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The Persistence of Gender Inequality in ASEAN Workplaces: Legal Protection and Women's Human Rights in the Age of Disruption

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Abstract:
Gender inequality in the world of work is still a crucial issue in the era of disruption, especially in access to jobs, leadership, and wage justice. Women often face gender discrimination that marginalizes professional sectors, compared to men's priority jobs. In 2024, men accounted for 39.70% of workers and employees, higher than women at 33.66%. This inequality results in an average monthly wage gap of IDR 2.57 million, while men earn IDR 3.30 million. The lack of female representation is evident in McKinsey & Company's 2024 report, which found that 29% of C-suite positions were held by women and 10.4% were held by women as CEOs. This study analyzes gender inequality in the world of work through the lens of legal protection and human rights, particularly employment opportunities, positions, and the wage gap between men and women. The research uses a library-based, normative approach, analyzing BPS, regulations, journals, and other documents, including those from the Ministry of Manpower of the Republic of Indonesia. The results of the study show that women still experience discrimination in the world of work, which has an impact on limited access to leadership positions, unfair remuneration, and weak protection of women workers' rights. Despite efforts to implement gender equality and non-discrimination, national and human rights instruments remain suboptimal. Thus, it is necessary to strengthen affirmative policies, reform gender-responsive labor law protection, and increase women's representation in decision-making to realize social justice and substantive equality in a sustainable world of work.

Keywords: Legal Protection; Human Rights; Gender Inequality; Workplace.

Introduction

Rapid economic growth and Southeast Asia's integration through the ASEAN Economic Community (AEC) are accelerating national development, transforming labor markets, and increasing women's participation in the workforce.[1] This accelerated economic integration has expanded employment opportunities for women and strengthened their role as vital pillars of the region's economy. However, this increased economic participation has not been matched by workplace gender equality. Dynamic regional economic growth has not automatically eliminated the discrimination and structural barriers faced by female workers in professional environments, thereby creating a fundamental disparity between economic progress and social justice within the Southeast Asian labor landscape.[2]

Gender inequality in the workplace across the ASEAN region manifests clearly through various systemic issues that limit the fundamental rights of female workers. Women in the workforce consistently face the gender pay gap, horizontal and vertical occupational segregation, limited access to leadership and decision-making positions, and discriminatory treatment during recruitment and promotion processes.[3] Furthermore, the prevalence of women's representation in the informal sector, characterized by a lack of social security and workplace protections, further underscores that workplace structures in this region remain heavily influenced by gender bias and marginalizing

[1]S. Chikh-Amnache dan L. Mekhzoumi, "The Impact of Female Entrepreneurship on Economic Growth in the ASEAN Countries: A Panel MM-QR Approach," Economics and Business 37, no. 1 (2023): 37–49; Laily Hidayati Rosyidi, Aunur Rofiq, dan Khusnudin, "Peran Perempuan dalam Pembangunan Ekonomi dan Penguatan Kesetaraan Gender," Jurnal Istiqro: Jurnal Hukum Islam, Ekonomi dan Bisnis 11, no. 1 (2025): 20–34.

[2]Rosyidi, Rofiq, dan Khusnudin, "Peran Perempuan dalam Pembangunan Ekonomi dan Penguatan Kesetaraan Gender," 20–34; N. Suryani, "Evaluasi Implementasi Rencana Kerja ASEAN untuk Kesetaraan Gender," Jurnal Studi Gender dan Pembangunan 5, no. 4 (2020): 305–320.

[3]Suryani, "Evaluasi Implementasi Rencana Kerja ASEAN untuk Kesetaraan Gender," 305–320.

social constructs.[4] This situation demonstrates that labor market expansion does not automatically eliminate discrimination deeply rooted in the workplace.

The persistence of gender inequality in the labor sector raises fundamental issues from the perspective of law and women's rights. The right to decent work, fair and equal remuneration, and protection against various forms of discrimination is a core fundamental right that the state must guarantee and protect.[5] The persistence of gender bias, which perpetuates discrimination in the workplace, reveals a structural failure to ensure fairness for female workers. Consequently, strengthening women's rights in the workplace requires effective legal mechanisms and safeguards that recognize women not merely as instruments of economic growth, but as legal subjects entitled to fair and equal treatment.

The urgency of analyzing and addressing this issue has become increasingly apparent amidst the current climate of disruption. Digital shifts, changing work patterns, flexible employment arrangements, and transforming global business models have not only created new economic opportunities but also created new vulnerabilities for female workers.[6] Flexible, digital-based work arrangements often undermine job security, erode social protection guarantees, and heighten the risk of exploitation within the digital labor landscape. Unless legal frameworks protecting the workforce are reformed to be more gender-responsive and aligned with the changing times, the dynamics of this era of disruption risk further marginalizing women in the regional labor market and widening existing inequalities.

At the regional level, ASEAN pursues efforts to address inequality and uphold labor rights through various legal

[4]Rosyidi, Rofiq, dan Khusnudin, "Peran Perempuan dalam Pembangunan Ekonomi dan Penguatan Kesetaraan Gender," 20–34.
[5]Rudi Natamiharja dan Ikhsan Setiawan, "Komitmen Piagam Asean (Asean Charter) Dalam Melindungi Hak Dasar Warga Negara Di Asia Tenggara" (Makalah Seminar Nasional Hukum Internasional, FH Universitas Lampung, 2025), 54–68.
[6]Suryani, "Evaluasi Implementasi Rencana Kerja ASEAN untuk Kesetaraan Gender," 305–320; W. A. Putri, "The Role of National Legal Systems in Upholding Human Rights in Southeast Asia," Indonesian Law Review 11, no. 3 (2021): 345–360.

instruments. The ASEAN Charter, the ASEAN Human Rights Declaration, and regional labor agreements explicitly underscore a collective commitment to respecting human rights and ensuring equality for female workers.[7] However, various ASEAN human rights instruments and mechanisms face limitations in direct domestic enforcement. Consequently, the fulfillment and protection of female workers' human rights in the workplace depend heavily on how member states implement and integrate regional commitments into national laws and policies.

Regarding the domestic aspect, this analysis focuses primarily on Indonesia, using Malaysia and Singapore as points of comparison to examine diverse legal approaches and actual conditions. Indonesia provides employment guarantees through Law No. 13 of 2003 concerning Manpower, as amended by Law No. 6 of 2023.[8] Meanwhile, Malaysia has updated its legal framework through the Employment Act 1955 and the Employment (Amendment) Act 2022 (Act A1651), while Singapore relies on the Employment Act 1968, the Workplace Fairness Legislation (WFL) framework, and the Tripartite Guidelines on Fair Employment Practices (TAFEP). Comparing these three countries is crucial given the unique characteristics of their legal systems and labor markets; such an analysis offers comparative insight into how domestic legal frameworks adapt to and bridge gaps in normative provisions.

Research on gender gaps, legal protections, and human rights mechanisms in the ASEAN region has long attracted significant scholarly attention. Studies on employment and gender indicate that, despite the existence of regulations and policies such as the ASEAN Work Plan on Gender Equality and directives from ASEAN

[7]A. Darmawan, "The ASEAN Charter and Human Rights: A Critical Review of Its Provisions and Implementation," Indonesian Journal of International Relations 14, no. 2 (2020): 112–130; R. Rahman dan A. Hasan, "Perlindungan Hak Pekerja Migran di ASEAN: Studi Kasus Konsensus ASEAN," Jurnal Kesejahteraan Sosial 11, no. 1 (2021): 75–90.

[8]Republik Indonesia, Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan jo. Undang-Undang Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 tentang Cipta Kerja Menjadi Undang-Undang; Pemerintah Malaysia, Employment Act 1955 jo. Employment (Amendment) Act 2022 (Act A1651); Ministry of Manpower Singapore, Employment Act 1968, Workplace Fairness Legislation, dan Tripartite Guidelines on Fair Employment Practices (2024).

Labour Ministers establishing fair labor standards, implementation on the ground remains hindered by limited institutional capacity and the persistence of patriarchal social norms.[9] Meanwhile, regional legal studies highlight that equality provisions in national and regional legal instruments are often fragmented and fail to provide effective grassroots protection because of weak domestic law enforcement.[10]

A synthesis of prior research reveals a significant gap in the literature. Many previous studies have examined gender inequality in the workplace, national legal frameworks, or regional human rights instruments in isolation, without integrating them into a comprehensive comparative analysis. This academic gap underpins the present study's innovation. This article presents a comparative legal approach that directly links workplace gender inequality to legal protection frameworks and women's rights in Indonesia, Malaysia, and Singapore within the ASEAN context, while addressing the challenges of the era of disruption.

To address these gaps, this study aims to explore the forms and persistence of workplace gender inequality, analyze discrepancies between normative legal protections and actual conditions, and compare the legal frameworks of Indonesia, Malaysia, and Singapore amid the era of disruption. To achieve these objectives, the study employs normative legal research using comparative and conceptual approaches. Primary legal sources include ASEAN regional instruments and the labor laws of Indonesia, Malaysia, and Singapore, supplemented by secondary sources. This study analyzes all materials through a descriptive-critical lens via a literature review to examine disparities and identify ways to strengthen gender-responsive legal protections for female workers.

[9]Suryani, "Evaluasi Implementasi Rencana Kerja ASEAN untuk Kesetaraan Gender," 305–320; I. Taufik, "Penerapan Kebijakan ASEAN Labour Ministers dalam Perlindungan Pekerja Migran," Jurnal Pekerjaan dan Sosial 12, no. 2 (2019): 150–165.
[10]L. Suryadinata, "ASEAN and Human Rights: Bridging the Gaps in Implementation," Journal of Southeast Asian Studies 49, no. 2 (2018): 223–245.

Gender Inequality in the Workplace

Economic growth and development across the ASEAN region have not yet provided women with fair and equal employment opportunities in the regional labor market. Various macro-level labor indicators reveal persistent gender inequality; ASEAN's female labor force participation rate stands at 56%, compared with 79% for men. This disparity is particularly concerning among youth, where women aged 15 to 24 make up 24% of the NEET category (Not in Education, Employment, or Training), compared with 13% of men. This shows that disparities in economic participation emerge early and can affect women's skill development and their transition from education to the workforce.[11]

This structural issue is also evident in the fact that most female workers are employed in the informal sector, where vulnerability is notably high. About 67% of women in the ASEAN workforce work in the informal sector, which offers minimal social protection and little to no job security. Conversely, women who do enter the formal sector often face significant wage discrimination, earning 30% to 40% less than men in equivalent positions. This disparity persists at higher career levels, with women holding only about 24% of middle and senior management positions in the private sector. This mirrors global trends: women hold just 29% of C-suite roles and 10.4% of CEO positions. These data indicate that workplace inequality is not merely a matter of individual choice but the result of patriarchal social norms, gender stereotypes, the unequal division of domestic labor and caregiving responsibilities, and recruitment and promotion practices.[12]

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[11]International Labour Organization (ILO), Women and Men in the Informal Economy: A Statistical Picture (Geneva: ILO, 2018), 45; ASEAN Secretariat, ASEAN Gender Outlook: Achieving the Sustainable Development Goals for Women and Girls (Jakarta: ASEAN Secretariat, 2021), 12–15.

[12]UN Women, Progress on the Sustainable Development Goals: The Gender Snapshot 2023 (New York: UN Women, 2023), 34; World Economic Forum (WEF), Global Gender Gap Report 2023 (Geneva: WEF, 2023), 18; McKinsey & Company, Women in the Workplace 2024 (New York: McKinsey & Company, 2024), 9; Gita Sen and Caren Grown, Development, Crises, and Alternative Visions: Third World Women's Perspectives (New York: Monthly Review Press, 1987), 67–70.

Era-defining disruptions, including accelerating digitalization, automation, and a shift toward a platform-based economy, shape the dynamics of gender inequality. On the one hand, digital technology offers new opportunities for women to participate in the modern workforce; on the other, technological disruption can worsen existing inequalities if women have limited access to digital devices, advanced technical skills, and training in future-oriented competencies. This situation can hinder women's participation in high-value jobs and increase the risk of their concentration in lower-wage roles with reduced protections amid ongoing digital transformation.[13]

Comparing several ASEAN member states, with a particular focus on Indonesia, further clarifies the characteristics of this inequality. Data from Statistics Indonesia (BPS) indicates that 39.70% of male workers in Indonesia are wage earners or salaried employees, compared with 33.66% of women. This formal employment status is directly linked to income disparities: men earn an average monthly salary of IDR 3.30 million, while women earn IDR 2.57 million. A similar pattern of inequality, though with distinct characteristics, appears in Malaysia, where the gender pay gap is 6.92%; men earn an average of RM 3,759, while women earn RM 3,499. Meanwhile, Singapore faces labor market adjustment challenges centered on maintaining national economic stability and social order, factors that in turn influence patterns of female workforce participation in urban areas. These varying patterns across countries show that gender inequality in ASEAN takes diverse forms, shaped by each nation's labor market characteristics and social structures.[14]

[13]Organisation for Economic Co-operation and Development (OECD), The Future of Work: Shaping the Digital Transformation (Paris: OECD Publishing, 2019), 52; International Labour Organization (ILO), Digital Labour Platforms and the Future of Work (Geneva: ILO, 2021), 89; UN Women, The Impact of Digital Transformation on Women's Economic Empowerment (Bangkok: UN Women Regional Office for Asia and the Pacific, 2022), 22.
[14]Badan Pusat Statistik (BPS), Perempuan dan Laki-laki di Indonesia 2024 (Jakarta: BPS, 2024), 27; Department of Statistics Malaysia (DOSM), Salaries and Wages Survey Report, Malaysia 2022 (Kuala Lumpur: DOSM, 2023), 14; Sylvia Walby, Gender Transformations (London: Routledge, 1997), 112.

Forms of discrimination and structural imbalances in the workplace affect not only the economy but also create significant challenges to fulfilling fundamental human rights principles. Discrimination in access to employment, wage disparities, limitations on career advancement, and the underrepresentation of women in leadership positions run counter to the principles of non-discrimination, equal opportunity, the right to fair remuneration, and women's economic rights and dignity. Under various regional instruments and frameworks recognized within the ASEAN system, strategic initiatives such as the ASEAN Work Plan on Gender Equality and commitments by the region's labor ministers consistently emphasize protecting workers' social and economic rights and ensuring fair working conditions.[15]

Overall, the research findings reveal a clear disparity between the formal recognition of equality in normative documents and women's actual situation in the workforce. Disparities in labor force participation, formal employment, earnings, and leadership positions indicate that complex structural factors still drive gender inequality and help gauge the effectiveness of existing legal protections.[16]

Table 1. Gender Inequality in the ASEAN Labour Market

Indicator	Women	Men
Labour Force Participation Rate	56%	79%
NEET Rate (15–24 Years Old)	24%	13%
Informal Sector Employment	67%	–
Middle & Senior Management Positions	24%	–

[15]United Nations, Universal Declaration of Human Rights (New York: United Nations, 1948), art. 23; Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), General Recommendation No. 13: Equal Remuneration for Work of Equal Value (New York: United Nations, 1989), 1; ASEAN Committee on Women (ACW), ASEAN Strategic Plan on Gender Equality and Women's Empowerment 2021–2025 (Jakarta: ASEAN Secretariat, 2020), 19.
[16]Naila Kabeer, The Power to Choose: Bangladeshi Women and Labour Market Decisions in London and Dhaka (London: Verso, 2000), 205.

Table 2. Income Gap in Indonesia and Malaysia

Country	Men	Women
Indonesia	IDR 3.30 million	IDR 2.57 million
Malaysia	MYR 3,759	MYR 3,499

Source: BPS (Indonesia), DOSM (Malaysia) and various ASEAN sources (processed)

Effectiveness of Legal Protection for Women's Rights

Normative recognition of equality and non-discrimination principles within ASEAN has evolved through legal regulations at both national and regional levels. However, official regulations do not automatically guarantee that female workers' rights are upheld in their day-to-day work. Assessing the effectiveness of legal protections requires analysis that goes beyond a list of written norms, as implementation challenges, varying levels of employer compliance, and weak oversight systems often hinder the law's practical application. Within Indonesia's labor law framework, Law Number 13 of 2003, as amended by Law Number 6 of 2023, ensures the application of non-discrimination principles, fair wages, and special protections for female workers.[17] However, the effectiveness of this protection is often hampered at the operational level due to weak labor oversight and high levels of non-compliance in the private sector, which ultimately leads to very serious structural vulnerabilities, especially for women in the informal sector. Although jurisprudence through Supreme Court Decision Number 1049 K/Pdt.Sus-PHI/2023 has attempted to improve legal formalities by emphasizing the factual aspects of the employment relationship,[18] Substantive law enforcement in the courts continues to face consistency challenges.

Similar implementation challenges, though under different regulatory frameworks, are also evident in Malaysia and Singapore.

[17]Grace Avianti dan Gunardi Lie, "Analisis Konsep Perlindungan Hukum Terhadap Pekerja di Sektor Informal Berdasarkan Ketentuan Peraturan Perundang-Undangan di Indonesia," Academia Open 10, no. 2 (2025): hlm. 8–10; United Nations, Universal Declaration of Human Rights (1948), Pasal 23.
[18]Avianti dan Lie, "Analisis Konsep Perlindungan Hukum," hlm. 11–12.

Malaysia has updated its protection system through the Employment Act 1955 and Amendment Act A1651, addressing maternity leave, job security, and the handling of sexual harassment. Although these regulations were designed to keep pace with changing times, structural constraints that keep women concentrated in specific sectors and perpetuate the ongoing wage gap still limit their effectiveness in reducing inequality. Meanwhile, Singapore employs strategies to maintain economic stability and uphold meritocracy through the Employment Act 1968, the Workplace Fairness Legislation (WFL), and the Tripartite Guidelines on Fair Employment Practices (TAFEP). While this approach, which focuses on merit-based recruitment and preventing discrimination based on marital status, aims to promote market stability, practical discrepancies persist between official protections and female workers' actual experiences.[19]

Comparisons between incidents show that differences in national regulatory patterns do not always guarantee substantial equity. Barriers imposed by patriarchal social norms continue to limit career mobility, prevent women from achieving leadership positions in companies, and reinforce gender based discrimination in recruitment and promotion. The implementation of internal company-wide systems addressing gender-based violence and childcare support remains very low,[20] This suggests that the law's ineffectiveness stems from a lack of transparency in wage payments and a tolerance for discriminatory practices masked by administrative formalities. This situation underscores the significant gap between legal equality and equality in reality across the ASEAN region.

While the legal and normative framework offers broad recognition, in reality, women workers continue to struggle against

[19]ASEAN Secretariat, ASEAN Gender Outlook (Jakarta: ASEAN Secretariat, 2021), hlm. 12–15; DOSM, Salaries and Wages Survey Report (Kuala Lumpur: DOSM, 2023), hlm. 14.
[20]Reski Eka Putri dan Muhammad Amiruddin, "Perlindungan Hukum bagi Perempuan di Hadapan Hukum," Alauddin Law Development Journal (ALDEV) 2, no. 3 (2020): hlm. 415–417.

wage discrimination and structural barriers.[21] This reality creates a tangible implementation gap, in which legal instruments fail to drive social and economic change. This failure is further exacerbated by the wave of disruption and digitalization in the world of work. Shifts in work patterns driven by automation, remote work, and the platform economy demand more progressive regulatory adaptation. Unfortunately, current labor law frameworks are inadequate to address non-standard employment relationships, increasing the risk of widening inequality for women with limited access to advanced technology.[22]

Consequently, the effectiveness of legal protection depends not only on the existence of written regulations, but on the government's ability to ensure that legal norms adapt to actual circumstances. While formal protection plays a fundamental role, achieving true substantive equality requires rigorous oversight, consistent law enforcement, and a firm institutional commitment to bridging the gap between legal provisions and their implementation.[23]

The Gap between Legal Protection and Its Implementation in the Disruptive Era

The gap between legal protections and the conditions female workers actually face is not solely due to a lack of legal norms. A more fundamental issue is the legal system's ability to translate the normative principle of equality into tangible protections in day-to-day employment relationships. In other words, equality regulations alone are insufficient unless mechanisms enable female workers to exercise their rights, secure protection when violations occur, and obtain effective redress. This situation shows that gender equality depends on the interplay of legal norms, institutional capacity, workplace practices, and workers' bargaining power.

[21]Putri dan Amiruddin, "Perlindungan Hukum bagi Perempuan," hlm. 418–419; Naila Kabeer, The Power to Choose (London: Verso, 2000), hlm. 205.
[22]OECD, The Future of Work (Paris: OECD Publishing, 2019), hlm. 52; UN Women, The Impact of Digital Transformation (Bangkok: UN Women, 2022), hlm. 22.
[23]ASEAN Committee on Women (ACW), ASEAN Strategic Plan on Gender Equality (Jakarta: ASEAN Secretariat, 2020), hlm. 19; Rudi Natamiharja

From a human rights perspective, equality does not stop at the formal granting of equal rights; it must generate genuine opportunities for everyone to enjoy those rights. This principle matters because equal treatment does not necessarily produce equal outcomes when structural barriers put women at a disadvantage from the outset. Kabeer explains that women's ability to benefit from economic opportunities depends not only on their availability but also on the social and institutional structures that shape their capacity to make choices.[24] Thus, formally granting equal rights does not automatically eliminate barriers embedded in social and economic structures.

This issue can be analyzed by examining how labor regulations are implemented in the workplace. A company might officially claim that its selection and promotion processes are based on skills and achievements. However, working practices can shape the definition of "achievement" in ways that indirectly favor employees with more time and flexibility. Because caregiving responsibilities and domestic duties still disproportionately fall on women, requirements such as long working hours, constant availability outside work hours, or frequent business travel can create significant barriers. In this context, discrimination does not always take the form of an explicit ban on women; rather, it can arise from policies that appear fair on the surface.

The effectiveness of legal protections depends on how well the law addresses structural and indirect discrimination. Putri and Amiruddin examine legal protections for women within a broader context, one that goes beyond merely recognizing women's rights to ensuring that they receive fair treatment in practice.[25] This issue shows that the law must go beyond prohibiting discrimination; it must also provide mechanisms to identify and address practices that cause gender-based harm.

[24]Naila Kabeer, The Power to Choose: Bangladeshi Women and Labour Market Decisions in London and Dhaka (London: Verso, 2000), 205.
[25]Reski Eka Putri dan Muhammad Amiruddin, "Perlindungan Hukum bagi Perempuan di Hadapan Hukum," Alauddin Law Development Journal (ALDEV) 2, no. 3 (2020): 415–417.

Implementation gaps are also linked to systems for filing complaints and establishing proof. In the workplace, employees often face an unequal position relative to their employers. Companies typically control information about salary structures, decision-making rationales, performance evaluations, and decisions on termination or promotion. This information asymmetry can make it difficult for female workers to prove that the treatment they receive is linked to gender. Avianti and Lie note that protecting employees, particularly in less formal work settings, makes it hard to effectively recognize and safeguard workers' rights.[26] This shows that law enforcement depends not only on sanctions but also on workers' ability to raise claims about such violations within the legal system.

Proving discrimination becomes increasingly complex when official decisions do not explicitly cite gender as a factor. For instance, a denial of promotion might be attributed to reasons such as "performance," "company needs," or "suitability for the position." While these reasons may appear legitimate, they can also mask underlying gender bias. If the employee bears the burden of proving discrimination, access to legal protection becomes difficult, as the company controls most relevant data. Therefore, strengthening substantive protection requires proof and transparency mechanisms that let employees obtain the information needed to defend their rights.

This issue also highlights that the responsibility for achieving gender equality cannot rest solely on female workers. Governments must provide effective legal frameworks and oversight mechanisms, while companies must ensure their internal practices do not create discrimination. In the ASEAN context, limited regional enforcement mechanisms mean that implementing protections for female workers' rights relies heavily on the legal systems of individual member states. Suryani explains that limited institutional capacity and social norms that hinder the

[26]Grace Avianti dan Gunardi Lie, "Analisis Konsep Perlindungan Hukum Terhadap Pekerja di Sektor Informal Berdasarkan Ketentuan Peraturan Perundang-Undangan di Indonesia," Academia Open 10, no. 2 (2025): 8–12.

achievement of equality in practice constrain progress on the ASEAN gender equality agenda.[27] In other words, regional commitments will lose their capacity to effect change if they are not translated into policies and mechanisms that can be implemented at the national level.

A comparison among Indonesia, Malaysia, and Singapore shows that strengthening legal norms must be matched by strengthening the institutions responsible for enforcing them. Indonesia faces challenges stemming from its large informal sector and the lack of protection for workers outside formal employment relationships. Malaysia has enhanced protections by amending the Employment Act 1955, while Singapore has adopted an approach that integrates legal regulations with tripartite mechanisms and fair employment practice guidelines. However, this diversity does not mean any single country has fully resolved gender equality. Instead, the comparison shows that legal effectiveness depends on the interplay among rules, oversight bodies, grievance mechanisms, and workers' ability to secure redress.

In this regard, Singapore's experience offers insights into the importance of institutional mechanisms for embedding equality principles into employment practices. A tripartite approach involving the government, employers, and workers can help establish clearer standards for work practices. Nevertheless, these mechanisms must be supported by workers' ability to lodge complaints and secure fair resolutions. Meanwhile, regulatory developments in Malaysia highlight the need to expand protection through legislative amendments to keep pace with evolving working conditions. This comparison underscores that legal reform cannot focus only on introducing new norms; it must also consider how those norms will be implemented in practice.

Implementation challenges become increasingly complex as technological innovation transforms the nature of employment relationships. The era of disruption has not only created new types

[27]N. Suryani, "Evaluasi Implementasi Rencana Kerja ASEAN untuk Kesetaraan Gender," Jurnal Studi Gender dan Pembangunan 5, no. 4 (2020): 305–320.

of work but also changed how organizations supervise and control their workforce. The OECD notes that digital transformation can reshape organizational structures, skill requirements, and the dynamics of the worker-employer relationship.[28] In platform-based work, for instance, employment relationships are not always established within a conventional corporate framework. Workers can apply for jobs, receive performance evaluations through digital systems, and even lose work opportunities because of decisions made by the platform's system.

This transformation creates new legal challenges, as defining "employer" and "worker" becomes increasingly difficult. The ILO notes that digital labor platforms raise issues regarding worker status, earnings, working hours, social protection, and worker representation.[29] If workers are categorized as partners or independent workers, they may not receive the protections typically afforded to formal employees. For women, this can heighten vulnerability, especially if they are predominantly in flexible work arrangements that offer limited protections.

Technology is creating new, algorithm-driven decision-making methods. Digital systems can manage task allocation, incentive structures, performance evaluations, or workers' access to future assignments. Issues arise when workers do not understand how these decision-making processes work. UN Women emphasizes that while digital transformation can open up opportunities for women's economic empowerment, it can also exacerbate inequalities if women have limited access to technology, digital skills, and high-value economic roles.[30] Consequently, digitalization cannot be considered gender neutral. Its impact depends heavily on who has access to technology, who manages the systems, and whether legal protections exist for affected workers.

[28]Organisation for Economic Co-operation and Development (OECD), The Future of Work: Shaping the Digital Transformation (Paris: OECD Publishing, 2019), 52.
[29]International Labour Organization (ILO), Digital Labour Platforms and the Future of Work: Towards Decent Work in the Online World (Geneva: ILO, 2021), 89.
[30]UN Women, The Impact of Digital Transformation on Women's Economic Empowerment (Bangkok: UN Women Regional Office for Asia and the Pacific, 2022), 22.

In this context, the concept of legal liability needs to be broadened. If digital systems, rather than humans, make decisions that harm workers, the law must ensure someone can be held accountable. Workers should not lose their rights simply because an algorithm drove a company's decision. The principle of non-discrimination must apply to the outcomes of digital decisions, and companies or platforms must be able to explain the rationale behind decisions that significantly impact an individual's employment and income.

Shifts in the nature of work show that flexibility does not always equal equality. Remote work and flexible schedules can help women enter the workforce by reducing geographical barriers and offering greater control over time. However, this flexibility can shift risk if workers bear responsibility for working hours, social protection, and work-life balance. Such a situation risks exacerbating inequalities regarding the division of domestic duties for women. Therefore, flexible-work policies should be integrated into a broader protection framework rather than serving merely to boost corporate efficiency.

Under these circumstances, labor law reform must focus on fostering more effective equality. A primary area for reform is increasing transparency regarding wages and promotions. Transparency enables workers to understand the reasons behind disparities in pay and career opportunities, making it easier to identify discriminatory practices. The principle of equal pay for work of equal value, as emphasized in CEDAW, highlights that equality is not limited to roles with similar job titles or designations but extends to the actual value of the work performed.[31]

The second reform involves strengthening complaint mechanisms and protections for workers who report issues. Overly complex complaint systems or those that fail to safeguard against retaliation can deter workers from speaking up. Therefore, companies must maintain independent, accessible internal

[31]United Nations, Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), General Recommendation No. 13: Equal Remuneration for Work of Equal Value (New York: United Nations, 1989), 1.

systems, while the state must ensure external channels are available as an alternative if internal systems fail to resolve the issue. In this context, protecting workers who report discrimination is crucial for effective law enforcement.

The third reform concerns expanding protections for non-traditional workers and those employed via digital platforms. Legislation must address the true nature of the employment relationship rather than relying on contractual labels alone. When a company or platform exerts significant influence over how workers perform their tasks, their earnings, performance evaluations, and job continuity, legal responsibility should correspond to the level of control exercised. This step is vital to ensure that advancements in digital business models are not exploited to evade worker-protection obligations.

The fourth reform aims to create regulations that adapt to workplace technology. Transparency principles must apply to algorithmic systems that influence key aspects of employment. Workers require explanations when automated decisions significantly impact their jobs or income. Furthermore, mechanisms must exist to allow for the review and reconsideration of such decisions. Without these systems, technology could create forms of discrimination that are harder to identify because decisions no longer originate from specific individuals.

At the ASEAN level, efforts to strengthen protection could focus on establishing shared standards regarding decent work, equal pay, protections for non-traditional workers, and the implementation of technology in the workplace. The ASEAN Strategic Plan on Gender Equality and Women's Empowerment (2021–2025) has made strengthening gender equality a key regional agenda; however, the initiative's success depends on how effectively member states translate these commitments into national policies.[32] Therefore, ASEAN cooperation should not merely produce normative commitments but also foster the

[32]ASEAN Committee on Women (ACW), ASEAN Strategic Plan on Gender Equality and Women's Empowerment 2021–2025 (Jakarta: ASEAN Secretariat, 2020), 19.

exchange of institutional practices and develop indicators to assess policy implementation.

Thus, the gap between legal policies and their implementation shows that workplace gender issues are not simply a matter of insufficient regulation. These issues also link to workers' weak bargaining positions, information asymmetry, limited grievance mechanisms, ambiguous employment status, and technological changes that create new forms of employment relationships. The era of disruption has further complicated this situation, as the law must now contend with more flexible, digitally based employment relationships that are often difficult to categorize. Legal protection for women workers must shift from an approach that merely emphasizes formal equality to one that ensures rights are realized in tangible terms. The government needs to strengthen oversight and redress mechanisms; companies must be held accountable for discriminatory work practices; and platform companies must remain responsible for the workers operating within their digital systems. In this way, the law not only affirms that women and men have equal rights but also ensures that shifts in economic and technological structures do not create new forms of injustice. Ultimately, substantive equality can be achieved only if legal protections keep pace with the evolving world of work and provide meaningful safeguards for women across diverse employment relationships.

Conclusion

This research determines that gender inequality in professional environments continues to be a foundational issue in the ASEAN area, even with legal and normative frameworks in place aimed at ensuring equality and preventing discrimination. The imbalance is evident through women's reduced participation in the workforce, a high concentration in informal jobs, disparities in wage levels, and inadequate representation in leadership roles. These situations illustrate that gender inequality in the workplace is shaped not just by individual aspects but also by societal

patriarchal norms, unequal roles in caregiving, workforce structures, as well as biased hiring and promotion policies.

The research also indicates that protections for women's rights in nations like Indonesia, Malaysia, and Singapore have evolved via diverse national and regional legal frameworks. Nevertheless, poor oversight, erratic enforcement, insufficient complaint systems, limited transparency, and low adherence to gender-equality standards in occupational settings limit the utility of these protections. Thus, formal legal regulations alone do not automatically ensure meaningful equality. The gap between legal protections and their implementation shows that women's rights are safeguarded only when robust institutions, accessible solutions, transparency, and employer accountability reinforce legal principles.

Moreover, this period of upheaval has created new hurdles to safeguarding women in the workforce. While digital advancements, automation, remote work, and gig employment can enhance women's economic prospects, they can also reinforce or worsen pre-existing disparities because of limited access to technology and digital training, unclear job classifications, algorithm-driven decisions, and weaker social safety nets. Therefore, labor regulations must shift from ensuring formal equality to achieving real, meaningful equality. It is vital to increase transparency on wages and promotions, strengthen complaint and resolution mechanisms, protect gig and non-standard employees, and enforce accountability for technology-influenced employment decisions. Regionally, ASEAN commitments should similarly be translated into actionable national policies and effective implementation practices to ensure that economic and technological advances do not create new forms of gender discrimination.

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