

Comparative Study of Legal Protection of Women's Labor From the Perspective of International Conventions, Indonesian and German Law

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Abstract

Work related to humans, including aspects of the economy and fundamental human rights, is essential. Every individual, regardless of gender, has equal rights in the workforce. In the modern era, women are involved in forced labor, although they still face various challenges. In normative terms, protecting women's rights as workers in Indonesia is regulated by Law Number 13 of 2003 concerning Employment, alongside several other regulations and international conventions such as the ILO and CEDAW. However, there are several gaps in the framework, such as provisions that do not fully protect female workers and a lack of effective implementation of the conventions that have been ratified, which often merely reiterate the norms of the international convention. On the other hand, Germany has also ratified the convention and has more specific regulations for protecting women's rights. By comparing the laws of Indonesia and Germany, this research aims to provide recommendations for improvements and refinements in employment regulations in Indonesia. The research method employed is a normative legal study with a statutory, conceptual, and comparative approach. Based on the results of this study, it can be concluded that the regulations for protecting female workers in Indonesia and Germany have similarities and differences. In Indonesia, the protection of women is primarily outlined in the Employment Act, while in Germany, each protection category is more distinctly defined in the Constitution. Although both jurisdictions address matters such as maternity, protection from discrimination, and wage equality for equivalent work, there is a difference in the level of detail in their arrangements.

I. Introduction

Work is a fundamental need for human beings that is related to both the economic aspect and basic human rights. Employment is a crucial fundamental right for individuals because it allows them to sustain their lives. Furthermore, individuals work to gain a sense of security, satisfaction, and a means to express themselves, becoming dignified individuals. Every person, regardless of gender, has equal rights in work matters. This is guaranteed in Article 23, paragraph (1) of the Universal Declaration of Human Rights, also known as the Universal Declaration of Human Rights of 1948, which states:

"Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment."

In Indonesia, the right to get work is guaranteed in the 1945 Constitution, article 27 paragraph (2), which states that every citizen has the right to decent work and a living for humanity.¹ Consequently, logically from confession, Work as right basic, the state must protect rights because rights have new binding force if they have normalized become law.² Protection law benefits workers, especially in matters of safety and welfare, and guarantees their true rights.

In the modern era, men and women participating in the workforce reflect the importance of work for women, providing them opportunities to contribute to society and achieve economic independence. According to data released by the National Statistics Agency, the participation rate of women in the labor force reached 54.52% in August 2023, an increase of 1.11 percentage points from 2022. However, despite improvements in workforce participation, women still face various challenges. The Women's Equality in the Workplace survey conducted by Populix in March 2024 revealed that 45% of women in Indonesia have experienced unfair treatment and discrimination at work. The patriarchal inheritance culture continues to significantly influence the discrimination faced by female workers, particularly regarding their rights as employees.

Women workers' rights include reproductive rights, equal opportunity and treatment in the job market, and health and safety rights at work. General, normative regulations related to the protection rights of Indonesian women exist in Constitution Number 13 of 2003 Concerning Manpower, Law Number 6 of 2023 concerning the Determination Regulation Government Replacement of Law Number 2 of 2022 concerning Job Creation Becoming a Law (hereinafter called the Job Creation Law), Government Regulations Number 36 of 2021 concerning Wages, and some ratified international conventions like The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Labor Organization (ILO) Convention Number 100 of 1951 related to gender discrimination in employment, as well as the implementation of the principle of equal pay for the same job without regard to gender and ILO Convention Number 111 of 1958 concerning discrimination in employment and positions. However, there is still a gap in the protective provisions for women workers in Constitution Number 13 of 2003, which is also reflected in the Job Creation

¹1945 Constitution of the Republic of Indonesia , Article 27 paragraph (2)

²Supratman Marzuki, *Human Rights Law Manusi a* , PUSHAM UII, Yogyakarta, 2017, p. 5.

Law regarding the protection of women workers. In Articles 5 and 6 of the Employment Law, one of them states that "Every worker has equal opportunity without discrimination to obtain work." Article 6 states, "Every worker/laborer is entitled to equal treatment without discrimination from the businessman."

In the article, the No explains the specific Definitions and types of discrimination. In contrast, ILO Convention No. 111 asks member states to form an arrangement that clearly explains the Definition and prohibition type of discrimination.³ Then, ratification from Convention International, which has Indonesia, is assessed as No implementation, especially in the matter of overcoming discrimination wages Because it only contains repetition of the norm of Convention International mentioned, where in Article 2 letter b CEDAW, states that the participating countries own obligation For to form regulation proper legislation along with the penalty For forbid all discrimination to women.⁴ However, the Employment Act and the Arrangement government provisions regarding wages are unclear about sanctions violations and discrimination wages.⁵ Although Indonesia has arranged related protection maternity, Indonesia has yet to ratify ILO Convention No. 183 on protection maternity. On the other hand, countries like Germany, which also ratified the same international convention as Indonesia, have their own rules specifically For protecting the right worker women, among which is the *Act on the Protection of Mothers at Work, in Training and at University (Mutterschutzgesetz - MuSchG)*, which is implementation from ILO Convention No. 183 which regulates about protection maternity worker women, *General Act on Equal Treatment (Allgemeines General information system)* which one Constitution This aiming For prevent and stop discrimination based on race, gender, religion or beliefs, disabilities, age and orientation sexual.⁶ Then, the Transparency in Wage Structures Act (*Entgelttransparenzgesetz – EntgTranspG*) was formed to ensure equal wages for men and women in the same job or equivalent jobs.⁷

Based on the description above, the author wants to study more related protection laws to power Women's Work Perspective Convention international and comparative law employment laws that apply in Indonesia and Germany are expected to give improvements and refinements related regulations with protection power Work women in Indonesia. Therefore, based on the background above, the writer can formulate the following problem: How does coverage protection law apply to worker women in Indonesia and Germany? And what are the similarities and differences? Does arrangement protection law apply to worker women in Indonesia and Germany?

2. Research Method

This study uses a doctrinal law methodology, focusing on library and document research. It examines the principles, concepts, and substance of regulations applicable to

³ Ratih Ananda Putri, et al., *Protection of Human Rights Man To Discrimination Chance Wages for Female Workers in Indonesia Reviewed from CEDAW Year 1979, ILO Convention Number 100 of 1951 and ILO Convention Number 111 of 1958*, Jurnal Bina Mulia Hukum, Vol. 3 No. 2, March 2019, p. 26 6.

⁴ United Nations, Convention on the Elimination of All Forms of Discrimination Against Women 1979, Article 2 (b).

⁵ Ibid

⁶ Germany, *General Act on Equal Treatment (Allgemeines Gleichbehandlungsgesetz)*, 2006, section 1.

⁷ Germany, *Transparency in Wage Structures Act (Entgelttransparenzgesetz – EntgTranspG)*, 2021, section 1.

Indonesian law, international conventions, and German law, particularly those related to employment law in these countries, and the influence of international conventions on national employment regulations. The analytical technique employed in this study is a prescriptive legal analysis, which aims to provide arguments based on the research findings and evaluate the correctness or deviations according to the law about the legal facts or incidents being studied. The legal reasoning applied in this study utilizes a deductive method, starting from general principles and moving to specific instances. After collecting all relevant material, it is compiled and analyzed systematically for better understanding.

3. Results and Discussion

Protection of Female Workers In Indonesia

Law No. 13 of 2003 concerning employment is the base law from all related settings with employment in Indonesia, including protection worker women. Settings Protection Worker Woman in Law No. 13 of 2003 includes protection about the right to reproduction, protection against discrimination, and safety work. Ministry The Republic of Indonesia Manpower Division divides policy For the protection of Women into three forms of policy: first policy nature protective, second policy nature corrective, and third policy non – non-discriminatory.

1) . The policy's nature is protective. This policy covers the protection of Women in matters of reproduction, including leave giving birth (before and after), leave miscarriage, rights for breastfeeding, and leave periods.

a. Protection during menstruation

Menstrual leave is the right to rest granted to female workers during menstruation. Provisions are set up in the Employment Act as part of the effort to protect the health and well-being of female workers. The terms of the leave period are outlined in Article 81, paragraphs (1) and (2) of the Employment Law, which states that: "Workers/laborers women who are menstruating feel sick and infirm to entrepreneur, no must work on the day first and second at the period. " "Implementation provision as meant in Article (1) is regulated in agreement work, regulations company, or agreement Work together." Based on chapter the can, it is said that worker Women have the right to take leave and Rest If they feel sick on the day of their first and second menstrual period or menstruation condition to inform the condition to entrepreneurs and implement details related to the matter listed in the document company.⁸

b. Maternity leave and sabbatical content

The arrangement for maternity leave for women workers is outlined in Article 82 of the Employment Law. Article 1 states that women workers/laborers are entitled to obtain 1.5 (one and a half) months of leave before giving birth and 1.5 (one and a half) months after giving birth, as determined by the recommendations of a doctor or midwife. The following verse,

⁸ Yaomi Tachyata Masning Rhuinaa and Yudi Kornelis, Analysis Legal Implementation Fulfillment of Menstrual Leave Rights for Female Workers Related to Law No. 13 of 2003, Journal Prima Legal Science , Vol 7 No 1, April 2024, p. 114.

Article 2, states that women workers/laborers who experience a miscarriage are entitled to obtain 1.5 (one and a half) months of leave or by the information provided by a doctor or midwife.

The arrangement related to maternity leave stems from Law No. 6 of 2023, which addresses the determination of the Government Regulation to replace Law Number 2 of 2022 concerning the Job Creation Constitution. However, the arrangement related to maternity leave is updated in Law No. 4 of 2024 concerning Maternal and Child Welfare in the First Thousand Days of Life, as stated in Article 4, paragraph (3). This paragraph outlines that, apart from the rights mentioned in paragraphs (1) and (2), every working mother is entitled to maternity leave of 1.5 days every month or as prescribed by the doctor's information, obstetrician, or midwife in the event of a miscarriage. Essentially, the maternity leave provisions in the Employment Act and the Constitution concerning the welfare of a mother with her second child state that employers must provide maternity leave for female workers for at least three days per month, which can be extended if specific conditions are met as evidenced by a doctor's note. Not fulfilling the right to maternity leave and miscarriage by employers can result in criminal sanctions for violating this matter, classifying it as a criminal offense.

The sanctions for employers who violate this right are detailed in Article 185, paragraph (1) of the updated Labor Law, which refers to Article 81, number 66 of the Job Creation Law, which states that: "Whoever violates provision as meant in Article 42 paragraph (2), Article 68, Article 69 paragraph (2), Article 80, Article 82, Article 88A paragraph (3), Article 88E paragraph (2), Article 143, Article 156 paragraph (1), or Article 160 paragraph (4) are subject to sanctions criminal imprisonment for a minimum of 1 (one) year and a maximum of 4 (four) years and/ or criminal a fine of at least Rp. 100,000,000.00 (one hundred million rupiah). million rupiah) and a maximum of Rp. 400,000,000.00 (four hundred million rupiah)"

c. Wages during leave childbirth and miscarriage

A woman who takes leave to give birth or experiences a miscarriage is still entitled to full wages. This is guaranteed by law. Specifically, it is outlined in Article 81, number 26 of the Job Creation Law, which amends Article 84 of the Employment Law, stating that: " Every Workers / Laborers who use right time Rest as meant in Article 79 paragraph (2) letter b, paragraph (3), paragraph (5), Article 80, and Article 82 have the right to get full wages." Furthermore, Article 93, paragraph (2), letter (c) states that there is an exception for wage payment for workers who do not work due to reasons such as giving birth or miscarriage. Based on this chapter, full-wage provision is also intended for women workers who file for maternity leave. Regulations regarding wage payment during maternity leave are updated in Article 5, paragraph (2) of the Mother and Child Welfare Law, which states that every mother who takes maternity leave is entitled to shared wages in three schemes: full wages for the first three months, full wages for the fourth month, and 75% of salary for the fifth and sixth months. Based on the chapter mentioned worker, the woman who took leave to give birth to or Rest miscarriage is entitled to wages For the month First until the fourth period of leave and 75% of the salaries From month furthermore until month.

During leave, entrepreneurs or givers must give wages to workers who take leave to give birth to or Rest miscarriage. Violation to No given to him wages full on leave give birth to or miscarriage including into the act criminal violation. Sanctions to violation This set up in Article 186 paragraph (1) of the Manpower Law has been updated in Article 81 number 67 of the Job Creation Law, which states that: "Whoever violates provision as meant in Article 35 paragraph (2) or Article (3), or Article 93 paragraph (2), is subject to sanctions criminal imprisonment for a minimum of 1 (one) month and a maximum of 4 (four) years and/ or criminal a fine of at least Rp. 10,000,000.00 (ten million rupiah). million rupiah) and a maximum of Rp. 400,000,000.00 (four hundred million rupiah)"

d. Extent time breast-feed

The state protects women workers by allowing them to breastfeed their sons, as detailed in Article 83 of the Employment Law, which states: "Workers/laborers woman whose child Still breastfeeding must given chance duly For breast-feed his son If matter That must done during time work." However, the Employment Law of 2003 and the Job Creation Law No. also address the obligation to provide breastfeeding facilities in the workplace, even though the Employment Law of 1997 in Article 105 paragraph (1) requires businesses to provide facilities for women workers to breastfeed their babies.⁹

e. Accompaniment leave labor for father

Paternity leave at the time a partner gives birth is significantly correlated with the protection of women workers because it contributes to addressing the insufficient care and recovery support after childbirth. The presence of a husband not only provides essential physical and psychological support for the mother but also encourages the creation of gender equality in the workplace by removing the stigma that parenting is solely the responsibility of single mothers. Paternity leave is regulated in the Employment Act in Article 93, paragraph (4), which states that leave for a wife giving birth or experiencing a miscarriage is granted for two days with full wage payment. This is also addressed in Article 6, paragraph (2) of the KIA Law, which states: "(2) Husband as referred to in paragraph (1) has the right to take leave to support his wife during labor, for 2 (two) days and can be given no later than 3 (three) days afterward or in accordance with an agreement; or in the event of a miscarriage, for 2 (two) days."

2) The nature of corrective policies is to enhance the position of women workers in the workplace. This policy includes protections for women who work night shifts and prohibits termination in connection with their right to maternity leave.

a. Protection work at night day

Working time is the term period between when a worker starts work and the time they can leave for rest. Working hours at night usually count from 11:00 am until 5:00 AM the next

⁹Indonesia, *Law Number 25 of 1997 concerning Employment* LN Number 73 of 1997, Supplement to LN Number 3702, Article 105 paragraph (1).

day. According to the Employment Act, Article 76, paragraphs (1) to (4), the terms and conditions related to women workers at night state that female workers under the age of eighteen are prohibited from being employed between 11:00 PM and 7:00 AM. Employers are forbidden from employing pregnant women if a doctor deems it dangerous for their health and safety. If an employer does hire a woman worker during the hours of 11:00 PM to 7:00 AM, they must provide nutritious food and drinks, as well as maintain morale and safety while at work. Furthermore, employers must provide transportation for female workers going to and from work between 11:00 PM and 5:00 AM.

The article said that the prohibition of employing Women at night is only intended for women under 18 years old and worker pregnant women. According to the letter, the doctor can endanger its contents. Apart from that, women may work at night and during the day, with the condition that businessmen must provide food and nutritious drinks and transport them between picks. Entrepreneurs or givers work that does not follow the provision in Article 76 can be charged with criminal sanctions because of the matter. This includes acts of criminal violation. Article 187 of the Manpower Law, which has been updated in article 81, number 68 of the Job Creation Law states that entrepreneurs who don't carry out obligation when employing workers from 23.00 to 07.00 can be charged sanctions minimum sentence of 1 month and a maximum sentence of 12 months prison and/ or a minimum fine of 10 million and maximum 100 million rupiahs.¹⁰

b. Prohibition Termination Connection Work

Termination connection Work is a termination connection between workers and employers For a specific reason. ¹¹Article 1, 25 of the Manpower Law explains that termination connection Work is a termination connection Work Because something specific results in the rights and obligations between workers/laborers and employers. Article 153 of the Manpower Law, which has been updated in article 81, number 43 of the Job Creation Law, mentions that businessmen are forbidden to cut off connection Work with workers/laborers (in matter This worker women) reason married, pregnant, giving birth, miscarriage content, or breast-feed his baby. Suppose the entrepreneur or giver Work does a termination connection Work with the reason. In that case, the termination connection work done with the reason is legally void, and the company must employ and return the worker concerned.

3) . Policy non-discriminatory. Policy non-discriminatory is a form of protection for workers who practice discrimination and gender inequality in the workplace. Work or protection for equal treatment is in place for workers and Women.

a. Equal opportunity rights For to obtain work

The state facilitates protection from action discrimination in obtaining where the job is poured out in Article 5 of the Employment Law, which states, "Every power Work own equal

¹⁰Indonesia, *Law Number 6 of 2023 Concerning Determination Regulation Government Replacement of Law Number 2 of 2022 concerning Job Creation become Law* , LN No. 238 of 2022 TLN No. 6841, article 81 number 68.

¹¹ Harahap , *Opcit* , p. 160

opportunity without discrimination For to obtain work.” Explanation carries on the chapter. This states that every powerful Worker has equal rights and opportunities to obtain decent work and living without differentiating gender, ethnicity, race, religion, and political sect by interests and abilities in the work concerned, including equal treatment towards people with disabilities disabled.

b. The right to get equal treatment

Employment Law also protects workers from discriminatory actions in the workplace, as stated in Article 6 of the Employment Law, which says, "Every worker/laborer entitled to obtain equal treatment without discrimination from the entrepreneur." In this case, every worker has the right to equal treatment, and entrepreneurs must provide rights and obligations to workers/laborers without differentiating based on gender, ethnicity, race, religion, skin color, or political affiliation. However, sadly, the Employment Act and the Job Creation Law do not explain the concept of discrimination clearly or elaborate on the types of discrimination in question.

c. Sanctions Administrative

The Employment Act, Article 190, paragraphs (1) and (2) states that violations of the provisions in Articles 5 and 6 are subject to administrative sanctions. These sanctions include reprimand, written warning, business activity restrictions, cancellation of approval, cancellation of registration, temporary termination of part or all production tools, and revocation of permission.

d. The right to to obtain equal pay

Wages are the rightful compensation workers receive as a reward for work done. The right to accept wages begins with the start of the employment relationship and ends when that relationship is terminated. Indonesia has ratified ILO Convention Number 100 of 1951 concerning equal pay, which aligns with existing principles of non-discrimination found in Article 2 of Government Regulation No. 31 of 2021. This regulation states that every worker/laborer is entitled to a decent living for humanity, equal treatment in the wage system without discrimination, and equal pay for the same job value. This article confirms that every worker/laborer, whether male or female, has the right to fair treatment in the wage system. This means employers may not discriminate based on gender, race, religion, ethnicity, skin color, or political affiliation. It also confirms that every worker/laborer is entitled to equal pay for the same job value. Equal pay for the same job value essentially refers to the workload measured by competence, work risk, and the worker's responsibilities within a company. However, Government Regulation No. 36 of 2021 concerning wages does not explicitly accommodate sanctions if employers do not fulfill workers' rights, unlike the previous regulations outlined in the Wages Regulation of 1981. Articles 3 and 31 states that employers setting wages cannot discriminate between male and female workers for the same job value; if they violate this, they can face a maximum sentence of three months in prison and a fine of up to one hundred thousand rupiahs.

2. Protection workers women based on convention international

Protection for women workers is an essential aspect of employment law that reflects a country's commitment to gender equality and fundamental human rights. This matter aligns with CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women), especially Article 11, which mandates the elimination of discrimination against women in employment and guarantees equal rights between men and women. This includes the right to a job, equal work opportunities, freedom to choose a profession, workplace safety, and health protection. In this context, both Indonesia and Germany have implemented various policies and regulations to ensure women workers' rights.

Indonesia has taken several essential steps to protect the rights of women workers through the ratification of various international conventions. One of the most significant is the ratification of the CEDAW Convention (Convention on the Elimination of All Forms of Discrimination Against Women) in 1984 through Law No. 7 of 1984. This Convention serves as a strong legal foundation to prevent discrimination against women in the workplace and guarantee gender equality in the world of work. Article 4, paragraph (2) of CEDAW explains that special provisions for women include affirmative action, which involves specific actions taken by States Parties, including those in this Convention, intended to protect pregnancy, which may not be considered discrimination. The affirmative action referenced in Article 4 signifies positive discrimination or steps specifically taken to accelerate the achievement of justice and equality between men and women. More specifically, in the realm of work, Article 11 of CEDAW states that the States Parties must make every effort to abolish discrimination against women in the workplace to ensure equal rights between women and men. Indonesia has also ratified several ILO (International Labour Organization) conventions that protect women workers especially. ILO Convention No. 100 on Equal Remuneration for Male and Female Workers for Work of Equal Value was ratified through Law No. 80 of 1957. This Convention ensures that women workers are entitled to equal pay with men for equal employment. Furthermore, Indonesia also ratified ILO Convention No. 111 on Discrimination in Jobs and Positions through Law No. 21 of 1999. This ratification strengthens Indonesia's commitment to abolishing all forms of discrimination in the workplace, including gender-based discrimination. This Convention provides protection for women workers against various forms of discrimination in recruitment, promotion, and working conditions.

As Indonesia synchronizes with international conventions, Germany demonstrates its commitment to protecting the rights of women workers through the ratification of various international conventions. As a member state of the European Union, Germany is bound by the European Social Charter, which provides comprehensive protection for workers' rights, including special protections for women workers regarding wage equality, safe working conditions, and safety during pregnancy. Germany also ratified CEDAW in 1985 and ratified the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (OP-CEDAW) in 2002, which allows individuals to submit complaints about violations of their rights under CEDAW directly to the Committee on the Elimination of Discrimination against Women. In addition to the international employment standards regarding the protection of women workers, Germany has ratified several ILO conventions,

namely ILO No. 111 on Discrimination in Work and Occupation, ILO Convention No. 100 on Equal Remuneration for Male and Female Workers for Work of Equal Value, and ILO Convention No. 183 on the Protection of Maternity.

3. Protection of Female Workers in Germany

In Germany, protection worker woman focused on several key areas with the main aim of creating gender equality in the workplace, as well as preventing discrimination and harassment. There are no general arrangements set up in the Constitution regarding employment. Still, several arrangements exist in various constitutions, such as the Act on the Protection of Mothers at Work, in Training and at University [Mutterschudgesed – MuSchG], which regulates maternity-related protections, and the General Act on Equal Treatment [Allgemeines Gleichbehandlungsgesed – AGG], which protects against discrimination in the workplace by forbidding discrimination and more specifically for establishing equal pay in the Transparency in Wage Structures Act [Entgelttransparenzgesed – EntgTranspG].

3.1. Protection in Mother's Housing Administration (Protection Act) Maternity)

Mother's Housing Administration, or if translated freely, is the law that regulates maternity protection for mothers in the workplace, training, and university. Maternity here refers to the legal framework surrounding pregnancy, childbirth, and the period following childbirth. The maternity protection arrangement under the Mother's Housing Administration applies to all pregnant and breastfeeding women who work, including those with their own contracts under German law and those working in German territory, regardless of citizenship or marital status. Maternity protection safeguards the health of mothers and babies in the workplace during pregnancy, after childbirth, and while breastfeeding. Maternity protections enshrined in the Constitution apply to nearly all types of work, as explained in Article 1 (2) of the Mutterschutzgesetz. This includes full-time workers, part-time workers, those with low or normal income called mini jobs, fixed-term employees, temporary contract workers (vocational training contracts), and also women working from home. However, maternity protections under the Constitution do not apply to self-employed women, directors of legal entities or companies who do not work in a typical employee capacity, or mothers who run a household, as they do not have a formal work contract. Additionally, maternity protections in the Constitution do not apply to mothers who lift.¹²

a. Maternity Leave Rights

In Germany, leave give birth to known with the term " Mutterschutz " which is shared into 2 parts that is *Prenatal leave* (before giving birth) and *Postnatal leave* (after giving birth). Maternity leave set up in § 3 (1) and (2) Mutterschutzgesetz state that :

"(1) The employer may not employ a pregnant woman in the last six weeks before giving birth (protection period before giving birth) unless she expressly declares her willingness to work. She may revoke the declaration applicable to sentence 1 at any time with effect for the future. The calculation of the protection period before childbirth shall be based on the expected date of childbirth as stated in the medical certificate

¹² Federal Ministry For Family Affairs, Senior Citizens, Women and Youth, *Guide to Maternity Protection* , Germany , 2021, pp. 10-15.

or the certificate of a midwife or maternity nurse. If a woman does not give birth on the expected date, the period of protection before the birth shall be shortened or extended accordingly.

(2) The employer may not employ a woman until eight weeks after the birth (protection period after the birth). The protection period after childbirth is extended to twelve weeks

1. in the case of premature births,

2. in the case of multiple births and,

3. if the child is medically diagnosed with a disability within the meaning of Section 2 (1) sentence 1 of the Ninth Book of the German Social Code before the end of eight weeks after delivery.

In the event of premature childbirth, the protection period after childbirth shall be extended in accordance with sentence 1 or sentence 2 by the period of the reduction of the protection period before childbirth in accordance with paragraph 1 sentence 4. In accordance with sentence 2 number 3, the protection period after childbirth shall only be extended if the woman so requests."

Based on chapter paragraph (1) states that on *Prenatal leave* or period protection before giving birth, the giver Work is forbidden to employ a Woman who is pregnant at 6 weeks before the woman gives birth except If woman the state is willing to work without coercion anyone and woman the can interesting his statement the whenever and decision the valid in the future. This means If a Woman is willing, However, but later he is not willing, then his decision will be applicable Next. Protection time before giving birth is counted based on the estimated birth date listed in the doctor, midwife, or nurse obstetrics letter. If giving birth faster or slower than estimated, time protection will adjusted (shortened or extended). For protection after giving birth, paragraph (2) states that the giver Work or businessman No may employ a Woman up to 8 weeks after giving birth and time protection. This can extended up to 12 weeks if the birth is premature, giving birth to twins and children diagnosed with disability for at least 8 weeks after birth. In case of premature birth, time protection after giving birth will be added with the remainder of time protection that is not used. For a case of a child with a disability, an extension of the leave period will only given If the worker applies.

b. Protection in situation special (stillbirth and miscarriage)

Stillbirth or born dead, based on Article 31 of the Personal Status Law, is when a baby born in a condition dead after 24th weeks with heavy more than 500 grams, while miscarriage refers to birth before 24 weeks with a heavy fetus not enough than 500 grams. Still, in a way, the law considered childbirth, but miscarriage is not. Worker women who experience stillbirth get protection like in § 3 (1) and (2) Mutterschudgesed , but they are allowed to work 2 weeks after birth with condition workers who submit his/her willingness and not. There is a medically dangerous problem. Miscarriage does not get protection like a case of birth., However, the worker, the woman who took time to Rest after miscarriage, still gets protection from dismissal. Then paternity leave or leave for the father is not yet set up in a way special in German law. Currently, there is just parental leave called "Elternzeit," which can taken by both parents, either father or mother. Parental Leave or " Elderly Time" set up in the Federal Parental Allowance and Parental Leave Act [Bundeselterngeld -und Elternzeitgesetz - BEEG] or the Act on Parental Benefits and Parental Leave and the Act on the Protection of Mothers at Work, in Training and at University [

Mutterschutzgesetz – MuSchG] or Constitution protection maternity. Parental leave (*Elderly*) can taken until the child is 3 years old. On leave of this, parents No obtain wages from the company or give Work, but the government provides parental allowance or “ *Eterngeld* ”. Parents will receive 65-67% of income clean previously, with a minimum payment of €300 and a maximum of €1,800 per month. Parents who earn low Can get up to 100% of their income. Parents can also Work back time up to 32 hours per week during leave. However, as arranged in § 22 *Mutterschutzgesetz*, which states that

“If the woman works part-time during parental leave, only the remuneration from this part-time work is to be taken as a basis for determining the average pay.”

Based on matter said, during parental leave, rights on allowance from discontinued work temporary No applies. If the mother Work beak time moment leave, salary from work beak time That only that counts as base average salary. This leave Can taken in a way flexible, but announcement must given 7 weeks previously. During the leave period, employees No Can fired and guaranteed Can return to his job.

c. Entitlement to full wages during leave

In Germany, salaries during leave give birth to part big protected by “ *Mutterschaftsgeld* ” or allowance childbirth provided by insurance state - run health, plus contribution from giver work. Usually, this covers wages clean full employee during period leave those. Settings related matter This set up in § 18 *MuSchG* which one mention that

“A woman who is not permitted to work at all or in part because of a work ban outside the periods of protection before or after childbirth receives maternity protection pay from her employer. Maternity protection pay is calculated as the average earnings of the last three calendar months prior to the start of pregnancy.”

Next, Germany gave breadth time Health checks especially For pregnant and breastfeeding workers get breadth time For do inspection health, as matter This set up in § 7 (1) *MuSchG* , which states that:

“(1) The employer shall release a woman from work for the time required to have medical check-ups in connection with pregnancy and maternity under statutory health insurance. The same applies to women who do not have statutory health insurance.”

Provision the means giver Work must allow Woman from his job or in time Work For do inspection health during her pregnancy. This applies to all worker women, both those who have or do not have health insurance, according to the governing law. Then Extent time breastfeeding, Germany has sufficient settings Details about breadth time for breastfeeding for worker women. ¹³This is regulated in § 7 (2) *MuSchG* which states that

¹³ Wiwik Nurlaela , *Op.cit* , p. 309.

"(2) The employer shall give a breastfeeding woman release time at her request during the first twelve months after childbirth for the time required for breastfeeding, amounting to at least twice a day for half an hour or once a day for one hour. In the case of a continuous working period of more than eight hours, the woman is to be allowed, on request, to breastfeed twice for at least 45 minutes or, if there are no breastfeeding facilities near the workplace, once for at least 90 minutes. Working time is deemed to be continuous if it is not interrupted by a rest break of more than two hours."

Provide protection for new mothers to ensure they can access time to rest for breastfeeding or pumping breast milk for the first 12 months after giving birth. Women workers are entitled to request rest time twice a day for 30 minutes or once a day for one hour. If working hours exceed 8 hours, this rest time can be extended to 45 minutes or even 90 minutes if breastfeeding facilities are not available at the workplace. Germany prohibits employing women under such conditions:

- Prohibition on overtime and working hours for pregnant or breastfeeding women is outlined in § 4 (1) MuSchG. These provisions state that employers are forbidden from requiring pregnant or breastfeeding women to work more than eight and a half hours a day or more than 90 hours in a two-week period. For women under 18 years of age who are pregnant or breastfeeding, employers are not allowed to have them work more than eight hours a day or more than 80 hours in two weeks.
- Employers must also ensure that pregnant and breastfeeding workers receive uninterrupted rest of at least 11 hours in one day after the end of work, as stipulated in § 4 (2) MuSchG.
- Prohibition on work during Sundays or national holidays in Germany forbids businesses from employing pregnant or breastfeeding women on these days, as stated in §6 MuSchG. An exception exists for women who agree to this in a firm manner.
- Prohibition of night work in Germany is defined as work done between 11:00 PM and 6:00 AM. Night work is generally allowed for both women and men, provided that evening workers receive additional health protections, an additional allowance of about 25% of normal wages, as well as transportation allowances. However, there is a prohibition on evening work for pregnant and breastfeeding women, as stated in § 5 MuSchG.
- The Giver forbids employing women who are pregnant or breastfeeding from 8pm to 6 am the next day, or at the latest until 10 pm if certain conditions are met: specifically, if the woman is willing to work until that hour, and there is no medical reason prohibiting her from working until 10 pm The Giver must ensure that the work environment is entirely safe and supportive, particularly if the woman is working without a companion or direct supervision.

Then activities and conditions work that is not allowed For worker woman who is pregnant and breastfeeding, In § 11 *MuSchG* explain activities and conditions place work that is not allowed For worker woman who is pregnant, namely:¹⁴

- i. A pregnant worker may not be exposed to dangerous substances that can endanger her or the fetus. This includes toxic chemical materials that can affect reproduction, causing cell mutations, cancer, or acute poisoning. In particular, a pregnant worker should not be exposed to lead or substances that can cause birth defects.
- ii. Pregnant workers must be protected from exposure to dangerous biological substances and should not be exposed to the rubella virus or toxoplasmosis.
- iii. Pregnant workers must also be protected from physical impacts such as radiation, vibration, noise, and extreme temperatures. They are not allowed to work in pressurized areas, rooms with low oxygen levels, or in lower mining areas.
- iv. Pregnant workers are restricted from lifting burdens over 5 kg regularly or 10 kg occasionally without the use of mechanical aids. After 5 months of pregnancy, they should not stand continuously for more than 4 hours per day. It is also prohibited for them to perform work that requires excessive movement, such as bending down or squatting for extended periods.
- v. A pregnant or breastfeeding worker should not be given wholesale work to earn higher wages, especially if it requires continuous effort without sufficient rest or demands speed that could pose health risks for the mother or child.

For activities and conditions place work that is not allowed For worker woman who is breast-feed there is in § 12 *MuSchG* which explains that :¹⁵

- a. Workers who are breastfeeding may be exposed to dangerous substances that can jeopardize their health or that of the baby, particularly those listed in Annex I to Regulation (EC) No. 1272/2008. Specifically, they may not work with chemical materials that can affect breast milk production or contain lead, which can be absorbed by the body.
- b. Worker breast-feed No may working in the environment with risk exposure material biological dangerous

¹⁴Germany, Act on the Protection of Mothers at Work, in Training and at University [*Mutterschutzgesetz – MuSchG*] 2017, Section 11.

¹⁵Germany, Act on the Protection of Mothers at Work, in Training and at University [*Mutterschutzgesetz – MuSchG*] 2017, Section 12.

- c. Workers who are breastfeeding may not be exposed to radiation (both ionizing and non-ionizing). They should also not work in stressful environments, such as underground pressure rooms or lower land mining.
- d. Workers who are pregnant or breastfeeding should not be given wholesale work to earn higher wages. Continuous work without sufficient rest or work done at an accelerated pace can pose health risks for both the mother and child.

d. Provisions Sanctions Administrative and Criminal in *MuSchG*.

Sanctions can be categorized as administrative and criminal. Germany divides the sanctions for those who do not comply with the provisions of the *MuSchG* into two types: administrative and criminal sanctions. These are outlined in §32 and §33 of the *MuSchG*. In §32, there is a greater emphasis on administrative sanctions, namely:

“(1) Any person who intentionally or negligently:

- 1. employs a woman contrary to § 3 paragraph 1 sentence 1, also in conjunction with sentence 4, contrary to § 3 paragraph 2 sentence 1, also in conjunction with sentence 2 or 3, contrary to § 3 paragraph 3 sentence 1, § 4 paragraph 1 sentence 1, 2 or 4 or § 5 paragraph 1 sentence 1, § 6 paragraph 1 sentence 1, § 13 paragraph 1 number 3 or § 16,*
- 2. contrary to § 4 paragraph 2, does not grant a rest period, does not grant it correctly or does not grant it on time,*
- 3. allows a woman to work contrary to § 5 paragraph 2 sentence 1 or § 6 paragraph 2 sentence 1,*
- 4. contrary to § 7 paragraph 1 sentence 1, also in conjunction with sentence 2, or contrary to § 7 paragraph 2 sentence 1, does not release a woman from work,*
- 5. Homework issues contrary to § 8 or § 13 paragraph 2,*
- 6. contrary to § 10 paragraph 1 sentence 1, also in conjunction with an ordinance complying with § 31 number 3, does not assess a hazard, does not assess it correctly or does not assess it in good time or does not carry out an investigation correctly or does not carry it out in good time,*
- 7. contrary to § 10 paragraph 2 sentence 1, also in conjunction with an ordinance complying with § 31 number 3, does not specify a protective measure, does not specify it correctly or does not specify it in good time,*
- 8. contrary to § 10 paragraph 3, allows a woman to carry out an activity other than that specified therein,*
- 9. contrary to § 14 paragraph 1 sentence 1 in conjunction with an ordinance complying with § 31 number 5, does not prepare documentation, does not prepare it correctly, not completely or not in good time,*
- 10. contrary to Section 14 (2) or (3), in each case in conjunction with an ordinance consistent with Section 31 (5), fails to provide information or fails to do so correctly, completely or in good time,*
- 11. does not notify the supervisory authority, does not notify it correctly or does not notify it in good time, contrary to Section 27 (1) sentence 1,*
- 12. passes on information contrary to § 27 paragraph 1 sentence 2,*
- 13. contrary to § 27 paragraph 2, does not provide information, does not provide it correctly, not completely or not in good time,*
- 14. fails to submit a document, fails to submit it correctly or on time, or fails to submit it on time, contrary to § 27 paragraph 3,*

15. fails to retain a document for at least two years, contrary to § 27 paragraph 5,

16. contravenes an enforceable order pursuant to Section 29 (3) sentence 1 or

17. contravenes an ordinance pursuant to section 31 number 4 or an enforceable order based on such an ordinance, insofar as the ordinance refers to this provision on fines for a specific offense.

(2) The administrative offense may be punished in the cases of paragraph 1 numbers 1 to 5, 8, 16 and 17 with a fine of up to thirty thousand euros, in the other cases with a fine of up to five thousand euros."

And in §33 MuSchG more emphasize to sanctions criminal law , which explains :

"Anyone who commits an intentional act referred to in Section 32 (1) numbers 1 to 5, 8, 16 and 17 and thereby endangers the health of a woman or her child shall be liable to a custodial sentence not exceeding one year or to a monetary penalty."

In both provisions, those that involve serious violations can result in criminal sanctions of up to one year or fines imposed by the court, as well as administrative sanctions of up to 30,000 euros for employers who hire women in violation of labor protection provisions. This includes failing to provide adequate rest time, allowing women to work in prohibited conditions, not granting leave in accordance with the provisions, and providing domestic work that violates established rules or regulations. On the other hand, those included in the Light Violation Group may incur fines of up to 5,000 euros if the employer does not conduct a proper risk assessment, fails to implement adequate protective measures, neglects to maintain required documentation, does not provide necessary information, does not report to the supervisory authority, or fails to keep records for the specified duration.

e. Protection special for workers who work from House

Based on the German Home Workers' Association Work Law (Heimarbeitsgesed - HAG), home workers are individuals who work at home alone or at a location of their choice (not in the employer's place of work). They may work independently or with family members for one or several employers. Essentially, home-working women receive the same protections as those working offline or directly in an office. However, in addition to certain maternity protections outlined in the MuSchG, the law also includes specific provisions for home-working women as specified in §§ 8 and 17. Regarding § 8, it states that:

"(1) The contracting entity or intermediate supervisor may only assign home work to a pregnant woman who works from home or to a woman of equal status to such an extent and with such completion deadlines that the work can be performed during an eight-hour working day on weekdays.

(2) The contracting entity or intermediate supervisor may only assign home work to a breastfeeding woman who works from home or to a woman of equal status to such an extent and with such completion deadlines that the work can be performed during a seven-hour working day on weekdays."

In the provisions regarding the work burden limits for women workers at home, Dalan (1) states that for a pregnant woman worker, the employer must ensure that the workload can be completed in 8 hours per day, scheduled only on usual workdays. Additionally, for breastfeeding women as set up in (2), the employer may assign slightly more work compared

to pregnant women, with the condition that it can still be completed within 7 working hours a day. Essentially, this regulation is designed to protect the rights of women workers at home during pregnancy or breastfeeding, ensuring they are not burdened with excessive work through the established limits of 8 hours and 7 hours per day, respectively.

In addition, the MuSchG also regulates the related prohibition on terminating employment for women working from home during pregnancy, after giving birth, and while recovering from a miscarriage, as stated in § 17 (3).

“(3) The contracting entity or intermediate supervisor may not exclude a woman who works from home from the assignment of home work against her will during the periods referred to in Section 1 Subsection 1; Sections 3, 8, 11 and 12, Section 13 Subsection 2 and Section 16 shall remain unaffected. Subparagraph 1 shall also apply to a woman who has an equivalent status to that of a woman working from home and whose equivalent status also extends to Section 29 of the Home Work Act [Heimarbeitsgesetz – HAG].”

Provision the arrangement that allows the employer at House No to stop or deny work to a woman worker, especially during specific times such as pregnancy, childbirth, and recovery from a miscarriage, without her consent. In other words, a woman worker at House No cannot be stopped or removed from her job unilaterally during these specific times without her agreement.

3.2. Protection in Allgemeines Gleichbehandlungsgesetz (General Law on Equal Treatment)

General Information System or General Act on Equal Treatment, also known as the General Law on Equal Treatment (hereafter referred to as AGG), aims to prevent or stop discrimination, particularly based on sex, that occurs in the workplace. Section 2 (1) and (2) of the Act confirms that discrimination is not allowed, whether in the hiring process or in the execution of employment. In the hiring process, discrimination is prohibited, including related to selection criteria, recruitment requirements, or opportunities for advancement. This prohibition applies to all job sectors and all levels of positions. Furthermore, discrimination is also prohibited concerning working conditions. This includes salary arrangements, reasons for termination (PHK), individual employment contracts, and collective agreements, extending to rules regarding how employment begins, proceeds, and concludes. In fact, opportunities for promotion must also be provided fairly and free from discrimination. As for the definition of discrimination, it is stated in Section 3, which explains that

“(1) Direct discrimination exists if a person is treated less favorably than another person is, has been or would be treated in a comparable situation for a reason specified in § 1. Direct discrimination on grounds of gender also exists in relation to Section 2 (1) nos. 1 to 4 in the case of less favorable treatment of a woman due to pregnancy or maternity.

(2) Indirect discrimination shall be deemed to exist where apparently neutral provisions, criteria or procedures may put persons at a particular disadvantage compared to other persons on one of the grounds referred to in Section 1, unless the provisions, criteria or procedures in question are objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

(3) Harassment is discrimination if the purpose or effect of unwanted conduct related to a reason specified in § 1 is to violate the dignity of the person concerned and to create an intimidating, hostile, humiliating, degrading or offensive environment.

(4) Sexual harassment is discrimination in relation to § 2 paragraph 1 number 1 to 4 if unwanted, sexually oriented conduct, including unwanted sexual acts and requests for such acts, sexually oriented physical contact, comments of a sexual nature and the unwanted display and visible attachment of pornographic images, has the purpose or effect of violating the dignity of the person concerned, in particular if it creates an intimidating, hostile, humiliating, degrading or environmental offensive.

(5) An instruction to discriminate against a person for a reason specified in § 1 shall be deemed to constitute discrimination. About § 2 paragraph 1 number 1 to 4, such an instruction exists in particular if someone instructs a person to behave in a way that discriminates or may discriminate against an employee for a reason specified in § 1."

Based on the provision, discrimination is shared into two types: direct and indirect discrimination. Direct discrimination occurs when someone is treated in a way that is less pleasant compared to others in the same situation. For instance, about female workers, it can be said that discrimination happens when a woman is treated worse solely because she is currently pregnant or on maternity leave. Indirect discrimination occurs when terms, criteria, or procedures appear neutral but ultimately discriminate against a group of people or cause harm. Harassment and sexual harassment are also included in discrimination, and if someone gives orders to discriminate against others, it is also considered discrimination.

In addition to the prohibition of discrimination in the hiring process and in the implementation of employment relationships, there are other workers' rights as stated in the Constitution. This serves as a form of protection against discrimination in the workplace. To protect workers in this matter, § 7 AGG states that no worker can experience discrimination for any reason, including gender. Any agreements or contracts that contain elements of discrimination are considered invalid. If an employer engages in discrimination, it not only violates the provisions in AGG but also breaches the employment contract that was agreed upon. The provisions in § 7:

"(1) Employees are not permitted to suffer discrimination on any of the grounds referred to in section 1; this also applies where the person committing the act of discrimination only assumes the existence of any of the grounds referred to in section 1."

- a. The right to submit complaints and prohibitions giver Work do victimization or revenge Germany regulates the rights of workers who experience discrimination. This is guaranteed in § 13 AGG. If a worker experiences discrimination for any reason related to their work, whether from their employer, boss, or colleagues, they are entitled to submit a complaint to the competent authority within the company. The complaint must be reviewed, and the results communicated to the workers involved. Additionally, AGG prohibits the discrimination of workers who assert their rights. It is also not permitted to discriminate against workers as

retaliation for reporting discriminatory treatment or for refusing to follow discriminatory orders, as stated in § 16 (1) AGG.

b. The right to No Work without lost wages

AGG considers sexual harassment and abuse as one form of discrimination. Suppose a worker is treated abusively and also experiences sexual abuse, and files a complaint with the authorized body in the company. In that case, there should not be an unacceptable response to stop the abuse. Therefore, the worker has the right to work without losing wages. This is guaranteed in § 14, which states that:

"Where an employer takes no or obviously unsuitable measures to stop harassment or sexual harassment in the workplace, the affected employees have the right to refuse performance without loss of pay insofar as this is necessary for their protection. Section 273 of the German Civil Code (Bürgerliches Gesetzbuch) remains unaffected."

c. Sanctions

§21 AGG states that if a violation of the prohibition against discrimination occurs, the responsible party must compensate for the loss caused by their discriminatory actions. Individuals who experience discrimination can demand compensation for the harm suffered. The AGG only applies sanctions that compensate for damages in workplace violations of its provisions. Due to its specific nature, the sanctions in the AGG focus on restoring victims' rights and preventing discrimination rather than applying administrative fines.

In §15 (1) and (2) states that:

"(1) In the event of a violation of the prohibition of discrimination, the employer has the duty to compensate the damage arising therefrom. This does not apply where the employer is not responsible for the breach of duty.

(2) Where the damage arising does not constitute economic loss, the employee may demand appropriate compensation in money. This compensation may not exceed three monthly salaries in the event of non-recruitment if the employee would not have been recruited if the selection had been made without unequal treatment."

Paragraph (1) explains the related material losses due to compensation that can occur measured in financial or economic terms. The employer must compensate the worker if there is a violation of the prohibition against discrimination; however, there must be concrete evidence of financial loss. In (2), it states that if there are non-material losses, the worker can demand monetary compensation determined according to the level of suffering or impact on the victim. In cases of discrimination during the recruitment stage, the worker can demand compensation up to a maximum of three months' wages. In pursuing compensation for non-material losses, there is no need to provide evidence of loss. A compensation claim can be made no later than two months after workers feel they have experienced discriminatory treatment. Regarding the burden of proof, in the event of a dispute stemming from a violation of the prohibition against discrimination as stated in §22 AGG, if one party can show evidence of

discrimination, the accused party must prove that their actions did not violate the law prohibiting discrimination. Otherwise, the burden of proof lies with the accused party to demonstrate their innocence.

d. Obligation giver Work For prevent discrimination

In terms of preventing the occurrence of discrimination in the workplace based on gender, race, religion, and other factors, §12 explains that business owners have a number of responsibilities that must be upheld to prevent discrimination and the steps that must be taken if discrimination occurs, namely:

- Businessmen must take necessary steps to protect employees from discrimination, whether direct or preventative. This means businessmen must create a fair and discrimination-free workplace.
- Businessmen must recognize the importance of preventing discrimination. One way to do this is through training or educating employees about how discrimination can happen and how to avoid it.
- If employees violate prohibitions against discrimination, the entrepreneur must take the right steps to stop the behavior. This can take the form of giving a warning, moving the employee to another position, or even firing the concerned employee.
- If an employee becomes a victim of discrimination by outside parties (e.g., customers or contractors), entrepreneurs must also protect their employees by taking the right steps, such as providing protection or other actions.
- In the workplace, an entrepreneur must ensure that information about employee rights related to discrimination and complaint procedures is easily accessible. This can be accomplished by displaying announcements or providing information that employees can easily access.

3.4. Protection in Entgelttransparenzgesetz (Wage Transparency Act)

Germany bans discrimination based on gender in wage payment for work of equal value. This is established in the Entgelttransparenzgesetz (EntgTranspG) or the Transparency Act for wages. The law states that female and male workers performing equal work, whether the same task or similar roles in different contexts, must receive equal pay. Wage discrimination, or unequal pay, is not permitted, whether directly or indirectly. This is confirmed in §3 (1) of the EntgTranspG, which states that:

“(1)In the case of equal work or work of equal value, direct or indirect gender-based discrimination, about all remuneration elements and remuneration conditions, is prohibited.”

Discrimination in pay, as outlined in §3 (2) and (3) EntgTranspG, occurs when a worker is offered a lower salary due to gender despite performing work of equivalent value.

For example, a female worker might receive a lower wage simply because she is pregnant or on maternity leave. In contrast, indirect discrimination in pay refers to seemingly neutral provisions or rules that still negatively impact other workers, particularly regarding wages. The right to equal pay applies to private companies, public institutions, and those working from home. Furthermore, §7 prohibits any employment agreements that contain elements of wage discrimination based on gender.

"In employment relationships, it is prohibited for less pay to be agreed upon or paid to any employee based on their gender, for equal work or work of equal value, than is paid to an employee of the other gender"

If there is an agreement connection that violates what has been stated, then the agreement does not apply. Regarding protective mechanisms, §10 (1) regulates the provisions related to the worker's right to obtain information regarding wages to determine whether the principle of equal pay has been applied.

"(1) So as to verify compliance with the principle of equal pay within the meaning of the present Act, employees shall possess an entitlement to disclose in accordance with Sections 11 to 16. To this end, employees are to name, as far as can be reasonably expected, a similar activity or one of equal value (reference activity). They can request information on the average monthly gross remuneration according to Section 5 subsection 1 and on no more than two individual remuneration components."

However, the arrangement only applies to private companies with a minimum of 200 employees and public workers. Additionally, a company with 500 employees must submit a management report that must include gender equality and equitable wages. This report must cover two main aspects:

- steps they For promote equality between women and men and their impacts , as well as
- steps they For create equal pay for women and men .¹⁶

In terms of found discrimination based on gender, particularly concerning wages, entrepreneurs or employers must take action regarding this matter, as outlined in §19 EntgTranspG, which states:

"In the event that an internal company evaluation procedure reveals remuneration-related discrimination based on gender, the employer shall take the necessary measures to eliminate such discrimination."

¹⁶Federal Ministry of Justice, Transparency in Wage Structures Act (Entgelttransparenzgeses – EntgTranspG), 2017, section 21.

4. Conclusion

Based on the discussion that has been presented, we can take the conclusion as follows:

1. Coverage for women workers in Indonesia includes maternity rights such as childbirth and miscarriage leave, full wages during leave, rest periods during menstruation, breastfeeding time, a prohibition on night work, a ban on layoffs, and criminal sanctions for employers who violate these rights. Furthermore, there is a right to equal access to employment, treatment, and wages. In Germany, women's worker protections are established in three main constitutional areas: the Maternity Protection Act covers maternity rights, including childbirth and miscarriage leave, full wages during leave, time for pregnancy inspections and breastfeeding, prohibitions on overtime, evening work, work on Sundays, national holidays, and work stoppage for medical reasons or exposure to hazardous substances. The General Equal Treatment Act prohibits discrimination in recruitment, employment, and termination, grants the right to file complaints, ensures no loss of wages during discrimination disputes, and imposes sanctions on violators. The Wage Transparency Act prohibits gender-based wage discrimination, provides the right to wage information, and requires reporting on gender equality and wages.
2. The equality arrangements protecting women workers in Indonesia and Germany include three main aspects: maternity rights protection, prohibition of discrimination, and equal wage protection. However, there are differences in the details of these arrangements. Indonesia has special provisions regarding menstrual leave and compensation for miscarriage leave, which are not regulated in Germany. In contrast, Germany has more comprehensive regulations related to the prohibition of work for pregnant and breastfeeding workers and more detailed settings regarding protection against discrimination and equal wages. At the same time, Indonesia addresses these matters more broadly.

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