philippines also has explicit policies on sexual harassment in public places and education (World Bank Group 2018).

The World Bank (2013) defines sexual harassment as “any unwelcome sexual advance, request for sexual favor, verbal or physical conduct or gesture of a sexual nature, or any other behavior of a sexual nature that might reasonably be expected or be perceived to cause offense or humiliation to another.” Workplace sexual harassment “interferes with work, is made a condition of employment, or creates an intimidating, hostile, or offensive work environment.”

### **School-related, gender-based violence (SRGBV) contributes to girls dropping out of school, which limits employment opportunities.**

Although SRGBV is believed to be underreported, studies show that it is widespread. A recent survey demonstrated that 19 percent of girls aged 12–17 in Indonesia reported experiencing sexual violence in school within the six months prior to the survey (Plan International 2015). When there are high risks of SRGBV, parents are reluctant to send their girls to school, particularly when schools are far away from home. When girls drop out of school, they are less likely to be able to acquire the skills and education they need to enter the labor market. Moreover, sexual harassment in tertiary education can make it harder for girls to acquire advanced degrees necessary for the highest-paid jobs and careers.

There is growing awareness about SRGBV. The Philippines has a comprehensive legal framework for protecting children from sexual violence and harassment in schools. The 1992 Constitution, Republic Act No. 7610 mandates children's freedom from violence in school, while Act 7877 (Act Declaring Sexual Harassment Unlawful in the Employment, Education or Training Environment and for Other Purposes) prohibits sexual harassment in schools. To help enforce this legislation, the Department of Education established implementation guidelines, teacher training, and a national child protection system (United Nations Educational, Scientific and Cultural Organization [UNESCO] 2014).

**Workplace harassment disproportionately affects women, but also has far-reaching negative effects on coworkers and economic productivity.** Sexual harassment in the workplace is widespread. For example, a study in Viet Nam found that 17 percent of 150 employees surveyed reported that either they or someone they knew in their workplace had

In Indonesia, the National Child Protection Act protects girls in school from “violence and abuse from teachers, school managers, and school mates both in school and other educational institutions”.

— Government of Indonesia, 2002. National Child Protection Act. Law No. 23, Article 54.

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been asked for “sexual favours by a superior in return for some kind of workplace benefit” (ILO 2018b). Across ASEAN, migrant women, domestic workers, and women working in male-dominated industries or in client-oriented service sectors, including health care, retail, and hospitality, are at greater risk of sexual harassment. In addition, women are at greater risk of experiencing sexual harassment in tight or unregulated work spaces and when they are language-impaired, in isolated positions, or lack job security, including when they work informally.

Employees subjected to workplace sexual harassment are more likely to be absent from work or resign. Lack of regulation of sexual harassment creates conditions for women in which harassment can be the price they must pay for a job offer, pay raise, or promotion. It can also create intolerable work environments that cause women to change their career trajectory or drop out of the workforce entirely. Sexual harassment also creates toxic work environments, resulting in reduced productivity for entire teams and work groups (Haspels et al. 2001).

Awareness about workplace harassment is increasing, and many countries have adopted legislation to curb sexual and other forms of harassment. Typically, harassment in the workplace protects employees, but some countries like the Philippines expand that protection to job seekers as well.

Harassment regulations need to provide employees with adequate protection and recourse. Laws in Indonesia “permit” a survivor of violence or harassment to resign from work without advance notice. However, these regulations provide employees with no protection from potential harassment because the only redress is for survivors to leave their current job (ILO 2018a; Banyan Global et al. 2016). Civil remedies include victim compensation or the perpetrator’s dismissal, while criminal penalties include fines and imprisonment. Seven ASEAN member states provide for criminal penalties against sexual harassment in employment, including most recently Malaysia, which passed legislation on this in the last three years. One-half of ASEAN member states stipulate for civil remedies. Non-criminal legal measures are also essential to address the full range of behaviors involved in harassment in the workplace.

### **Women cannot safely get to work and school when there is high prevalence of sexual harassment in public transportation and in public places, such as streets, parks, and bus stops.**

Global research has found that sexual harassment is pervasive in public places, and for many women, it is a daily or weekly occurrence (Gekoski et al. 2015). Sexual harassment curtails women’s mobility. When sexual harassment is ubiquitous in public, women modify or restrict their travel, which can lead them to forgo employment or career opportunities. For instance, women might forgo night work or employment in locations with limited safe, accessible, and affordable transportation options. Sexual harassment and reduced mobility due to sexual harassment also affect women’s engagement in civil society and access to educational or networking opportunities, both of which can expand employment opportunities. The Philippines is the only ASEAN member state to have laws on sexual harassment in public places. Sexual harassment in public places is often regulated at the municipal level. Beyond legal measures, some ASEAN member states, including Indonesia, Malaysia, and Thailand, have tried to address sexual harassment in public transportation through women-only compartments. Viet Nam has taken a capacity building approach by training employees of the national Ministry of Transport and the provincial-level Departments of Transport on gender issues in transportation (Arango et al. 2015).

Reliable, affordable, and safe modes of transportation facilitate access to educational and employment opportunities. Mobility also expands one’s network and connections, a key means of learning about and finding employment opportunities. However, women’s access, use, and concerns about public transportation differ from those of men. Women are less likely to own a motor vehicle or bicycle, thus needing to be able to walk or take public transportation to work. In a survey of women’s safety in the public transport systems of 15 of the world’s largest capital cities and New York, the ASEAN capitals covered ranked in the middle third, with Jakarta as the fifth most dangerous, Kuala Lumpur seventh, Bangkok eighth, and Manila tenth (Thomson Reuters Foundation 2014).

## RECOMMENDATIONS

- Expand sexual harassment legislation to places of education and public areas.
- Support governments to adhere to and implement the forthcoming International Labour Organization Convention on workplace violence and harassment.

### Enabling Parents to Work

Women spend significantly more time than men on unpaid domestic work, including childcare, eldercare, and household chores. Women's time poverty affects their ability to remain and advance in the workforce, and leaves women with significantly less time for leisure, civic engagement, or professional development (Banyan Global et al. 2016). Regulations and policies can support women and men to balance their work and family commitments. Yet, some policies intended to enable women to work reinforce social stereotypes about family responsibilities, such as childcare centers that are only for working mothers rather than for all working parents and guardians.

#### **Paid parental leave creates greater gender equality and supports working parents and guardians by enabling all of them to have time off to care for their children.**

Maternity leave has positive health effects on mothers and their children, thus allowing for the establishment and maintenance of breastfeeding. Paid parental leave offers parents and guardians (hereafter collectively referred to as "parents") financial security while caring for their children. Such leave can be paid for either by the state (four member states), which reduces the burden for businesses employing parents, or directly by the employer (six member states). While the length of maternity leave varies, the average for the ASEAN region is 13.84 weeks, just below the ILO's minimum standard of 14 weeks or more of maternity leave (World Bank Group 2018). Yet, some countries, such as Viet Nam, provide significantly longer maternity leave (180 days).

All ASEAN member states mandate paid or unpaid maternity leave. Moreover, six ASEAN member states—Indonesia, Lao PDR, Myanmar, Philippines, Singapore, and Viet Nam—mandate paid or unpaid paternity leave (World Bank Group 2018). This is an area where the region is progressing. Over the last three years, Singapore increased the length of paid paternity leave from five to ten days and Viet Nam announced five days of government-financed, paid paternity leave (World Bank Group 2018). Paternity leave affirms that fathers have a right to parenthood and to bond with their children, but also a responsibility to share in childrearing and household work. A global study analyzing private sector employment data from 53 developing countries, found that women's employment is 7 percent higher in countries that provide paternity leave (Amin, Islam, and Sakhonchik 2016). Thus, parental leave can change social attitudes and expectations about care responsibilities and create greater equality in the home and workplace.

When the law mandates paid or unpaid paternity leave, the leave is one week on average in Southeast Asia. On average, maternity leave is 90 days longer than paternity leave. When parental leave is available to both parents, women tend to use it more than men. Because maternity leave is typically longer than paternity leave and more women take advantage of parental leave policies, the requirement to pay for maternity leave adds to the cost of hiring women of childbearing age. Thus, these leave policies create an unintended disincentive for employers, especially small and medium-sized enterprises, to hire women. It can also lead employers to reduce women's salaries to compensate for the cost of higher leave benefits. Too much time out of the labor force can lead to a reduction in women's relative wages when parental leave is not available to or used by fathers (World Bank Group 2018).



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### **Policies supporting parents to balance work and family commitments enable women to remain and advance in the workforce.**

The ILO Maternity Protection Convention of 2000 sets out specific principles that facilitate women's return to work following maternity leave. Women have the right to return to the same or a similar position, with the same remuneration. In Cambodia and Viet Nam, women have the right to come back to the same or an equal position after maternity leave. The convention also protects mothers from discrimination at work and establishes the right to daily breaks for lactation. One-half of ASEAN member states—Cambodia, Indonesia, Lao PDR, the Philippines, and Viet Nam—have laws requiring employers to provide lactating mothers with breaks.

### ***More Women in Indonesia Work When Public Preschools are Available***

Women's labor force participation is lower in Indonesia (51 percent) than in other countries in East Asia and the Pacific (61 percent). Childcare constraints constitute a key factor explaining women's limited engagement in the workforce. A World Bank study analyzing national data found that mothers whose children were enrolled in public preschool were employed at a much higher rate (64 percent) than the national average (Halim, Johnson and Perova 2017). Thus, public policies expanding the availability of public preschools would stimulate women's entry into the workforce.

Government regulations and business policies supporting flexible work arrangements, including flextime, telecommuting, part-time work, and extended leave, help women balance work and family commitments while remaining in the workforce—especially in societies with traditional gender roles and limited subsidized childcare services. However, there are no legal protections in ASEAN to provide parents the right to request or obtain flexible work arrangements. To counter gender stereotypes about family responsibilities, it is important that both men and women are encouraged to telework. In addition, because of eldercare responsibilities, older women find it more attractive to remain in the workforce if flexible work schedules are available (Austen and Ong 2009).

**Access to affordable, quality childcare enables mothers to return to work, while increasing women's productivity and decreasing absenteeism.** The availability and affordability of childcare affect mothers' workforce participation, career choices, and earning potential. Cambodia, Malaysia, Philippines, Singapore, Thailand, and Viet Nam offer government-provided childcare services. In Brunei Darussalam, Indonesia, Lao PDR, and Myanmar, the employer must provide the childcare service. The main models for financing childcare include tax incentives to private childcare providers, government-supplied childcare, and parental tax-deductions for childcare expenses. However, tax deductions tend to favor high-income rather than low-income parents, as the latter derive little benefit from such tax breaks (Addati et al. 2016).

Evidence shows that when subsidized childcare is available, the female labor force participation is higher (International Finance Corporation [IFC] 2017). Moreover, reliable childcare options are beneficial for the employer because they improve worker attendance, retention, and productivity. For instance, a garment manufacturing business in Viet Nam reduced its staff turnover rate by one-third after offering childcare for employees' children (IFC 2013).

Lack of affordable childcare policies particularly harms low-income women. They often direly need income, but also cannot afford quality childcare. The absence of affordable, quality childcare policies and solutions can also negatively affect the future career prospects of girls, who are often withdrawn from school to look after younger siblings or family members in the absence of other affordable childcare solutions.

## RECOMMENDATIONS

- Review policies to ensure support for working parents rather than only working mothers.
- Conduct a cost-benefit analysis of expanding access to affordable, quality childcare.

## Next Steps

The brief aims to stimulate further research in ASEAN member states to map implementation of regulations and policies, document how regulatory changes affect women's workforce participation, and determine whether existing industry practices support women's wage employment. Key recommendations for individual member states have been highlighted throughout the brief.

At the regional level, the ASEAN Committee on Women (ACW) is uniquely positioned to address these issues. It is recommended that ACW develop and promote the business case on how legal and regulatory changes that enable women to work are beneficial for overall economic growth across the region. ACW could also develop a methodology that ASEAN member states could use to assess how laws and regulations enable or constrain women's wage-employment and women's economic empowerment more broadly.

Further research and investment are recommended to identify case studies, lessons learned, and good practices from the region on what works to address and reduce legal and regulatory barriers to women's employment. While some data on these issues is captured by the Key Performance Indicators (KPIs) under each of ACW's priority areas, additional indicators could be added under Priority Area 1: Promotion of women leadership. Indicators under this area could be disaggregated by sector to explore whether women hold leadership positions across various sectors or are largely concentrated.

For Priority Area 2: Non-gender stereotyping and social norm change, it is recommended that ASEAN work towards a regional commitment on equal pay for equal work. In addition, ACW can advocate for the development of and regular reporting on Country Implementation Strategies on how to address gender-related discrimination and stereotypes in employment. It is also recommended that ACW track data on ASEAN countries with legal protections for women against discrimination in hiring, employment, promotion, and dismissal, as well as effective enforcement procedures.

Further, ACW can build on Priority Area 4: Elimination of violence against women (EVAW) by establishing and implementing regional guidelines on reducing gender-based violence (GBV) in the workplace, school, and in public spaces. Guidelines would include public and private sector recommendations on how to effectively prevent and respond to sexual harassment and other forms of GBV, and highlight how these efforts serve as a vehicle for promoting economic growth across the region. More detailed data collection on where violence against women is occurring and where interventions are targeted will bolster the guidelines and foster a greater understanding of progress in the region on this issue.

Recognizing that child marriage is a form of violence against women that is often overlooked, it is recommended that ACW use its platform to re-frame the issue of child marriage as a gender equality and GBV issue in the region. ACW can also develop guidance on including sexual harassment and child marriage in National Action Plans on EVAW.

Finally, while this brief focuses on formal employment, it is important to note that women who are informal workers often have reduced legal protections, including against discrimination and sexual harassment. They also have limited access to key benefits, such as childcare or parental leave. It is therefore recommended that the ASEAN Committee on Women develop a new focus on regulations and policies to protect and address the unique constraints encountered by informal workers.



# WOMEN AT WORK

## Legal and Regulatory Barriers and Opportunities to Women's Wage-Employment in ASEAN Member States

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