

Maternity and Paternity Leave Policy in Indonesia: A Study on United Nations Development Indonesia

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ABSTRACT

Industrial relations today strongly prioritise work diversity, where gender equality in the work environment is one of its essential aspects. One way of gender equality is through the provision of maternity leave and paternity leave for female and male workers. Indonesia has a legal basis that governs both policies. However, the policy does not yet cover other aspects of working life. UNDP Indonesia as an organization under the auspices of the United Nations has regulations regarding two maternity leave policies as an effort to equalise gender, and it describes in detail what workers get. The difference between the two is very significant, as can be seen from the points of work conditions, the provisions for the time to take leave, and the right to breastfeed and bring children to the office. Granting these rights can help workers' physical and mental health. The granting of this leave entitlement can also help organisations to reduce turnover rates. For this reason, Indonesia can follow the aspects discussed by UNDP for further legal studies to prosper its workers and organisations in Indonesia.

Keywords: *maternity leave, paternity leave, gender equality, UNDP Indonesia*

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INTRODUCTION

The era of globalization which currently leads to modernization makes technology develop very quickly (Lasdya et al., 2021; Matyushok et al., 2021; Ordenov et al., 2020). This causes developments that occur in the world to move very quickly and change, affecting all aspects of life, one of which is the business aspect. Organizations develop following a dynamic environment as well as industrial relations (Bulińska-Stangrecka & Bagieńska, 2021; Hamouche, 2021; Khan et al., 2020).

Industrial relations according to Law number 13 of 2003 concerning manpower article 1 paragraph 16 is a relationship system formed from actors in a process of production of goods or services consisting of entrepreneurs, workers and the government based on the values of Pancasila and the Law of the Republic of Indonesia in 1945. Based on this understanding, industrial relations not only involve management such as employers with workers/laborers but also involve the government. In this case, the government representing the state is a party that has the power to be able to regulate and supervise the relationship between humans in society (Abbott & Snidal, 2021; Budiardjo, 1992; Mahdalena et al., 2021; Sandi et al., 2021). For this reason, the state has the authority to maintain harmony and balance in industrial relations.

With the relationship between the three parties as described above, of course, this affects the rights received by labor, one of which is maternity leave for women and paternity leave for men. Maternity leave is leave given to female employees when giving birth (Brenøe et al., 2021; Bütikofer et al., 2021; Van Niel et al., 2020) and paternity leave is the same leave for male employees when their spouses give birth (Gonzalez & Zoabi, 2021; Pilkauskas & Schneider, 2020; Wray, 2020). Both of these leaves are given by the company as a form of corporate responsibility in compensating its employees.

Maternity leave in Indonesia itself has been regulated by the government and stated in the Manpower Law Number 13 of 2003. In Article 82 Paragraph 1, female employees are entitled to take leave before childbirth for 1.5 months with the same amount after giving birth, which is 1.5 months for the recovery period based on the count of doctors or obstetricians. In addition to giving birth, female employees who experience miscarriages also get the right to take leave for 1.5 months. Article 84 states that workers who exercise maternity and maternity leave are still entitled to full wages from the organization.

In addition to female workers, Manpower Law Number 13 of 2003 also explains the rights obtained for workers whose wives give birth. Article 93 paragraph (2) point c and paragraph (4) stipulate that male workers have the right to leave for 2 days if their wives give birth or miscarry. Full wages also remain to be paid by the organization during the 2 days of such rest period. Maternity leave for male civil servants is quite different. Citing the Regulation of the Head of the State Civil Service Agency Number 24 of 2017 concerning Procedures for Granting Leave for Civil Servants, civil servants who are in a situation where their wives are in labor or Caesarean section are entitled to receive leave by including a certificate of hospitalization, obstetrician certificate, and similar certificates as an attachment to evidence. This male ASN leave is also given for 1 month and does not deduct salary nor does it reduce the annual leave allowance of civil servants.

Manpower Law Number 13 of 2003 is one of the evidences of government intervention in industrial relations. Although Indonesia exempts organizations from determining their maternity leave policies, organizations must still follow at least the points contained in the Manpower Law. This also applies to organizations under the auspices of the United Nations, namely the United Nations Development Program (UNDP) located in Indonesia. UNDP Indonesia provides maternity leave entitlement for its employees for 16 weeks for women and 4 weeks for men without any reduction in salary. UNDP Indonesia also provides other compensation as stipulated in the Programme and Operations Policies and Procedures.

This paper was written with the aim of comparing the maternity leave policy determined by Indonesia with the maternity leave policy determined by UNDP Indonesia. Referring to the ILO, UNDP Indonesia provides maternity leave longer than the Manpower Law as a form of effort in gender equality and can affect organizational performance. To that end, this paper also aims to find out how UNDP Indonesia's role is to overcome the challenges faced in providing maternity leave that cause the work environment to change rapidly and whether these measures can be followed by Indonesia.

METHOD

In this study, researchers use a qualitative approach while this type of research approach is descriptive with a literature study method, which is intended to be used by researchers to describe and explain the development of an Islamic-based independent curriculum based on the national curriculum.

RESULTS AND DISCUSSION

The maternity leave policy for workers, both women and men, in Indonesia is contained in the Manpower Law Number 13 of 2003. In the Manpower Law, it is explained that female workers get 1.5 months of leave before pregnancy and 1.5 months of leave after childbirth

without salary deductions. Meanwhile, male workers are given 2 days of maternity leave without salary deductions and leave rations. In addition to the number of days and salary, the government also explains other rights for childbirth costs, namely insurance as stated in the origin of 4 paragraph 1 of Law No 3/1992 concerning Labor Social Security and Article 2 paragraph 3 of PP No 14/1993 concerning the Implementation of the Labor Social Security Program where employers employ 10 (ten) or more workers, or pay wages of at least Rp1,000,000 per month, must include employees in the labor social security program organized by the organizing body.

This period of maternity leave policy is considered insufficient by experts, especially for male workers. Two days given to male workers, of course, will not make a significant difference to the role of father that should be given to prospective children. Gender equality also cannot be achieved because male workers must return to work after 2 days of accompanying the birthing process. This is one of the aspects that the government pays attention to revise.

UNDP Indonesia itself has its own policy regarding maternity leave. On the official POPP website, all policies obtained by female workers are stated such as:

- 1) The purpose of maternity leave is to enable qualified staff members for pre- and postpartum periods, to prepare for and recover from the medical aspects of childbirth and to allow staff members and newborn children to be bonded.
- 2) Eligibility: All staff members governed under the UN Staff Regulations and Staff Regulations are entitled to maternity leave, subject to the provisions of this document.

Rights

- 3) The entitlement to maternity leave is 16 weeks of full-paid leave. The amount of leave with full pay does not increase if the staff member gave birth to more than one child.
- 4) In the event that a child dies during or after birth, staff members are entitled to the full duration of maternity leave to assist with medical/physical recovery and emotional loss.

Pre-Shipement Period

- 5) Maternity leave usually begins six weeks before the anticipated date of birth as shown on a certificate from a licensed medical practitioner or midwife. If there is any doubt about the validity of the medical certificate, it should be referred to the office of the Medical Director of the United Nations or to an authorized medical facility.
- 6) In the interest of maintaining the health and safety of staff members on duty at duty stations with difficulty classifications D and E, an additional period of Special Leave with Full Pay, up to a maximum of two months prior to the start of their maternity leave, is provided.
- 7) At the request of the staff member, maternity leave may be allowed to commence for less than six weeks but, in the interest of maintaining the health and safety of the staff member, no less than two weeks prior to the anticipated date of birth. A certificate from a licensed medical practitioner or midwife showing that the staff member is fit to continue working is required.

Combination of Maternity Leave with Part Time Work

- 8) A staff member who is granted a pre-natal leave period of less than six weeks may, at the request of the staff member, be allowed to work part-time between the sixth and second weeks before the expected date of birth. In such cases, half a day of absence will

be charged to the staff member's maternity leave entitlement. For example Instead of taking six weeks of full-time pre-delivery maternity leave, staff members can request part-time maternity leave, combined with part-time work, for the first four weeks.

Post Shipment Period

- 9) Postpartum maternity leave is extended for a period equal to the difference between 16 weeks and the period of maternity leave before the actual date of birth, subject to a minimum of 10 weeks.
- 10) If the pre-delivery period is more than six weeks, due to a miscalculation of the actual date of birth on the part of the medical practitioner or midwife, the staff member is allowed postpartum leave of not less than 10 weeks.
- 11) At the request of a staff member, an earlier return date may be permitted, provided that a minimum period of six weeks after delivery has passed.

Combination of Maternity Leave with Part Time Work

- 12) A staff member who has completed six weeks of postpartum maternity leave may choose to combine maternity leave with part-time work for the remainder of maternity leave. For example Instead of taking the last four weeks of full-time maternity leave postpartum, staff members can request part-time maternity leave over an eight-week period, combined with part-time work.

Relationship to Other Rights, Benefits and Options

- a) Annual leave
 - 13) Annual leave will accrue during the maternity leave period.
 - 14) Staff members are not required to spend their accrued annual leave before taking maternity leave.
- b) Sick leave
 - 15) Sick leave is usually not granted for maternity cases except when serious complications arise and a staff member presents a medical certificate.
 - 16) If, at the end of maternity leave, a staff member is unable to return to duty due to ill health, the staff member must present a medical certificate, and their absence is charged on sick leave.
- c) Service credits
 - 17) A staff member earns service credit for all entitlements during maternity leave, except when the appointment is extended solely to allow the staff member to avail their maternity leave entitlements.
- d) Extension of appointment
 - 18) A pregnant member of staff with an appointment governed by the UN Staff Regulations and Staff Regulations will be considered for the extension of their appointment under the same criteria as other staff. The fact that a staff member is, or will be, on maternity leave will not be a factor in considering the extension or conversion of a staff member's appointment with UNDP.
- e) End of appointment
 - 19) If a decision is made not to extend the staff member's appointment – based on factors unrelated to the staff member's pregnancy – and the current appointment will expire during the maternity leave period, the appointment will be extended to cover the full duration of maternity leave.

- 20) In cases where the appointment expires more than six weeks prior to the anticipated delivery date, the extension of the appointment solely to cover the period of maternity leave does not apply.
 - 21) When appointments are extended solely to allow staff members to exercise their maternity leave entitlements, the extension will not give rise to further entitlements to salary increases, annual leave, sick leave or home leave, but credits towards repatriation grants may continue to accrue if staff members have not returned to their home countries. In the event of death during the renewal period, the period prior to the death of the staff member may be taken into account in the determination of death benefit.
 - 22) Holders of Provisional Appointment are entitled to 16 weeks of maternity leave. If the Temporary Appointment will expire during maternity leave, the appointment will not be extended to cover the full duration of the leave. Staff members will be paid for each remaining day of maternity leave (unused).
- f) Flexible working arrangements
- 23) To ensure adequate child care and bonding with the newborn, after maternity leave, as a general rule, requests for extended leave (either annual or unpaid) of up to 6 months and flexible working arrangements should be provided. For example, instead of taking six weeks of full-time annual leave and/or special unpaid leave after maternity leave, staff members may request part-time annual leave over a 12-week period, combined with part-time work and/or special unpaid leave. Staff members can choose the best option available that suits their needs. In the event that there are compelling reasons preventing the superior from granting the request, the written justification must be endorsed by the Head of Office and Bureau respectively.
 - 24) If a staff member requests special unpaid leave along with maternity leave, they will not be required to spend any accrued annual leave prior to the start of special unpaid leave.
 - 25) Rest periods for feeding
 - a) Rest Time for Breastfeeding
 - 1) The purpose of the policy is to allow staff members who are nursing mothers to breastfeed their babies upon return to work, until the babies reach the age of two.
 - b) Application
 - 2) This policy applies to all staff members governed by the UN Staff Regulations and Staff Regulations who are nursing mothers.
 - c) Condition
 - 3) In cases where a nursing mother brings her baby to work, she can take time off to breastfeed whenever the baby demands. However, for security considerations and health and safety in the workplace, staff members are responsible for ensuring that their baby is absent from the office continuously.
 - 4) Staff members who are nursing mothers can leave the office up to twice a day to breastfeed their babies or express breast milk outside the workplace. The maximum duration of absence for such purposes is: a) Two hours' drive from work (including travel time) when the infant is one year old or younger; or b) One hour's drive from work (including travel time) when the infant is between one and two years old.

- 5) If a nursing mother has more than one nursing baby, the maximum duration to leave the office as specified above may be increased to 30 minutes for each additional baby.
- 6) If staff members exceed the time off allotted, they have to make a difference.
- d) Breastfeeding while on an errand trip
 - 7) UNDP pays a lump sum to help cover the travel costs of breastfeeding infants who are under two years old and who accompany their mothers on official duty trips. A lump sum per infant is equivalent to: a) 10 per cent of the staff member's ticket fee; add b) 10 percent of the staff member's Daily Subsistence Allowance.
 - 8) No advance is paid for babysitters or when staff members travel to non-family duty stations.
 - 9) A lump sum is charged to the same funding source that covers travel expenses for staff members and is requested with travel requests.
- e) Confiscation of maternity leave
- 26) When an eligible staff member decides to return to work before the end of their maternity leave, or not take part of their maternity leave, the balance of maternity leave is forfeited.

In addition to female workers, POPP also describes maternity leave rights for male workers such as:

- 1) Paternity leave allows staff members to provide support to the mother and newborn child, as well as bond and provide care after the birth of the child.
 - a) Credentials
- 2) All UNDP staff members governed under the UN Staff Regulations and Staff Regulations are eligible for paternity leave, subject to the provisions of this policy.
 - b) Duration
 - 3) Father's leave ranges from leave to four weeks on full pay.
 - 4) Internationally recruited staff members on duty at non-family duty stations are eligible for up to eight weeks of paternity leave.
 - 5) For this policy, 'non-family duty station' within the meaning of the above paragraph means a duty station designated by the ICSC in force on the child's date of birth.
 - 6) Eligible staff members are not required to take paternity leave. Staff members can choose to use it fully, partially or not at all, ie. Staff members can choose to take all four weeks, less than four weeks, or not to take paternity leave.
 - 7) In exceptional circumstances, such as maternal incapacity or death, inadequate medical facilities or medical complications encountered during pregnancy or after birth, staff members, regardless of designated duty stations (family/non-family) may request leave for a total period of up to eight weeks. The decision regarding the adequacy of medical facilities at duty stations to address maternal medical conditions or the presence of medical complications should be made by authorized UN medical officers at duty station staff members.
- c) Condition
- 8) Paternity leave may be granted if: a) the child meets the eligibility requirements to be recognised as a dependent child of a staff member (or his/her spouse, if a staff member

of the UNDP or UN systems) under applicable rules; and b) the father was a member of staff at the time of the child's birth.

- 9) Paternity leave may be granted: a) as one continuous period commencing at any time within one year after the birth of the child; or b) in periods of the same or different duration, provided that the last period ends within the first year after the birth of the child.
- 10) Paternity leave can be taken only after the birth of the child.
- 11) Any other leave taken before birth in connection with pregnancy should be charged on annual leave.
- d) Interval Between Dad's Leave Requests
- 12) A minimum of 12 months is required between the end date of one paternity leave and the start date of the next.
- e) Maximum amount of father's leave requests
- 13) The maximum number of paternity leave requests during a staff member's career is six, regardless of whether the staff member's tenure with UNDP or another United Nations organization is continuous or not.
- f) Seizure of father's leave
- 14) When eligible staff members do not take all or part of their paternity leave within the first year after the birth of a child, the balance of paternity leave is forfeited.
- g) Other _____
- 15) Paternity leave does not increase if the mother gives birth to more than one child.
- 16) If the child dies during or shortly after birth, the staff member remains eligible for paternity leave.

Relationship to Other Rights, Benefits and Options

- h) Annual Leave
- 17) Annual leave will continue to increase during paternity leave and will be credited monthly.
- 18) Staff members are not required to spend their accrued annual leave before taking paternity leave.
- i) Sick Leave
- 19) Sick leave is not granted while a staff member is on paternity leave.
- j) Service credits
- 20) A staff member obtains service credit for all entitlements during paternity leave, except when the appointment is extended solely to allow the staff member to exercise their paternity leave entitlements.
- k) Extension of appointment
- 21) A member of staff with an appointment governed by the United Nations Staff Regulations and Staff Regulations will be considered for extension of his appointment under the same criteria as other staff. The fact that a staff member is or will be on paternity leave will not be a factor in considering the extension or conversion of a staff member's appointment with UNDP.
- L) End of appointment

- 22) If a decision is made not to renew the appointment of a staff member, and the current appointment will expire during the paternity leave period, the appointment will only be extended to cover the full duration of paternity leave.
- 23) When an appointment is extended solely to allow a staff member to exercise paternity leave entitlements, the extension will not give rise to further entitlements to salary increases, annual leave, sick leave or home leave, but credits towards repatriation grants may continue to accrue if the staff member has not returned to his or her home country. In the event of death during the renewal period, the period prior to the death of the staff member may be considered in the determination of death benefit.

M) Flexible working arrangements

- 24) To ensure adequate child care and bonding with the newborn child, after paternity leave, staff members can apply for flexible work arrangements (e.g. telecommuting, part-time work) or request special unpaid leave, which, as a general rule, should be granted. In the event that there are compelling reasons preventing the superior from granting the request, the written justification must be endorsed by the Head of Office and Bureau respectively.

From the POPP presentation above, UNDP Indonesia has formulated a maternity leave policy by considering the welfare of its workers, both women and men. Policies are carefully prepared to anticipate unexpected changes in the work environment during workers taking maternity leave. UNDP anticipates this by giving minimal time to take maternity leave so that the work *handover* process can run effectively and efficiently. UNDP Indonesia also considers many aspects so that workers are comfortable and still return to work after taking maternity leave. UNDP Indonesia also provides insurance as a form of health insurance that can be used for pregnancy and childbirth.

CONCLUSION

The Indonesian government lacks focus on maternity leave rights, unlike UNDP Indonesia's detailed procedures. However, implementing a paternity leave policy that prioritizes objectives is possible. Indonesia should set clear provisions for maternity leave before childbirth, provide breastfeeding compensation, and offer part-time, flexible work policies. Implementing these policies could help Indonesia adapt to changing work environments and support families in need.

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