

Women in the Digital Workplace: Gendered Challenges and Strategies for Work-Family Balance

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Abstract

Family responsibilities can impact workers' employment relationships. These circumstances may lead to conflicts of interest between the dualities of working obligations and family duties. Workers might face discrimination, lower wages, delayed promotions, or other adverse outcomes because their employers perceive their responsibilities as secondary. Such challenges can affect all workers, particularly women, who are traditionally seen as the primary caregivers in the family. Employment relations are undergoing a shift in how workers carry out their duties. The emergence of working activities includes using digital platforms and alternatively creating working systems. This Digital Workplace trend involves completing tasks on digital platforms such as email, social media, or cloud systems. With this shift, workers can no longer attend the office in person. This research posits that the emergence of the digital workplace addresses cultural roles within families, especially with flexible working hours and informal work settings. On the other hand, the stakeholders may need to address several issues, including the uncertainty surrounding labor protections, encompassing workplace exploitation and fairness concerns. Therefore, this article argues the condition of women in the digital workplace, specifically by the lack of regulations that might have insights to recognize the value of women's roles in the family, particularly by the uncertainty of digital platforms that change the landscape of the working system.

Keywords: Digital Workplace, Family, Labour Law, Women, Workers



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I. INTRODUCTION

Labour law regulates the employment relationship between workers and employers in the workplace. The employment relationship between workers and employers is between one individual and another. Such a relationship is the domain of private law. The placement of the private legal realm is also strengthened by an employment agreement that underlies the birth of the employment relationship between workers and employers. Employment agreements are one of the characteristics of private law. However, labour law cannot be expressly placed in private law alone. This is due to the socialisation process or the government's intervention process. The intervention is directed to protect workers, whose bargaining position is often weaker than that of employers. For instance, such a bargaining position can risk violating workers' rights in employment relations.

The government intervenes in various aspects of employment relations, including regulations on minimum wage, working hours, occupational safety and health, social security, termination of employment, and more. This intervention process is confined to regulatory functions and establishing and enforcing sanctions for violations of rights in employment relations. This situation positions labor law within both private and public law domains.

The government's ongoing efforts are also aimed at protecting workers from acts of discrimination that may occur in the workplace. Ensuring equal treatment for all individuals is a human right that must be upheld in the workplace; every worker deserves equal treatment and opportunities. Unfortunately, discrimination against workers still occurs frequently. Forms of discrimination present in the workplace include gender discrimination, as well as ethnic, racial, and religious discrimination, and discrimination against workers with disabilities. Labor law must provide guarantees of protection against workplace discrimination.

Another type of discrimination often encountered in the workplace targets workers with family responsibilities. Workers typically belong to the productive age group of 25 to 50. In this age range, there is a significant likelihood that workers will have family responsibilities. The age range of 25 to 40 years is when workers are most likely in the phase of starting a family, which can lead to family-related responsibilities, such as pregnancy and childbirth for female workers, childcare duties, or other household obligations. Meanwhile, individuals aged 40 to 50 may also face family responsibilities, such as caring for parents and in-laws. These family responsibilities overlap with the commitments of employment relationships in the workplace.¹

Additionally, when viewed from a gender perspective, the intersection of family responsibilities and work duties will lead to more severe problems, particularly concerning the situation of women workers within the social structure. Women workers frequently face friction between work interests and family obligations. This

¹ Julie Lee, (2001), 'Work/Family Balance and Family Responsive Working Arrangements', *Conference of the Association of Industrial Relations Academics of Australia and New Zealand*.

stems from the burden of dual roles women must navigate, encompassing their professional and familial responsibilities. Traditional social constructs in various regions, including Indonesia, still stress that domestic work is primarily a woman's responsibility. To this day, most family care roles are assigned based on gender, with women bearing the primary responsibility. Caring for children, husbands, and other family members is predominantly seen as women's work. This results in a stigma that hiring women is problematic and incurs high costs due to the likelihood of conflicts between work and family.² Even beyond the context of family burdens, women workers remain vulnerable to discrimination in the workplace.³

However, the conflict of interest between family responsibilities and work duties can affect all workers, regardless of gender.⁴ If this conflict is not managed correctly, it can result in discrimination against those who experience it. Workers may face unequal treatment, such as lower wages or delays in promotions and career advancement, due to being perceived as less productive and prioritizing work second.⁵ Discrimination against workers with family responsibilities is a real issue, yet it is often overlooked because of stereotypes surrounding 'normalcy' and 'obligation' in fulfilling family duties. Therefore, serious attention is required to protect workers with family responsibilities.⁶ The principle of non-discrimination for all workers must be consistently upheld in labor law regulations; exploring ways to meet workers' duties with work responsibilities is essential.

Currently, there is a trend in employment relations known as the digital workplace. The digital workplace serves as a mechanism for conducting work through digital platforms such as email, social media, video conferencing, cloud systems, and other applications.⁷ This trend has developed and become widely adopted due to the COVID-19 pandemic, which necessitated work to be carried out despite physical distancing and quarantine measures. Embracing this trend in work relationships means that work can be done anywhere and anytime, provided suitable devices and an adequate internet connection. Employees are no longer traditionally required to attend the office to complete their duties.

Given the evolution of the digital workplace, it is intriguing to explore whether it can help balance the intersecting family responsibilities and work duties faced by

² Agnes Kinanu Mungania, 'Influence of Family Responsibilities on Performance of The Banking Industry in Kenya', *International Journal of Advanced Multidisciplinary Research* 3, no. 8 (2016): 6-13.

³ Siobhan E Austeen and Elisa R. Birch, *Family Responsibilities and Women's Working Lives*, (Perth: Curtin Business School, 2000), 59.

⁴ Heleen Jääger, (2014), *What Choice of Equality for Workers with Family Responsibilities?*, (Master Thesis), Lund University. See also, Gillian Ranson, 'Men Paid Employment and Family Responsibilities: Conceptualizing the "Working Father"', *Gender, Work, and Organization* 19, no. 6 (2012): 741-761.

⁵ Jody Heymann, *How are Workers with Family Responsibilities Faring in the Workplace?*, (Geneva: International Labour Organization, 2004), 105.

⁶ Lauren Bock Mullins, Etienne Charbonneau, Norma M Riccucci, 'The Effects of Family Responsibilities Discrimination on Public Employees' Satisfaction and Turnover Intentions: Can Flexible Work Arrangements Help?', *Review of Public Personnel Administration*, (April 2021): 384-410.

⁷ Attaran & Kirkland D, 'The Need for Digital Workplace: Increasing Workforce Productivity in the Information Age', *International Journal of Enterprise Information Systems* 15, no. 1, (2019): 1-23.

employees. The examination of digital workplace implementation is accompanied by analyzing the principles governing employment relations and protecting workers' rights. Suppose it serves to reconcile family and work conflicts. In that case, this research argues that the emergence of a digital workplace addresses the cultural roles of family members, primarily through flexible working hours and its informal structure. However, stakeholders must address several issues, including uncertainty in labor protections, encompassing concerns about exploitation and fairness within the working system. This article further examines the conditions of women workers in the digital workplace, focusing on the lack of regulation and the potential for recognizing their roles within the family.

This article employs normative or doctrinal legal research methods to explore the emerging challenges of the digital workspace. The normative or doctrinal legal research method analyzes literary materials or secondary data. The secondary data consists of, firstly, primary legal materials, which include authoritative and binding legal texts such as laws, regulations, jurisprudence, and international conventions related to workers with family responsibilities, the implementation of employment relationships, the protection of workers' rights, and the digital workplace. Secondly, secondary legal materials offer further explanations about primary legal texts. In this article, the referenced secondary legal materials include various research studies and ideas regarding workers with family responsibilities, employment relations implementation, workers' rights protection, and the digital workplace drawn from books, journals, and other research findings.

This article also utilizes a dual methodological approach. The first method is the conceptual approach, which reviews various theories, concepts, and principles related to workers with family responsibilities, the implementation of employment relationships, the protection of workers' rights, and the digital workplace. The second method is the statutory approach, which examines various authoritative regulations concerning workers with family responsibilities, the implementation of employment relations, the protection of workers' rights, and the digital workplace. Data analysis is conducted qualitatively by explaining and describing the research findings clearly and systematically based on existing legal materials. The study results are then interpreted using the systematic legal interpretation method, which links various legal research materials to other legal research materials within the broader legal system.

II. WORKERS WITH FAMILY RESPONSIBILITIES

The family is the smallest unit of the social structure in society. Although it is the smallest unit, the family's existence is a fundamental element that establishes the values shaping community life. This essential role of the family underscores the urgency of the community and the state's mandate to protect the family, as outlined in the Universal Declaration of Human Rights (UDHR). Family protection encompasses various aspects of life, including economic stability, security and comfort, guaranteed education, and health and care. Consequently, family dynamics give rise to multiple responsibilities for

its members. Family members are thus responsible for the well-being of one another. These responsibilities entail caregiving roles, the execution of reproductive functions, support, and other household duties.⁸

Family responsibilities can create challenges when they overlap with personal obligations at work. Workers typically belong to the productive age group, including individuals aged 25 to 50. Within this age range, there is a significant likelihood that workers will have family responsibilities. Specifically, those aged 25 to 40 are most likely to be in the process of starting a family, leading to responsibilities such as pregnancy and childbirth for female workers, childcare tasks, and other household duties. Furthermore, between ages 40 and 50, family responsibilities may include caring for parents, siblings, and in-laws. This can result in situations where workers must manage their family obligations while also fulfilling their job duties, creating a dilemma as they must prioritize one responsibility over the other. "Choosing the wrong priority" can lead to the perception that the worker has placed their job second.⁹ This scenario often results in adverse outcomes for the worker, such as discrimination. Workers may face differential treatment, including lower wages or delayed promotions and career advancement.¹⁰ Discrimination against workers with family responsibilities is a real issue, yet it is frequently overlooked due to stereotypes surrounding 'normal' duties and obligations in family life.¹¹

Moreover, viewed from a gender perspective, the intersection of family responsibilities and work duties creates more severe problems, particularly for women workers within the social structure. Women frequently face conflicts between work obligations and family commitments due to the dual roles they must juggle—professional and familial. Traditional societal norms in various regions, including Indonesia, continue to assign domestic work primarily to women.¹² To this day, the majority of family caregiving responsibilities remain allocated to women based on gender roles. Women predominantly care for children, husbands, and other family members. A stigma is attached to hiring female workers, as employers often perceive it as an issue due to higher costs. For instance, the view that women workers take 'many holidays' due to menstrual and maternity leave is considered 'expensive' since employers need to pay full wages even when employees are not performing their duties, except for the no work, no pay principle.¹³ Family responsibilities are also a significant factor contributing to the gender gap in the labor market, as such responsibilities

⁸ Solimar Herrera Garces, 'The Adoption of Convention C156, (ILO) Workers with Family Responsibilities, Ecuador, a Case Study', *International Journal of Arts and Social Science* 4, no. 4, (2021): 197-200.

⁹ Mungania, 'Influence of Family Responsibilities on Performance of The Banking Industry in Kenya'.

¹⁰ Heymann, 'How are Workers with Family Responsibilities Faring in the Workplace?'.

¹¹ Spilerman, 'Responses to the Intrusion of Family Responsibilities in the Workplace'.

¹² Desia Rakhma Banjarani & Ricco Andreas, 'Pelaksanaan dan Perlindungan Akses Hak Pekerja Wanita di Indonesia: Telaah Undang-Undang 13 Tahun 2003 Atas Konvensi ILO', *Jurnal HAM* 10, no. 1, (2019): 115-126.

¹³ Ari Pradhanawati, *Peran Buruh Perempuan dalam Keluarga*, (Semarang: Amazing Books, 2018), 78.

disproportionately burden the female members of working-age families.¹⁴ Even outside the context of family responsibilities, women workers already face increased vulnerability to workplace discrimination.¹⁵

While it is undeniable that female workers face the majority of conflicts, both female and male workers can experience a conflict of interest between family responsibilities and work duties.¹⁶ Family responsibilities held by workers can lead to various stereotypes and biases that result in discrimination. For instance, there is an assumption that male workers do not have a significant role in caregiving within the family. This belief arises from deeply ingrained cultural and societal norms that traditionally assign caregiving duties primarily to women. In many societies, men have historically been regarded as the breadwinners, responsible for financially supporting the family. At the same time, women have been expected to handle nurturing and domestic roles, such as childcare, eldercare, and household management. This division of labor has been reinforced by long-standing gender roles, where men are often not anticipated to contribute equally to the emotional, physical, or day-to-day care needs of the family. As a result, the belief that male workers do not play a significant part in family care persists, even in modern times as gender roles evolve. This perception can hinder support for men who wish to be more involved in caregiving but feel societal pressure to prioritize work or financial contributions over family care. It also affects workplace policies, where paternity leave, flexible hours, and other accommodations for caregiving are often limited or not as culturally normalized compared to maternity leave and support for women.

A tendency to deny family care leave requests from male employees while typically approving those from female employees exists. Similar to the first point in the previous paragraph, this practice of denying leave for family caregiving to male workers while granting it to female workers reflects deeply rooted gender biases and traditional views of caregiving roles. As a result, workplaces may be more inclined to grant leave to women for family care, aligning with the conventional expectation that they take on these roles. In contrast, when male employees request family care leave, it challenges these entrenched gender norms. Employers may be less willing to approve such requests, as they do not perceive caregiving as a male responsibility, or they might assume that men are less likely to prioritize family care over work obligations. This may also be influenced by the stereotype that men should focus on their professional duties as primary breadwinners rather than sharing caregiving responsibilities.

An assumption is that women workers will prefer family responsibilities over job responsibilities when both intersect. This belief is rooted in traditional gender norms and societal expectations regarding women's roles. These expectations shape the idea that when faced with a conflict between work and family obligations, women

¹⁴ Eddy M Sutanto, 'Working Women and Family', *Jurnal Ekonomi dan Bisnis Indonesia* 15, no. 3, (2000): 269-279.

¹⁵ Austeen, 'Family Responsibilities and Women's Working Lives'.

¹⁶ Jääger, 'What Choice of Equality for Workers with Family Responsibilities?'. See also, Ranson, 'Men Paid Employment and Family Responsibilities: Conceptualizing the 'Working Father''.

instinctively prioritize their familial roles, which are culturally viewed as their primary duty. This assumption often overlooks the reality that women, like men, may have strong professional aspirations and commitments. It fails to acknowledge that women can be just as dedicated to their careers as they are to their family responsibilities and that these two facets of their lives do not necessarily compete.

Additionally, this assumption overlooks the growing recognition that men should also participate in caregiving and household responsibilities. Furthermore, this stereotype can have adverse effects on women in the workplace. Employers and colleagues may presume that women will always prioritize family over work, which can lead to biases in hiring, promotion decisions, or project assignments. It may also result in women facing fewer opportunities for career advancement due to the belief that they are less committed or available for professional duties.

Women workers' caregiving responsibilities can interfere with their ability to succeed in a fast-paced workplace. Societal beliefs suggest that because women are expected to manage household duties, child-rearing, and elder care, these obligations make it more challenging to excel in demanding, high-pressure environments requiring long hours, constant availability, and quick decision-making. This assumption implies that women's family obligations automatically conflict with the commitment or flexibility necessary in fast-paced workplaces, overlooking that many women are adept at multitasking, managing complex schedules, and handling multiple responsibilities effectively. Furthermore, this assumption can lead to discriminatory practices in hiring, promotions, and career advancement. Employers may perceive, particularly those with children or caregiving duties, that employees will be less reliable or dedicated to their jobs, even if this is not the case.

In the Glass Ceiling theory, this metaphor refers to the invisible barriers that prevent women from advancing to senior leadership positions in their careers, despite being equally or more qualified than their male counterparts.¹⁷ The theory draws attention to the systemic factors like biased hiring practices, organizational cultures, and unequal access to networks contributing to this phenomenon.¹⁸

On the other hand, vivid examples of discriminatory acts against workers with family responsibilities include¹⁹ terminating women workers because they are pregnant or will take maternity leave. This practice violates workers' rights and principles of gender equality. Such discrimination occurs when a woman is fired, forced to resign, or

¹⁷ Kate Huppatz, *Gender, Work and Social Theory: The Critical Consequences of The Cultural Turn*, (London: Bloomsbury Publishing, 2023), 224. See also, Anik Iftitah, et. al., 'Kesetaraan Gender Dalam Hukum Ketenagakerjaan', *Eksekusi: Jurnal Ilmu Hukum dan Administrasi Negara* 1, no. 2, (2023): 31-46.

¹⁸ Rifky Permana, Siti Komariah & Puspita Wulandari, 'Dinamika Peran Media Sosial dalam Konstruksi Identitas dan Penyimpangan Gender', *Indonesia Journal of Gender Studies* 5, no. 1, (2024): 37-49. See also, Ega Leovani, Florentinus Heru Ismadi & Candra Astra Terenggana, 'Ketidaksetaraan Gender di Tempat Kerja: Tinjauan Mengenai Proses dan Praktek Dalam Organisasi', *Jurnal Ilmiah Fakultas Ekonomi Universitas Flores* 13, no. 2, (2023): 309-313.

¹⁹ Yelena Alexandrovna Istomina & Julia Valeryevna Ivanchina, 'Labor and Family Responsibilities: Updated Approaches in Law, Advances in Social Sciences', *Education and Humanities Research* 498, (2020): 129-134.

not hired at all due to her pregnancy or anticipated maternity leave, often based on the assumption that her pregnancy will negatively affect her ability to work or perform her job effectively. It is believed that her focus will shift from her career to caring for her child.

Another discriminatory example involves employers making wage differences among workers with family responsibilities. Consider a situation where two male and female employees work for the same company in identical roles with the same qualifications and experience. Both employees are equally capable of performing the job, but the woman has young children at home while the man does not. Despite their equal contributions to the company, the employer offers the female worker a lower salary than her male counterpart, justifying this by claiming that her caregiving responsibilities may affect her work performance or availability. The employer might believe that the woman will need to take more time off for childcare, attend school events, or care for sick children, leading them to assume she is less reliable and committed. As a result, the employer offers her a lower wage. Suppose her family responsibilities will limit her working hours or output. On the other hand, the male worker, without family obligations, is paid more because the employer assumes he can dedicate more time.

This practice is discriminatory because it penalizes workers based on assumptions about their family roles rather than their job performance or qualifications. It reinforces the stereotype that women, particularly mothers, are seen as less capable or reliable employees due to the belief that they must manage family responsibilities alongside their professional duties. It also emphasizes a gender bias, as men are generally not subjected to the same beliefs or pay inequalities, even when they have family responsibilities.

Feminist theories, particularly those focusing on the workplace, focus on how systemic gender inequalities are perpetuated and how power structures can marginalize women and gender minorities.²⁰ Specifically, the feminist-intersectionality theory, coined by Kimberlé Crenshaw, emphasizes how different identities (e.g., race, class, gender) intersect and shape workplace discrimination or privilege experiences.²¹

Promoting workers without children or single male workers over those who have, or will have, children and single women workers is an example of discriminatory practices against employees with family responsibilities. This type of bias reflects outdated assumptions about family roles and stereotypes that prioritize employees perceived to have fewer personal obligations or distractions outside of work. Consider a company with an opening for a managerial position. There are two qualified candidates:

²⁰ Yeni Nuraeni & Ivan Lilin Suryono, 'Analisis Kesenjangan Gender dalam Bidang Ketenagakerjaan di Indonesia', *Nahkoda: Jurnal Ilmu Hukum Pemerintahan* 20, no. 1, (2021): 68-79.

²¹ Aulya Arzuliany & Mirna Nur Alia Abdullah, 'Permasalahan Angkatan Kerja di Indonesia: Kendala Gender dan Pembatasan Pekerjaan Bagi Wanita Perspektif Patriarki dan Feminisme', *Sabana: Sosiologi, Antropologi, dan Budaya Nusantara* 3, no. 3, (2024): 268-275. See also, Zalkia Salsabila, Aliya Perawita, Sudirman Sitepu & Dwi Putri Lestatika, 'Kesenjangan Gender di Dunia Kerja Berdasarkan Perspektif Hukum', *Jurnal Kajian Hukum dan Kebijakan Publik* 2, no. 1, (2024): 487-492.

one is a single man without children, and the other is a woman with young children. Both candidates possess the same qualifications, experience, and performance records. However, despite the woman's qualifications, the employer chooses to promote the single man over her, citing worries that the woman may need time off for her children's illnesses, school events, or other family obligations.

The employer may believe that the man will be more available to work long hours, travel for business, or handle high-stress situations without the additional responsibility of caring for children. They may also assume that the woman, due to her children, will prioritize her family over her job, even though there is no evidence to suggest that her work performance would suffer because of her caregiving duties. Similarly, single women workers might be overlooked for promotions in favor of men or employees without children, based on the assumption that a single woman is more likely to leave the workforce if she becomes a mother. This assumption is grounded in stereotypes about women's "primary" role as caregivers and their professional commitment being secondary.

This concept is often considered the opposite of the glass ceiling theory mentioned in the Glass Escalator theory. This occurs due to gendered expectations and structural advantages associated with being male.²²

The following example addresses a practice that provides a schedule clashing with family interests, despite offering flexible hours to single or childless workers. Imagine a company that offers flexible work hours, enabling employees to adjust their start and end times to meet personal needs. However, this flexible scheduling policy is not applied equally to all employees. Single workers or those without children can choose their hours or work remotely when necessary. In contrast, employees with children or family obligations receive schedules that conflict with their family needs. For instance, a mother of two young children might find herself assigned shifts requiring her to work late into the evening or on weekends, typically when she needs to be at home with her children.

In contrast, a single worker without children may have the flexibility to arrive later, leave earlier, or work from home on days when they have personal errands or appointments, without encountering any pushback from management. This situation unfairly burdens employees with caregiving responsibilities, making it difficult for them to balance their family and professional lives. For instance, a mother may be required to work late hours, which conflicts with her ability to pick up her children from school or care for them in the evenings. Meanwhile, her colleagues without children can manage their personal lives without these constraints. As a result, workers with children may feel pressured to either sacrifice family time or, in some cases, leave their jobs entirely due to the absence of scheduling support.

Lastly, fabricating work infractions or performance deficiencies to justify the dismissal of employees with family responsibilities can occur. This can involve

²² Maulida Nurul Innayah & Bima Cinintya Pratama, 'Tantangan dan Kesempatan Wanita Dalam Lingkungan Kerja', *Derivatif: Jurnal Manajemen* 13 (2019): 8-15.

targeting a worker's perceived poor performance or misconduct as a reason for termination, even when the actual motive is their caregiving duties or family responsibilities. This type of discrimination is often covert and difficult to prove, yet it undermines workers' rights and reinforces gender inequality in the workplace. For example, consider a woman who has worked at a company for several years and consistently met her performance goals. Despite her strong track record, her employer creates a narrative suggesting her work is subpar. For instance, the employer might allege that she has missed deadlines, failed to meet expectations, or demonstrated poor teamwork. These accusations are either fabricated or exaggerated,

The employer might highlight minor mistakes or typical errors in any job and exaggerate them to justify their decision to dismiss her. However, the real reason for her termination is her increasing need to take time off for family-related responsibilities. The employer may be frustrated with her family-related absences and, rather than offering support—such as flexible scheduling or temporary accommodations—decides to let her go by citing fabricated performance issues as a cover for the actual cause: her caregiving responsibilities. The circumstances described above are workplace discrimination that can lead to worker losses. Those with family responsibilities often have limited options when faced with the intersection of family and work obligations. Therefore, it is crucial to protect workers with family responsibilities.

In international labor law, the International Labour Organization (ILO) has established a framework for addressing potential conflicts of interest in fulfilling employment responsibilities when workers have family obligations.²³ This is outlined in ILO Convention No. 156 of 1981 regarding workers with family responsibilities. "Worker with family responsibilities" refers to a worker caring for minor children or other immediate family members who require their support. This convention seeks to prevent and address discrimination in employment and job positions.

There are three main points in the convention: **first**, employers should consider the needs of workers and their families regarding employment relations and social security. Employers should recognize that the well-being of their workers is closely tied to their families' needs. Therefore, employment relations and social security policies should consider these needs. By considering their workers' demands, employers can create a supportive environment that allows them to balance their professional and familial responsibilities. This helps workers manage personal obligations, such as childcare or eldercare, and fosters loyalty, reduces stress, and improves overall job satisfaction. When employers prioritize the needs of workers and their families, they contribute to a more engaged and productive workforce while also demonstrating a commitment to the long-term well-being of their employees. By providing this support, companies can foster a culture of inclusivity and fairness that benefits individual workers and the organization.

²³ UN Women, (2022), Regulatory Impact Assessment of C156-Workers with Family Responsibilities Convention, *Academic Paper*.

Second, equality and equitable treatment opportunities for workers with family responsibilities are crucial for creating a fair and inclusive workplace. Employers should ensure that all employees, irrespective of their family obligations, have the same opportunities for career advancement, training, and benefits. This involves providing support systems that allow workers to manage their family roles without facing penalties or being overlooked in their professional growth. Employers can cultivate a more diverse and balanced workforce by eliminating biases that favor workers without family responsibilities, where employees feel valued and supported. Guaranteeing equal treatment for workers with family responsibilities not only advances gender equality but also enhances overall job satisfaction, retention, and productivity, fostering a healthier work environment for all employees.

Third, family responsibilities should never be a valid reason for terminating employment. Employers must understand that workers with caregiving duties—whether for children, elderly relatives, or other family members—should not face job insecurity or discrimination because of their obligations at home. Terminating an employee due to family responsibilities undermines their rights and perpetuates gender inequality, particularly as women are often unfairly targeted in these situations. Workplaces should support their employees by offering flexible hours, family leave, and accommodations that allow them to balance their professional and family responsibilities. Prohibiting terminations based on family duties ensures that workers maintain job security while managing their personal lives, contributing to a more inclusive, fair, and productive work environment.

In the convention, the ILO does not distinguish between female and male workers. The ILO Convention is an excellent step in guaranteeing the protection of workers with family responsibilities. However, the ILO Convention is still very general and does not provide clear guidelines on legally protecting against discriminatory acts against workers with family responsibilities. It also includes how to concretely offer a solution to balance family responsibilities with job responsibilities and guidelines on what employers and workers should do if there is an intersection between the two responsibilities simultaneously. The issue of worker protection with family responsibilities is fundamental because the existence of the family and its responsibilities are universal and affect nearly every worker, regardless of gender, ethnicity, race, religion, or country of origin. Equal treatment and opportunities in the workplace are fundamental human rights that must be ensured.

From Indonesia's perspective, ILO Convention No. 156 has not yet been ratified by the country. The issue of workers with family responsibilities is frequently observed in Indonesia. Regarding gender, traditionally, the social structure in most of Indonesian society views domestic duties as primarily a woman's responsibility. Tasks like maintaining a clean home, cooking, and caring for family members—husbands and children—are assigned to women as wives. Even at a broader family level, the care of extended family members, such as fathers and mothers, is also predominantly the responsibility of women. This division of roles can worsen the conditions for women,

especially if they are also working. Given this reality, the risk of rights violations and discriminatory actions against workers with family responsibilities in Indonesia is undoubtedly heightened.

The central legal umbrella of labour law in Indonesia currently in force is Law Number 13 of 2003 *juncto* Law Number 6 of 2023. Although Indonesia has not ratified ILO Convention Number 156, the author tries to review whether the rule's substance has been harmonized with the mandate of the relevant ILO Convention. This can be seen in the table below:

Table 1. Comparison between ILO Convention Number 156 and Indonesia's Labour Law Related to Workers with Family Responsibilities						
ILO Conv	Consideration of the needs of workers and their families in the conditions of employment relations and social security	of Equality of treatment opportunities for workers of family responsibilities	and Prohibition that family responsibilities should not be a reason for termination of employment			
Indonesia	Every worker has the right to equal treatment without discrimination from employers			V		
	Women workers should be given a proper opportunity to breastfeed their children during working hours	V				
	Employers are prohibited from terminating employment because women workers are pregnant, giving birth, miscarriage, or breastfeeding their babies				V	
	Every worker and his or her family is	V				

entitled to labour social security	
To improve the welfare of workers and their families, employers are obliged to provide welfare facilities	V
Employers are prohibited from making pregnant women workers work if it is dangerous for their health between 11 PM and 7 AM	V
Women employees are entitled to maternity leave or miscarriage leave	V
The wage component calculates severance pay, and service period appreciation money consists of fixed allowances given to workers and their families	V
If the authorities detain the worker on suspicion of committing a criminal act, the employer must assist financially the worker's family, who is his dependent	V
The worker's heirs are entitled to their rights in the event	V

of their death

Employers are still obliged to pay wages if the workers do not come to work because the workers are married, married their children, circumcised their children, baptized their children, the wife gives birth or miscarriage, the husband or wife or child or son-in-law or parents or in-laws or family members in one house die

V

Sources: Author's Self Analysis

As stated in the ILO Convention, the Labour Law in Indonesia still does not distinguish between female and male workers regarding family responsibilities. There are only a few special rights for female workers related to their reproductive protection. The rules in the Labour Law in Indonesia are still very general and do not provide clear guidelines on how to protect against discriminatory acts against workers with family responsibilities legally. It also includes how to concretely provide a solution to balance family responsibilities with work duties and guidelines on what employers and workers should do if there is an intersection between the two responsibilities simultaneously. This means that the existing arrangements still need to be able to accommodate the related protection of workers with family responsibilities.

III. DIGITAL WORKPLACE TREND

The development of the times, including the development of information and communication technology, will always affect every line of people's lives, from the economic system, social and political to daily life. Remember also that employment will also be affected. As stated, "mechanization first, automation later, have been

transforming human labour for decades".²⁴ The development of technology is directed to facilitate human activities, including in the process of completing work. As a result, technological changes will undoubtedly have an impact on employment.

As the adage goes, "changes in society induce change in the law," alterations in employment will undoubtedly impact changes in the legal system and its coverage. The evolution of global labor law has always been driven by the momentum of the Industrial Revolution. Arnold Toynbee first introduced the concept of the Industrial Revolution in his book, *Lectures on the Industrial Revolution*. The initial significant change was marked by the first industrial revolution, specifically the invention of the steam engine. The second industrial revolution arose with the invention of electricity, while the third industrial revolution began with the advent of the computer. Finally, the fourth industrial revolution commenced in 2011 at the German Hanover Fair, which primarily focused on the development of products for Internet media. The fourth industrial revolution has reached Indonesia, where advancements in information and communication technology have progressed beyond basic computers and the internet to cloud computing, big data, and artificial intelligence.²⁵

Technological determinism theory suggests that technology shapes society, including organizational structures and social behavior.²⁶ In digital transformation, this theory argues that technological advancements drive changes in work practices, relationships, and organizational hierarchies.²⁷ For example, automation, artificial intelligence (AI), and machine learning might reshape roles, leading to job displacement in specific sectors while creating new opportunities in others.²⁸

Jürgen Habermas's theory of communicative action also focuses on the role of communication in shaping social coordination and collective decision-making.²⁹ In the workplace, digital transformation has changed how communication takes place, from traditional face-to-face meetings to virtual collaborations using digital tools like Zoom, Slack, or Microsoft Teams. Habermas's ideas can be applied to understanding the impact of digital communication tools on workplace culture, power relations, and organizational transparency.³⁰

²⁴ S Schillerwein, *The Digital Workplace - Redefining Productivity in The Information Age (Business)*, (Baden: Infocentric Research AG, 2011), 35.

²⁵ International Labour Organization, *Digital Labour Platforms and The Future of Work: Towards Decent Work in The Online World*, (Geneva: International Labour Organization, 2018), 61.

²⁶ Yuko Onozaka & Kumiko Nemoto, *Digital Transformation, Leadership, and Gender Equality: Are They Related?* In: "Adopting and Adapting Innovation in Japan's Digital Transformation", (London: Springer, 2023), 155-173.

²⁷ Rendao Ye & Xinya Cai, 'Digital Transformation, Gender Discrimination, and Female Employment', *Systems* 12, no. 5 (2024): 1-19.

²⁸ Marinko Skare, Beata Gavurova & Viliam Kovac, 'Female Entrepreneurship Involvement in Digital Transformation Process Through Perspective of Gender Employment dan Pay Gaps', *International Entrepreneurship and Management Journal* 21, (2025): 1-21.

²⁹ Galina Bannykh, *Gender Digital Inequality: Conceptualization and Practices*, (London: Springer, 2021), 167-181.

³⁰ Luiz Antonio Joia & Lineu Fachin Leonardo, 'The COVID-19 Pandemic and the Digital Transformation of Workplace: the Social Representation of Home-Office' *Sustainability* 15, no. 20, (2023): 1-20.

As mentioned above, technological changes will impact the employment field. Technology is now directly integrated into the company's production and operational processes and is closely tied to worker activities. Inevitably, work relationships will also be affected. In the past, for example, technology in the form of computers could only be used in the workplace, necessitating those workers be physically present to operate the equipment. This contrasts with today's advancements in personal computers, devices, and the internet, which have evolved rapidly. As a result, tasks that once needed to be performed in a single physical location can now be completed from anywhere. Working outside the traditional workplace is referred to as telework.

There are two types of company implementations of this telework system. The first is a hybrid, where only part of the work can be done outside the workplace while others remain inside the company building. The second model is the most recent, the digital workplace. This digital workplace model is a new way of completing work using information and communication technology.

The digital workplace is thriving, driven by the COVID-19 pandemic, which necessitates physical distancing within the community. With the digital workplace, employees do not need to be physically present in the office building, as digital technology serves as the 'office,' as the term digital workplace suggests. This digital workplace is increasingly popular among entrepreneurs because it is viewed as an efficient and cost-effective management alternative.³¹ One of the operational costs saved through this digital workplace is the expense of maintaining a physical office, which has seen soaring prices along with other related operational costs, particularly electricity.

IV. DIGITAL WORKPLACE AS A SOLUTION FOR BALANCING WORK DUTIES AND FAMILY RESPONSIBILITIES FOR WORKERS

Workers face a significant dilemma when balancing family and work responsibilities that must be managed simultaneously. The conditions for this intersection, discussed in the previous section, can lead to discrimination and other adverse actions against workers in the workplace. Therefore, efforts to protect workers with family responsibilities against discrimination must provide solutions for situations where these two responsibilities overlap.

The nature of work management in the digital workplace trend can provide support for workers to balance family responsibilities and professional duties. The digital workplace offers a means of organizing work that can be performed anywhere and at any time, provided that workers have access to the necessary devices and internet connectivity. This is since work in the digital workplace system is conducted solely through a digital platform, eliminating the need for traditional office

³¹ Ursula Huws, 'Working Online, Living Offline: Labour in The Internet Age', *Work Organisation, Labour & Globalisation* 7, no. 1, (2013): 1-11.

environments. The digital workplace provides significant convenience and flexibility, ensuring work is not constrained by location or time.

With its inherent flexibility and innovative technologies, the digital workplace holds significant potential to help balance work and cultural roles, especially for women in gendered societies. While traditional work structures frequently clash with familial and cultural responsibilities, digital work environments can foster a more equitable balance by providing workers greater autonomy and opportunities to merge their professional and family roles. One of the most notable advantages of digital workplaces is their flexibility, particularly concerning work hours and location.

Women, especially in gendered societies, often face societal expectations to take on primary caregiving roles, such as raising children, caring for elderly family members, and managing household tasks. This cultural burden can restrict their ability to participate in traditional 9-to-5 work settings. Women can create their schedules by working digitally, allowing them to allocate time to family and professional commitments. For instance, mothers can arrange their work hours around their children's school schedules, enabling them to be present for key moments like school events, mealtimes, or appointments without sacrificing their career ambitions. This flexibility helps dismantle the rigid gender roles that often dictate women's responsibilities at home and allows them to balance both family and work obligations better.

In a traditional office environment, commuting can be a significant obstacle to achieving a work-life balance, especially for women who may already face pressure to manage family responsibilities. The time spent commuting cuts into the hours available for household duties, personal care, or family time, which can lead to increased stress and burnout. The digital workplace removes the need for commuting, allowing women more time to engage in family roles and self-care. Reducing stress and time pressures can promote a healthier work-life balance, as women can now allocate their time more effectively between personal and professional pursuits. Without the physical need to travel to an office, women can redirect the time saved toward their family responsibilities, lessening the conflict between their work and cultural roles as caregivers.

Digital workplaces can help dismantle traditional gender barriers, allowing women to engage in professional roles from which they may have been excluded in more rigid, physical environments. In a gendered society, certain professions and leadership positions have historically been dominated by men, often sidelining women from opportunities for advancement due to biases or cultural expectations. Digital platforms and remote work can foster a more inclusive environment where women are evaluated more by the quality of their work than by their physical presence or traditional gender norms. As digital workplaces typically prioritize productivity and results over "face time," women can showcase their skills and contribute to projects without the limits of gender-based discrimination. This access to a broader array of career opportunities helps address gender disparities, allowing women to excel in

professional roles without feeling the need to sacrifice their cultural responsibilities within the family.

Digital workplaces can be designed to enhance employee well-being, explicitly addressing women's needs in gendered societies. For example, offering flexible working hours, paid family leave, and cultivating a culture promoting work-life integration can significantly reduce women's pressures. With work being more adaptable to personal circumstances, women can take leave to care for a newborn, attend to a sick family member, or manage other family-related responsibilities without encountering negative repercussions in their careers. Furthermore, remote work provides women the opportunity to operate in environments where they feel comfortable and safe, which is particularly critical for those living in patriarchal or restrictive cultures. A more flexible, remote work structure can empower women to work while feeling supported by their workplace, free from potential biases or microaggressions that may arise in a traditional office environment.

Digital tools, such as communication platforms, project management software, and online collaboration tools, can empower women to take greater control over their work processes and engage in more autonomous decision-making. This empowerment is especially significant in a gendered society where women often do not have the same level of decision-making power or representation in the workplace. Technology enables women to work more efficiently, set schedules, and access resources supporting their professional development and leadership aspirations. Women in digital workplaces can also build strong virtual support networks of colleagues, mentors, and peers, fostering professional growth and personal development. These connections are particularly valuable for women in gendered societies, where cultural restrictions or biases may limit access to mentorship or networking opportunities. Digital work environments allow women to find supportive communities, enhance their skills, and advance their careers without conforming to traditional gender norms.

Digital workplaces also offer an opportunity to create more inclusive and supportive work cultures for women by prioritizing diverse perspectives and accommodating specific needs. For example, organizations can implement policies that promote gender equality, such as removing biases in performance reviews, ensuring equal access to career advancement, and supporting women's mental and physical health through wellness programs and flexible work arrangements. By cultivating an inclusive culture, digital workplaces can empower women to fulfill their professional roles without the pressure of societal norms that may expect them to focus solely on their family responsibilities. This cultural shift can foster an environment where women can pursue their career ambitions while balancing their familial duties, leading to a healthier work-life balance.

The convenience and flexibility of the digital workplace can effectively address the conflict between family duties and work obligations for workers with family responsibilities. Implementing remote work that can be done anytime and anywhere will facilitate workers' management of their family responsibilities, allowing for more leisurely time and location adjustments. Workers no longer have to be in two different

places at once when both sets of responsibilities demand attention simultaneously. They can stay where their family responsibilities arise while completing work tasks, as these can be performed anywhere.

Although the digital workplace can solve the situation experienced by workers with family responsibilities, many things still need to be considered in its application. The digital workplace, especially in Indonesia, still needs to be adopted by Law Number 13 of 2003, juncto Law Number 6 of 2023, which forms the primary legal framework for labor law in Indonesia. Additionally, the digital workplace represents a new mode of work implementation that significantly differs from traditional working methods. The variations in the form and mechanics of work execution can also lead to differences in employment relations implementation.

Some aspects of work relations that the digital workplace implementation model can influence include, **first**, working hours and rest periods. These elements are crucial dimensions of the employment relationship because they directly relate to how workers implement and complete their tasks as part of their obligations and achievements within the employment relationship with the employer. When the digital workplace model is adopted as a company's operational system, employees perform their tasks outside the traditional workplace. This work can occur from various locations due to digital platforms and tools acting as a 'workplace.' However, this digital workplace model can pose challenges in terms of working hours. With employees working remotely, it becomes more difficult for employers to monitor compliance with the company's established working hours system. This difficulty arises because workers are not under the employer's direct supervision. Consequently, tracking working hours becomes challenging unless the digital platform or tool provided by the employer as a 'workplace' is equipped to address this in its design.

Determining whether a worker has completed their job for seven or eight hours, or how many hours they have worked, is likely to pose a challenge in employment relations within the company. Monitoring the implementation of working hours in the complex digital workplace model will also affect workers' rest time enforcement. It is clear from laws and regulations that employers are obligated to provide rest periods. Break time holds significant importance and presents a problem in the digital workplace model: the rest time between working hours. Tracking workers' hours alone will be difficult, particularly when managing rest time between shifts. In the digital workplace model, the necessity for direct supervision by employers will complicate tracking work hours.

Consequently, tracking the implementation of overtime will also become problematic due to the uncertainty surrounding working hours. It is challenging to determine when workers start and finish their shifts and when their overtime begins and ends, especially in flexible working arrangements where employees can decide when to start each day. Issues that may appear straightforward in traditional work relationships will become highly complex in this digital workplace model. If we are not

vigilant, workers' rights regarding working hours, rest periods, and wages may be compromised.

Second, occupational safety and health. Law Number 1 of 1970 concerning Occupational Safety affirms that the workplace is where an occupational safety and health management system is implemented for all parties. Implementing an occupational safety management system in the digital workplace model presents challenges due to the absence of a defined workplace. Workers can perform their tasks from anywhere and may change locations daily. One worker may operate from one site while another works elsewhere. Employers can only develop a clear and general occupational safety and health management system if all workers simultaneously undertake their duties in a single workplace. Ensuring occupational safety and health guarantees for digital workplace employees presents a new challenge that does not exist in traditional work relationship models.

The occupational safety and health management system is designed to minimize the risk of work-related accidents. Work accidents pertain to incidents associated with employment relationships, including illnesses that stem from work relations and accidents occurring during commutes to and from work via ordinary or reasonable routes. The workplace is a fundamental benchmark for determining if an incident qualifies as a work accident, as only accidents occurring at work or during commutes to or from work can be categorized as such. Implementing a digital workplace model where the workplace is uncertain or ambiguous complicates identifying work accidents.

Third, workers' freedom of association is crucial. The right to associate and assemble is legally recognized in a trade union. The trade union aims to enhance workers' bargaining power against employers. When there is only one worker, their position is weak; however, if organized within a legal and structured framework, it is expected to become more robust. The emergence of a digital workplace model, where workers perform their tasks outside of traditional work environments, will undoubtedly impact the implementation of the right to freedom of association within trade unions.

Moreover, the worker does not interact directly with employers or other employees. In this context, the digital workplace model can undermine the right to freedom of association. Implementing this model changes the understanding of collectivism in employment relationships.³² The scenario in which workers perform their tasks independently outside the traditional workplace will reinforce the nature of individualism. Workers who do not engage with employers and other employees within the company may feel a lack of belonging to their work community. Employees might not know each other when adopting a comprehensive digital workplace model. They lack meaningful connections because interactions through digital platforms differ from the deep relationships built through face-to-face communication. A familiar

³² Alih Aji Nugroho, *Serikat Buruh dalam Pusaran Neoliberalisme: Antara Kontrol Represif dan Ilusi Kebebasan Berserikat*, (Yogyakarta: Gadjah Mada University Press, 2019), 47.

atmosphere, along with developing a sense of family, bonding, and shared values, will be rare.

A digital workplace model will diminish interest and opportunities for workers to unionize and participate in trade unions. As a result, the company's presence concerning the trade union will be reduced. This situation will threaten the power base of workers in employment relations. If the digital workplace model is increasingly implemented across various companies, the broader impact is the potential reduction of labor unions' dominance in employment relationships. The opportunities for workers to join and engage in trade unions will decrease. The strength of labor unions primarily comes from their members. The resonance of the trade union struggle will be louder if its members are more active in the movement. Otherwise, it will hinder the trade union's ability to advocate for a bargaining position and uphold workers' rights.

Fourth is dispute resolution. In the legal relationship between employers and employees, friction can arise due to inconsistencies in implementing employment agreements and laws or from differences in opinion. This friction can escalate into a conflict known as an industrial relations dispute under Indonesian labor law. The procedure for resolving such disputes is outlined in Law Number 2 of 2004. The use of a digital workplace model in employment relations may create challenges in the event of industrial relations disputes and their resolution procedures. A primary difficulty lies in determining the legal standing of the settlement institution, particularly regarding the worker's location. Defining workers' locations in a digital workplace model is complex because their work can occur anywhere, whether at home or elsewhere, and even across different cities and countries. Establishing this legal position introduces a new issue within the dispute resolution process.

Additionally, employing a digital workplace model that permits remote work can complicate the dispute resolution procedure, as the distance between workers and employers can be a barrier. However, Law Number 2 of 2004 does not explicitly require that bipartite negotiations occur face-to-face. This allows online methods, such as teleconferencing, to be utilized in bipartite bargaining. This approach is comparable to practices during the COVID-19 pandemic, when court trials were conducted using similar methods. Nonetheless, vague accommodation arrangements can hinder effective implementation.

Fifth, there is an urgent need for the emergence of the right to disconnect. This new phenomenon also encourages experts to propose additional rights for workers, aimed at shaping employment relations in the context of digital technology or digital rights. Jacopo Coccoli³³ emphasized that digital rights are essential in today's digital era due to the implications of access to various digital technologies in workplace relationships. According to experts, it is unacceptable for this digital right not to be recognized as one of the new categories of human rights. Regarding this digital workplace model, a related right is the right to disconnect. Experts argue that workers

³³ Jacopo Coccoli, 'The Challenges of New Technologies in the Implementation of Human Rights: An Analysis of Some Critical Issues in the Digital Era', *Peace Human Rights Governance* 1, no. 2, (2017): 223-250.

who rely on digital media as their work platform should be granted the right to disconnect, which includes limiting internet and account access after designated working hours. This right is crucial for establishing a clear boundary between work time and rest time.

Additionally, it protects workers from hidden overtime practices that employers might engage in. In Indonesia, however, no laws or regulations accommodate this right to disconnect. This right is particularly vital in the digital workplace, as it can protect workers and aid them in navigating exploitative practices related to working and resting hours enforced by employers.

The analysis shows that the digital workplace can help balance the intersection between family and work responsibilities. With a digital workplace, employees can work from anywhere anytime, reducing dilemmas associated with fulfilling family responsibilities during specific times. This situation can minimize discrimination against workers with family obligations in the workplace. However, despite its benefits for workers, particularly those with family responsibilities, implementing the digital workplace must be approached with care. Employment law still needs to adequately support the implementation of the digital workplace as a viable method of conducting work to ensure it does not negatively impact five essential aspects of employment relations.

V. CONCLUSION

The digital workplace offers a solution to balance the needs of workers with family responsibilities when conflicts arise between these obligations and work duties. It allows individuals to perform their tasks from anywhere, anytime, providing convenience and flexibility for those with family commitments. The digital platforms in this environment enable employees to fulfill their work duties while managing family obligations. This can help reduce discrimination against workers with family responsibilities and strengthen the protection of their rights.

Meanwhile, while it offers excellent benefits for workers with family responsibilities, carefully implementing the digital workplace is essential. The change in how work is performed in the digital workplace will impact five key aspects of the employment relationship: working hours and breaks, occupational safety and health, freedom of association, dispute resolution, and the right to disconnect. Labor law must adequately address these five critical aspects of implementing the digital workplace. If not executed carefully and adequately accommodated, the digital workplace can create new challenges and negatively affect employment relationships.

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