

REGULATION OF THE PROVINCE OF WEST SUMATERA
NUMBER 7 OF 2019
ON
MANPOWER IMPLEMENTATION

BY THE BLESSINGS OF ALMIGHTY GOD

GOVERNOR OF WEST SUMATERA,

- Considering :
- a. that manpower implementation is a part of national development carried out in developing Indonesian people completely to realize a well, just, prosperous and equitable society;
 - b. that in the manpower implementation as referred to in point a, the local government makes effort to enhance Workers' quality, productivity, and welfare that are well-planned and programmed in integrated labour inspection for harmonious, dynamic and just Industrial Relations against challenge of needs of Workers in the future;
 - c. that for the manpower implementation as referred to in point b, it needs to establish regulation to provide legal certainty regarding manpower implementation that accommodates region special conditions;
 - d. that based on the considerations as referred to in point a, point b and point c, it is necessary to issue a Regional Regulation on Manpower Implementation;
- Observing :
1. Article 18 section (6) of the 1945 Constitution of the Republic of Indonesia;

2. Law Number 61 of 1958 on Enactment of Emergency Law Number 19 of 1957 on Establishment of Autonomous Regions Level I of West Sumatera, Jambi and Riau as a Law (State Gazette of the Republic of Indonesia of 1958 Number 112, Supplement to the State Gazette of the Republic of Indonesia Number 1646);
3. Law Number 13 of 2003 on Manpower (State Gazette of the Republic of Indonesia of 2003 Number 39, Supplement to the State Gazette of the Republic of Indonesia Number 4279);
4. Law Number 2 of 2004 on Industrial Relations Disputes Settlement (State Gazette of the Republic of Indonesia of 2004 Number 6, Supplement to the State Gazette of the Republic of Indonesia Number 4356);
5. Law Number 40 of 2004 on National Social Security System (State Gazette of the Republic of Indonesia of 2004 Number 150, Supplement to the State Gazette of the Republic of Indonesia Number 4456);
6. Law Number 24 of 2011 on Social Security Agency (State Gazette of the Republic of Indonesia of 2011 Number 116, Supplement to the State Gazette of the Republic of Indonesia Number 5256);
7. Law Number 23 of 2014 on Local Governance (State Gazette of the Republic of Indonesia of 2014 Number 244, Supplement to the State Gazette of the Republic of Indonesia Number 5587) as amended several times and last by Law Number 9 of 2015 on the Second Amendment to Law Number 23 of 2014 on Local Governance (State Gazette of the Republic of Indonesia of 2015 Number 58, Supplement to the State Gazette of the Republic of Indonesia Number 5679);
8. Law Number 18 of 2017 on Protection of Indonesian Migrant Workers (State Gazette of the Republic of Indonesia of 2017 Number 93, Supplement to the State Gazette of the Republic of Indonesia Number 4866);

9. Government Regulation Number 31 of 2006 on National Work Training System (State Gazette of the Republic of Indonesia of 2006 Number 67, Supplement to the State Gazette of the Republic of Indonesia Number 4637);
10. Government Regulation Number 15 of 2007 on Procedures for Obtaining Manpower Information and Drafting as well as Implementation of Manpower Planning (State Gazette of the Republic of Indonesia of 2007 Number 34, Supplement to the State Gazette of the Republic of Indonesia Number 4701);
11. Government Regulation Number 50 of 2012 on Management of Occupational Health and Safety (State Gazette of the Republic of Indonesia of 2012 Number 100, Supplement to the State Gazette of the Republic of Indonesia Number 5309);
12. Government Regulation Number 33 of 2013 on Expansion of Employment Opportunities (State Gazette of the Republic of Indonesia of 2013 Number 75, Supplement to the State Gazette of the Republic of Indonesia Number 5413);
13. Government Regulation Number 78 of 2015 on Wages (State Gazette of the Republic of Indonesia of 2015 Number 237, Supplement to the State Gazette of the Republic of Indonesia Number 5747);
14. Presidential Regulation Number 21 of 2010 on Labour Inspection;
15. Presidential Regulation Number 8 of 2012 on Indonesian National Qualification Framework;
16. Presidential Regulation Number 20 of 2018 on Foreign Workers Utilization;
17. Regulation of the Minister of Manpower of Transmigration Number PER.22/MEN/IX/2009 on Implementation of Domestic Apprenticeship;
18. Regulation of the Minister of Manpower of Transmigration Number PER.16/MEN/XI/2010 on Macro Workers Planning;

19. Regulation of the Minister of Manpower of Transmigration Number PER.17/MEN/2010 on Micro Workers Planning;
20. Regulation of the Minister of Manpower of Transmigration Number 11 of 2013 on Implementation Guidelines on National Work Training System in Regions;
21. Regulation of the Minister of Manpower of Transmigration Number 8 of 2014 on Guidelines for Organizing Competency-Based Training;
22. Regulation of the Minister of Manpower Number 28 of 2014 on Procedures for Making and Endorsement of Company Regulation as well as Making and Registration of Collective Employment Contract;
23. Regulation of the Minister of Manpower Number 2 of 2016 on National Work Competency Standardization System;
24. Regulation of the Minister of Home Affairs Number 80 of 2015 on Making of Regional Legal Products, as amended by Regulation of the Minister of Home Affairs Number 120 of 2018 on Amendment to Regulation of the Minister of Home Affairs Number 80 of 2015 on Making of Regional Legal Products;
25. Regulation of the Minister of Manpower Number 6 of 2016 on Religious Holiday Allowance for Workers/Labourers in Company;
26. Regulation of the Minister of Manpower Number 20 of 2016 on Procedures for the Imposition of Administrative Sanctions in Government Regulation Number 78 of 2015 on Wages;
27. Regulation of the Minister of Manpower Number 29 of 2016 on Nomenclature Guidelines on Provincial and Regency/Municipal Manpower Offices;
28. Regulation of the Minister of Manpower Number 33 of 2016 on Procedures for Labour Inspection;
29. Regulation of the Minister of Manpower Number 34 of 2016 on Training Institution Accreditation;
30. Regulation of the Minister of Manpower Number 39 of 2016 on Workers Placement;
31. Regulation of the Minister of Manpower Number 8 of 2017 on Training Office Standards;

32. Regulation of the Minister of Manpower Number 10 of 2018 on Foreign Worker Utilization Procedure;

With the Joint Approval of
THE PROVINCIAL HOUSE OF REPRESENTATIVES
and
THE GOVERNOR OF WEST SUMATERA

HAS DECIDED:

To issue : REGIONAL REGULATION ON MANPOWER IMPLEMENTATION.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Regional Regulation:

1. Region means Region of West Sumatera Province.
2. Local Government means the Government of the Province of West Sumatera.
3. Governor means the Governor of West Sumatera.
4. Employment Placement Services means a system that includes labour market information, job counseling, mentoring and intermediaries.
5. Local Employment Placement Services (*Antar Kerja Lokal*) hereinafter abbreviated as AKL means an Employment Placement Services system for single regency/municipality or more within a province.
6. Inter Provincial Employment Placement Services (*Antar Kerja Antar Daerah*) hereinafter abbreviated as AKAD means an Employment Placement Services system for inter provincial level in the territory of the Republic of Indonesia.
7. Child means any person under 18 (eighteen) years old.
8. Compensation Fund for Foreign Worker Utilization (*Dana Kompensasi Penggunaan TKA*), hereinafter abbreviated as DKP-TKA, means the compensation that must be paid by Entrepreneur of TKA on the TKA utilization as PNBP or Local Revenues.

9. Office means Instruments of the Province of West Sumatera that is responsible for mandatory government affairs in the field of Manpower.
10. Regency/Municipal Office means local instruments administering government affairs in the field of manpower in Regencies/Municipalities.
11. Employment Relation means relation between Employer and Workers/labourers based on employment contract, having work elements, Wages and order.
12. Industrial Relations means a relation system built between actors in production process of goods and/or services consisting of elements of Employer, Workers/labourers, and government under the values of Pancasila and the 1945 Constitution of the Republic of Indonesia.
13. Employment Opportunities means job vacancies filled with Job Seekers and existing workers.
14. Manpower means any things related to Worker for either before, during or after work.
15. Work Competency means work capabilities of any individual covering aspects of work knowledge, skills, and attitude appropriate with determined standards.
16. Mediator means neutral party assisting parties that in negotiation process seek for various possibilities of dispute settlement without cutting off or forcing a settlement.
17. Job Seeker means a workforce that is either jobless and looking for employment or already working but wanting to change job or work over, either at home or abroad by self-applying to Work Placement administrator or directly applying for job to an Entrepreneur.
18. Labour Market Information (*Informasi Pasar Kerja*), hereinafter abbreviated as IPK means information regarding characteristics of needs and supply of Workers, either at home or abroad.

19. Labour Inspection means Inspection carried out to inspect the Manpower legislation to be obeyed, operationally carried out by Labour Inspectors.
20. Occupational Health and Safety (*Keselamatan dan Kesehatan Kerja*) Examiner hereinafter referred to as K3 Examiner means a civil servant whose duty, responsibility, authority and rightfully are to carry out K3 examination and competency.
21. Expansion of Employment Opportunity means an effort to create new new jobs and/or develop existing jobs.
22. Productivity means a term in produce activities as a comparison between output and input or is a measurement to state how resources are managed and utilized to achieve optimum results.
23. Workers Planning (*Perencanaan Tenaga Kerja*) hereinafter abbreviated as PTK means a process to draft Manpower planning systematically and constitutes a basis and reference in making policies, strategies, and implementation of continuous Manpower development program.
24. Macro Workers Planning (*Penyusunan Tenaga Kerja*) hereinafter referred to as PTK Macro means a process to draft Manpower planning systematically that contains optimum and productive Workers utilization to promote economic growth or social development, either nationally, regionally, or sectorally so can expand employment opportunities, enhance work Productivity and Workers/labourers welfare.
25. Micro Workers Planning (*Penyusunan Tenaga Kerja*) hereinafter referred to as PTK Micro means a process to draft Manpower planning systematically in an institution/agency, either government, provincial government, regency/municipal government or private institutions in order to enhance optimum and productive Workers utilization to promote well-achieved work performance in institution/agency or Company concerned.

26. Workers Placement means a process of placement services that are provided for Job Seekers in seeking jobs.
27. People with Disabilities means any persons having disabilities physically, intellectually, mentally and/or sensorial in a long time that in interaction with surroundings may have obstacles and difficulties to fully and effectively participate with other citizens under rights equity.
28. Collective Employment Contract (*Perjanjian Kerja Bersama*) hereinafter abbreviated as PKB means a contract resulted from negotiation between two trade unions or between several trade unions registered in institutions responsible for the field of Manpower and an Employer or several Employers or Employer union fulfilling the requirements of work, rights and obligation between two parties.
29. Entrepreneur means an individual, a Business Person, a legal entity, or other entities employ Workers by paying their Wages or other forms of compensation.
30. Entrepreneur of Foreign Worker (*Tenaga Kerja Asing*) hereinafter referred to as Entrepreneur of TKA means a legal entity or others that employ foreign workers by paying their Wages or other forms of compensation.
31. Company means:
 - a. every form of business, which is either a legal entity or not, which is owned by an individual, a partnership or a legal entity that is either privately owned or State-owned, which employs workers/labourers by paying their Wages or other forms of compensation;
 - b. social entity and other entities that have Manager and employ other people by paying their Wages or other forms of compensation.
32. Employer means:
 - a. an individual, a partnership, or a legal entity that runs its own company;

- b. an individual, a partnership, or a legal entity that independently runs a non-self-owned company;
 - c. an individual, a partnership, or a legal entity located in Indonesia and representing a company as referred to in point a and point b that is domiciled outside the territory of Indonesia.
33. Worker/labourer means any person who works and receives wages or other forms of compensation.
34. Workers Planning (*Perencanaan Tenaga Kerja*), hereinafter abbreviated as PTK means a systematic drafting process of Manpower plan as a basis reference in formulating policies, strategies, and implementing program of continuous Manpower development.
35. Training means activities to provide, get, enhance as well as develop Work Competency, Productivity, discipline, attitude and work ethic at certain skills and expertise levels in accordance with position and work qualifications level.
36. Competency Cluster-Based Training means training based on competency organizing based on business/industrial/labour market/workplace needs.
37. Apprenticeship means a part of training system that is carried out in integrated manners between training in training institutions directly under the guidance and supervision of more experienced instructors or Workers/labourers, in the process of producing goods and/or services, in order to master certain skills or expertise.
38. Workers Placement Service means an activity to bridge Workers and Entrepreneurs so the Workers may get a job suited to their talents, interests, and capabilities while the Entrepreneurs may get Workers according to their needs.
39. Employment Contract means an agreement between Workers/labourers and Employer or Entrepreneur which contains terms of employment, rights, and obligations of the parties.

40. Collective Employment Contract (*Perjanjian Kerja Bersama*), hereinafter abbreviated as PKB means an agreement as a result of negotiation between a trade union or some trade unions registered in government institution responsible for manpower and Employer or some Employers or an association of Employers specifies work requirements, rights, and obligation of both parties.
41. Certain Period Employment Contract (*Perjanjian Kerja Waktu Tertentu*) hereinafter abbreviated as PKWT means an employment contract between Workers/labourers and Employers for having Employment Relation in a certain period or for certain works.
42. Uncertain Period Employment Contract (*Perjanjian Kerja Waktu Tidak Tertentu*) hereinafter abbreviated as PKWTT means an employment contract between Workers/labourers and Employers for having permanent Employment Relation.
43. Company Regulation means written regulations made by Employer that specify work requirements and code of conduct of the Company.
44. Industrial Relation Disputes means opinion difference causing conflict between Employer or several Employers and Workers/labourers or trade union because of rights dispute, interest dispute, and termination of Employment Relation dispute as well as dispute between trade unions within a Company.
45. Termination of Employment Relation (*Pemutusan Hubungan Kerja*), hereinafter referred to as PHK means a termination of employment relation due to a certain reason which causes the end of rights and obligations between Workers/labourers and Employer.
46. Labour Inspection means an activity to inspect and enforce the implementation of the legislation in the field of manpower.
47. Workers mean any person able to work for producing goods and/or services to fulfill either self needs or public needs.

48. Local Workers (*Tenaga Kerja Lokal*) hereinafter abbreviated as TKL mean Workers from West Sumatera Province or other Regions who were born in West Sumatera hereditarily or domiciled in West Sumatera Province that can be proven by citizen identity cards and/or family cards.
49. Foreign Worker (*Tenaga Kerja Asing*), hereinafter referred to as TKA means a foreign citizen holding visa with the intention of working in the territory of Indonesia.
50. Foreign Worker Utilization Plan (*Rencana Penggunaan Tenaga Kerja Asing*), hereinafter referred to as RPTKA means a plan for the use of foreign workers in certain positions made by Employer of TKA for a certain period and endorsed by the Minister or appointed officials.
51. Trade Union means an organization which is established from, by, and for Workers/labourer seither in the company or outside the company, based on freedom, transparency, independence, democracy, and responsible in order to strive for, defend and protect the rights and interests of Workers/labourers as well as to increase the welfare or Workers/labourers and their families.
52. Manpower Information means joint, series, and analysis of data in the form of numbers that have been calculated, drafts and documents having certain meaning, value and sense regarding Manpower.
53. Training Institution (*Lembaga Pelatihan Kerja*) hereinafter abbreviated as LPK means a private government or institution that meets the requirements for organizing the training.
54. Private Workers Placement Agency (*Lembaga Penempatan Tenaga Kerja Swasta*), hereinafter abbreviated as LPTKS means a legal entity that has obtained a written permit to operate the Placement Service of domestic Workers.
55. Business License of Private Workers Placement Agency (*Surat Izin Usaha Lembaga Penempatan Tenaga Kerja Swasta*), hereinafter abbreviated as SIU LPTKS means a

written permit that is issued by an authorized official to operate Workers Placement Service.

56. Bipartite cooperation institution means a communication and consultation forum of matters related to Industrial Relation in a Company of which the members consist of Employer and trade union that are registered responsible in Manpower or trade union element.
57. Tripartite cooperation institution means a communication, consultation and discussion forum of Manpower of which the members consist of elements of Employer organization, trade union, and government.
58. Work Strike means Workers/labourers action that is planned and set collectively and/or by trade unions to stop or slow works down.
59. Wage means a right of Workers/labourers that is received and stated in the form of money as a compensation from Employer or Entrepreneur to the Workers/labourers which is set and paid in accordance with a employment contract, consensus, or legislation, including allowance for Workers/labourers and their families for a work and/or service which has been performed or will be performed.
60. Provincial Minimum Wage (Upah Minimum Provinsi), hereinafter abbreviated as UMP means minimum Wage applicable in regions of the Province of West Sumatera.
61. Regency/Municipal Minimum Wage (Upah Minimum Kabupaten/Kota) hereinafter abbreviated as UMK means minimum Wage applicable in a region of regency/municipality.
62. Religious Holiday Allowance (*Tunjangan Hari Raya*), hereinafter referred to as THR means income that is required to be paid by Employer to Workers/Labourers or their families before the religious holiday in the form of money or others.

Article 2

Manpower implementation is carried out on the principles of:

- a. integral;
- b. rights equity;
- c. democracy;
- d. social justice;
- e. gender equity and justice; and
- f. without discrimination.

Article 3

This Regional Regulation is aimed to be guidance in implementing Manpower in Region.

Article 4

This Manpower implementation is purposed to:

- a. empowering and exploiting Workers optimally and humanely;
- b. enhance capacity, quality and Productivity of Workers by training;
- c. realize equal work opportunity and workers provision in accordance with Local and national development needs;
- d. provide protection for Workers and their families;
- e. enhance welfare for Workers and their families; and
- f. enhance Inspection and fostering in order to enforce law for Manpower implementation.

Article 5

Scope of this Regional Regulation covers:

- a. Workers planning and Manpower information;
- b. training and work Productivity;
- c. Workers' placement;
- d. Industrial Relation;
- e. Labour Inspection;
- f. administrative sanctions;
- g. investigation provisions; and
- h. transitional provision.

CHAPTER II
WORKERS PLANNING AND MANPOWER INFORMATION

Part One
Workers Planning

Article 6

- (1). In order that Manpower development in Region, the Local Government stipulates policies and drafts PTK based on National PTK.
- (2). The PTK as referred to in section (1) covers:
 - a. PTK Macro; and
 - b. PTK Micro.
- (3). The PTK Macro as referred to in section (2) point a covers:
 - a. Provincial PTK; and
 - b. Sectoral and Provincial Sub-Sector PTK.
- (4). The PTK Micro as referred to in section (2) point b consists of Local-Owned Enterprises PTK Micro.

Article 7

- (1). The PTK Macro as referred to in Article 6 section (3) is issued by Local Government.
- (2). The PTK Micro as referred to in Article 6 section (4) is drafted by concerned Local instruments.

Article 8

- (1) PTK Macro and PTK Micro are drafted for a period of 5 (five) years.
- (2) The PTK Macro as referred to in section (1) is a guidance for:
 - a. implementation of Training, Apprenticeship and competency certification;
 - b. Workers Placement Service;
 - c. Work opportunity expansion;
 - d. TKA utilization; and
 - e. drafting of Local Government work program in Workers development.

- (3) The PTK Micro as referred to in section (1) is used for:
 - a. employee's utilization optimally and productively;
 - b. supporting good employee and Company's work achievement;
 - c. easing Company's vision and mission achievement;
 - d. preventing problem arising in Company;
 - e. guaranteeing Company's performance and development; and
 - f. expanding Work opportunity.
- (4) Further provisions regarding procedures for drafting PTK Macro and PTK Micro are regulated by a Governor Regulation.

Article 9

- (1) The Local Government issues policies and strategies for Manpower development in Region.
- (2) The policies and strategies as referred to in section (1) covers:
 - a. determination of priorities sectors for empowering and utilizing Workers in Region optimally; and
 - b. determination of strategies for equal Work opportunity and Workers' provisions in accordance with development needs in Region.
- (3) The policies and strategies of Manpower development must be based on:
 - a. Workers planning;
 - b. long-term Regional development planning and mid-term Regional development planning;
 - c. Regional economic growth;
 - d. Regional economic growth supporting sectors; and
 - e. Regional welfare

Part Two

Manpower Information

Article 10

- (1). The Local Government is responsible for managing Manpower information covering:

- a. gathering;
 - b. processing;
 - c. analysis;
 - d. storage; and
 - e. Manpower information presentation and distribution accurately, completely and continually.
- (2). The Manpower information as referred to in section (1) consists of information regarding:
- a. general Manpower;
 - b. Work training and Productivity;
 - c. Workers' placement;
 - d. Workers' expansion development; and
 - e. Industrial Relation and Workers protection.

Article 11

- (1). In managing Manpower Information as referred to in Article 10, the Local Government is obligated to build and develop Manpower Information system by utilizing information and communications technology media.
- (2). The Manpower information system as referred to in section (1) is a unit in e-Government System in Local Governments.
- (3). Further provisions regarding procedures for building and developing Manpower Information system as referred to in section (2) are regulated by a Governor Regulation.

CHAPTER III

TRAINING AND PRODUCTIVITY

Part One

Training

Paragraph 1

Competency Clusters-based Training

Article 12

- (1) The Local Government is responsible for conducting competency clusters-based Training.

- (2) The competency clusters-based Training as referred to in section (1) is carried out based on identification results of training needs and/or competency standards.
- (3) The competency clusters-based Training as referred to in section (2) consists of occupation/job position or non-occupation/job position as a group of unit of competency to work.
- (4) The Training based on identification results of needs as referred to in section (2) is carried out by considering market and business needs, both in and out of Employment Relation.
- (5) The carrying out of Training as referred to in section (1) must be met the components of competency clusters-based training as follows:
 - a. Work competency standard;
 - b. learning strategy and material;
 - c. examination; and
 - d. Indonesian National Work Qualifications.

Article 13

- (1) The Training as referred to in Article 12 section (1) is carried out by:
 - a. Private LPK;
 - b. Local Government's LPK; or
 - c. Company's LPK.
- (2) The Private LPK as referred to in section (1) point a is required to have license from Regency/Municipal Office.
- (3) The Local Government's LPK and Company's LPK as referred to in section (1) point b and point c must be registered in Regency/Municipal Office.
- (4) Aside from requiring to have license and must be registered in Regency/Municipal Office, the LPK as referred to in section (1) is required to meet the following requirements:
 - a. availability of training staffs;
 - b. availability of curriculum suitable for training levels;

- c. availability of means and infrastructure of Training;
and
- d. availability of finance for training.

Paragraph 2
Apprenticeship

Article 14

- (1) Apprenticeship is a part of Training system.
- (2) The Apprenticeship may be carried out at the Company itself or at a Training place or other Companies, both in or out of Indonesian jurisdiction.
- (3) The participants of Apprenticeship consist of:
 - a. Job Seekers;
 - b. LPK students; and/or
 - c. Workers need to level-up their competency.
- (4) Workers that have finished their Apprenticeship programs are entitled to have a qualification acknowledgement of Work Competency from the Company or certification institutions.

Article 15

- (1) The Apprenticeship is carried out based on written Apprenticeship agreement between Apprenticeship participants and Employer of apprenticeship place that is known and legalized by the Office for Company of which scope of work across regencies/municipalities.
- (2) The Apprenticeship Agreement as referred to in section (1) at least contains provisions of rights and obligations of participants and Employer at apprenticeship place as well as Apprenticeship period.
- (3) The Apprenticeship that is carried out not through the Apprenticeship agreement as referred to in section (1) is deemed invalid and the status of participants changes into Workers/labourers at the Company.

Article 16

- (1) The Apprenticeship participants as referred to in Article 14 section (3) are entitled to:
 - a. work health and safety facilities during Apprenticeship;
 - b. allowance and/or transport fee;
 - c. protection in the form of work injury and death security; and
 - d. Apprenticeship certificate if declared pass.
- (2) For Apprenticeship participants having worked to the concerned Company obtain allowance and/or transport fee as referred to in section (1) point b not less than 60% (sixty) percent of Regional Minimum Wage.
- (3) The rights fulfillment as referred to in section (1) is carried out in accordance with the provisions of legislation.
- (4) The Apprenticeship participants as referred to in Article 14 section (3) are obligated to:
 - a. obey Apprenticeship agreement;
 - b. participate in whole Apprenticeship program;
 - c. obey prevailing rules in Company organizing Apprenticeship; and
 - d. maintain the good image of Company organizing Apprenticeship.

Article 17

- (1) The Apprenticeship organizer as referred to in Article 14 section (2) is entitled to:
 - a. utilize work results of Apprenticeship participants; and
 - b. enforce Apprenticeship rules and agreement.
- (2) The Apprenticeship organizer as referred to in Article 14 section (2) is obligated to:
 - a. guide Apprenticeship participants with respect to Apprenticeship program;
 - b. fulfill Apprenticeship participants' rights with respect to Apprenticeship agreement;

- c. provide self-protection tools in accordance with work health and safety requirements;
- d. provide protection in the form of work injury and death security for apprenticeship participants;
- e. provide allowance and/or transport fee for participants;
- f. supervise Apprenticeship participants; and
- g. provide Apprenticeship certificate for participants if declared pass.

Article 18

- (1) The Apprenticeship Organizer must have:
 - a. Apprenticeship program;
 - b. means and infrastructure;
 - c. Apprenticeship training and supervising staffs; and
 - d. financing.
- (2) The Apprenticeship program as referred to in section (1) point a at least contains:
 - a. program name;
 - b. program purpose;
 - c. specific qualifications and/or competency levels that will be achieved at certain job positions;
 - d. job descriptions or competency unit to learn;
 - e. Apprenticeship period;
 - f. curriculum and syllabus; and
 - g. certification.
- (3) The Apprenticeship Program as referred to in section (1) point a based on Indonesian national work competency standards, international standards, and/or special standards.
- (4) The Apprenticeship Program as referred to in section (1) point a must be known by the Office.

Article 19

Means and infrastructure as referred to in Article 18 section (1) point b must fulfill needs to organize training:

- a. theory;
- b. simulation/practice;
- c. work directly under experienced workers guidance with respect to Apprenticeship program; and
- d. work health and safety.

Article 20

The Apprenticeship training and supervising staffs as referred to in Article 18 section (1) point c may guide Apprenticeship participants with respect to Apprenticeship program needs.

Article 21

- (1). The Apprenticeship is carried out with the following provisions:
 - a. type of work is adjusted with field/vocational or position apprenticed in Company;
 - b. time of apprenticeship in Company is adjusted with business hours enforced in Company and/or in accordance with stipulated agreement; and
 - c. Apprenticeship participants are obligated to fulfill their all obligations as listed in Apprenticeship agreement amicably so they will provide positive effects for both Company and apprenticeship participants.
- (2). To increase continuity of Apprenticeship as referred to in section (1), the Company may coordinate with Apprenticeship web communication forums.

Article 22

The period of time of Apprenticeship is limited not later than 1 (one) year as of the signing of Apprenticeship agreement, and in the event that to achieve certain competency qualification that needs more than 1 (one) year, it must be contained in a new Apprenticeship agreement and be reported to the Office.

Part Two
Enhancement and Measurement of Productivity

Paragraph 1
Enhancement of Productivity

Article 23

- (1) The Local Government is responsible for developing human resources in providing skilled, discipline and productive Workers with respect to principle of Productivity for Productivity enhancement.
- (2) The Workers Productivity enhancement with the principles of relevance, effectiveness, efficiency, measurable, environmentally friendly, and continuity.
- (3) The Workers Productivity enhancement as referred to in section (2) is carried out by the patterns of:
 - a. education and training;
 - b. technical guidance and consultancy;
 - c. innovation development; or
 - d. institutional cooperation.

Article 24

The Productivity enhancement as referred to in Article 23 must involve business and public participation.

Article 25

- (1) The Local Government organizes Productivity consultancy service for institution, Company and Workers in Region.
- (2) The Productivity consultancy service as referred to in section (1) is provided for Workers in mid-scale Companies.
- (3) The Productivity consultancy service as referred to in section (1) is carried out by the Office.
- (4) Further provisions regarding implementation of Productivity consultancy service are regulated by a Governor Regulation.

Paragraph 2
Measurement of Productivity

Article 26

- (1) The Local Government measures and maintains Workers Productivity at provincial scale.
- (2) The measurement of Workers Productivity as referred to in section (1) covers measurements of:
 - a. individual Productivity;
 - b. macro Productivity; and
 - c. micro Productivity.
- (3) The maintenance of Productivity as referred to in section (1) covers:
 - a. standardization of technique and method of Productivity enhancement; and
 - b. continuity of uses of technique and method of Productivity enhancement.

Article 27

The measurement of Workers Productivity as referred to in Article 26 section (1) is carried out in the principles of reliability, accuracy and accountability.

Article 28

- (1) For measurement of Workers Productivity as referred to in Article 26 section (2), the Local Government forms Local Productivity Agency under and responsible to the Governor.
- (2) The Local Productivity Agency as referred to in section (1) has duties to provide suggestions and considerations to the Governor in drafting Local policies in the field of Workers Productivity and Productivity enhancement in improving Region competitiveness.
- (3) In carrying out its duties, the Local Productivity Agency has duties to develop:
 - a. Workers' productive culture and work ethics;
 - b. Workers' enhancement information web; and
 - c. Productivity enhancement technology and system;

- (4) Further provisions regarding procedures for forming Local Productivity Agency are regulated by a Governor Regulation.

Article 29

- (1) In maintaining the quality of Workers Productivity as referred to in Article 26 section (3), it is necessary to establish Productivity culture.
- (2) The Workers' Productivity culture as referred to in section (1) is carried out in the principles of discipline, consistency and continuity.
- (3) Further provisions regarding maintenance of Workers' Productivity are regulated by a Governor Regulation.

CHAPTER IV

WORKERS' PLACEMENT

Part One

Workers' Placement Service

Article 30

Any Workers have the equal rights and opportunities to choose, get, or change jobs, and have decent income both at home and abroad.

Article 31

- (1) In establishing Workers, the Local Government administers Workers' Placement Service in Region.
- (2) The Workers' Placement Service as referred to in section (1) is carried out in a unit of national labour market.
- (3) The Workers' Placement Service as referred to in section (1) is aimed to placing Workers in suitable positions with their qualifications of expertise, skill, interest, talent and abilities with respect to value, dignity, human rights, and legal protection.
- (4) The Workers' Placement Service as referred to in section (1) is integral in a Workers placement service covering Job

Seekers, job opportunity, IPK, between works mechanism, and institutional Workers' placement.

Article 32

The Workers' placement is carried out based on the principles of:

- a. disclosure;
- b. independence;
- c. objectiveness; and
- d. justice and equity without discrimination.

Article 33

- (1). The Workers' Placement based on the principle of disclosure as referred to in Article 32 point a is carried out by providing information regarding job opportunity explicitly for Workers containing type of job, place of job, amount of Wage, work hours, and work condition.
- (2). The Workers' Placement based on the principle of independence as referred to in Article 32 point b is carried out by providing freedom for the Job Seekers in choosing jobs and for Entrepreneurs in employing Workers.
- (3). The Workers' Placement based on the principle of objectiveness as referred to in Article 32 point c is carried out by offering suitable jobs to the Job Seekers by the Entrepreneurs either based on skills or position requirements in need, as well as not taking sides in certain interests.
- (4). The Workers' Placement based on the principle of justice and equity without discrimination as referred to in Article 32 point d is carried out through Workers Placement based on Work Competency and not for race, sex, skin color, religion, and political view.

Article 34

- (1) The implementation of Workers' Placement as referred to in Article 31 section (1) , the Local Government has the authority to:

- a. implement AKL in 1 (one) Region;
 - b. issue license of LPTKS more than 1 (one) regency/municipality; and
 - c. manage of IPK in 1 (one) Region.
- (2) The implementation of AKL as referred to in section (1) point a, the Local Government has the duties to:
- a. issue license recommendation of LPTKS-AKL and LPTKS-AKAD; and
 - b. issue AKAD recruitment approval letter.
- (3) The implementation of license issuance authority as referred to in section (1) point b, the Local Government has the duties to:
- a. issue and revoke Business License SIU LPTKS-AKL;
 - b. issue Extension of SIU LPTKS-AKL; and
 - c. issue Amendment to SIU LPTKS-AKL.
- (4) The management IPK as referred to in section (1) point c, the Local Government has duties to:
- a. provide IPK service and position information for Job Seekers and Entrepreneur at provincial scale; and
 - b. gather, process, analyze and distribute IPK at provincial scale.

Part Two

Workers' Placement Administrator

Paragraph 1

General

Article 35

- (1) Workers' Placement administrators consist of:
 - a. the Office; and
 - b. legal private Agencies.
- (2) The Workers' Placement administrators have function as Workers' Placement Service.
- (3) The function of Workers' Placement Service as referred to in section (2) has duties as:

- a. IPK service;
- b. position counseling and fostering service; and
- c. between works service.

Article 36

- (1) The IPK service as referred to in Article 35 section (3) point a covers information on Job Seekers, job opportunities, and Workers' Placement.
- (2) The information on Job Seekers as referred to in section (1) contains:
 - a. name, address, age, and sex; and
 - b. education and Work Competency.
- (3) The information on job opportunities as referred to in section (1) contains:
 - a. numbers of job opportunities;
 - b. type of works;
 - c. type of position and requirement of position;
 - d. place of work, work condition, and work hours;
 - e. Wage, social security, and other remunerations;
 - f. sex and age;
 - g. education and/or Work Competency; and
 - h. period of Workers' demand fulfillment.
- (4) The information on job opportunities as referred to in section (3) is disclosed and can be accessed by all Job Seekers.
- (5) The presentation and distribution of IPK are required to be done through online media, announcement board, printed media, electronic media, and/or other media.

Article 37

The Position Counseling and Fostering service as referred to in Article 35 section (3) point b is provided for Job Seekers through IPK service and interviews.

Article 38

- (1) The between works service as referred to in Article 35 section (3) point c covers:

- a. service for Job Seekers;
 - b. service for Entrepreneurs;
 - c. job opportunities seeking;
 - d. check between Job Seekers and job opportunities;
 - e. Workers' Placement in and out of Employment Relation;
 - f. follow-up of Workers' Placement; and
 - g. reporting periodically of Workers' placement.
- (2) The Workers' Placement in and out of Employment Relation as referred to in section (1) point e is carried out in accordance with the provisions of legislation.

Article 39

- (1) The legal private Agencies as referred to in Article 35 section (1) point b are LPTKS.
- (2) The implementation of Workers' Placement Service as referred to in section (1) is required to have SIU LPTKS.
- (3) The SIU LPTKS as referred to in section (2) is issued by the Office.
- (4) Further provisions regarding procedure for SIU LPTKS issuance as referred to in section (2) are regulated by a Governor Regulation.

Paragraph 2

Workers with Disabilities

Article 40

- (1) Any People with Disabilities have equal opportunities to get jobs in just and without discrimination.
- (2) Any Company gives equal opportunity and treatment to People with Disabilities by employing People with Disabilities for the Company in just and without discrimination.
- (3) The Local-Owned Enterprises domiciled in Region are required to employ at least 2% (two) percent of People with Disabilities out of all employees or workers.

- (4) The private Companies domiciled in Region are required to employ at least 1% (one) percent of People with Disabilities out of all employees and workers.
- (5) The Local-Owned Enterprises as well as private Companies domiciled in Region as referred to in section (3) and section (4) are required to report the placement of Workers with Disabilities to the Office.

Paragraph 3

Local Workers and Community Placement

Article 41

- (1) Any Company may have cooperation with educational institution in Region to accommodate TKL.
- (2) The Company in cooperating with educational institution is in accordance with conditions of Company and local customs.
- (3) The mechanisms of TKL accommodation as referred to in section (1) is adjusted with the competency or skills needed by the Company.

Article 42

The TKL planning and placement are coordinated by the Office.

Part Three

Migrant Workers Protection

Article 43

- (1) The Local Government provides protection for Indonesian migrant workers come from the Region.
- (2) The protection for migrant workers as referred to in section (1) is carried out before and after work.
- (3) The protection for migrant workers as referred to in section (2) is aimed to:
 - a. ensure fulfillment and enforcement of human rights as Indonesian citizens and migrant workers; and

- b. ensure legal, economic, and social protection for Indonesian migrant workers and their families.

Article 44

- (1) In providing protection for migrant workers as referred to in Article 43 section (1), the Local Government has duties and responsibilities to:
 - a. administer Work education and Training;
 - b. manage repatriation of migrant workers in case of war, natural disaster, outbreak, deportation, and problematic migrant workers in accordance with its authority;
 - c. issue license for branch offices of migrant workers' placement Company;
 - d. report evaluation reports to the migrant workers' placement Company in tiered and periodically to the Minister;
 - e. provide assistance and service places in departure and repatriation location for migrant workers met the health requirements and standards;
 - f. provide and facilitate training to prospective of migrant workers through vocational training of which finance comes from educational function;
 - g. regulate, foster, implement, and supervise the migrant workers' placement; and
 - h. form one-stop service for placement and a protection unit for migrant workers in province.
- (2) Further provisions regarding migrant workers protection and forming of one-stop service for placement as well as forming of protection unit for migrant workers are regulated by a Governor Regulation.

Part Four

Endorsement of Foreign Worker Utilization Plan

Article 45

- (1) Entrepreneurs of TKA who will employ TKA in Region must have RPTKA endorsed by the Minister of Manpower or appointed officials.

- (2) RPTKA that has been expired is required to be extended in accordance with the prevailing provisions.

Article 46

- (1) Entrepreneurs of TKA who will extend TKA utilization in Region must pay DKP-TKA to Region treasury as Local budget.
- (2) The procedure for DKP-TKA payment as extension of TKA utilization in Region is in accordance with the provisions of legislation.

Part Five

Employment Opportunity Expansion

Article 47

- (1) The Local Government is responsible to carry out strategy of employment opportunity expansion both in and out of Employment Relation according to Region development needs.
- (2) The employment opportunity expansion both in and out of Employment Relation as referred to in section (1) is carried out by creating productive and continual programs by exploiting natural resources, human resources and technology potentials correctly.
- (3) The creation of programs as referred to in section (2) is carried out through the patterns of:
 - a. establishment and fostering of independent Workers;
 - b. appliance of correct technology application;
 - c. new entrepreneurs;
 - d. intensive work system expansion;
 - e. career change;
 - f. dissemination and guidance of position in expanding employment opportunity to the public;
 - g. work intermediaries in expanding employment opportunity;
 - h. voluntary Workers exploitation; or

- i. other patterns supporting employment opportunity expansion.
- (4) The Local Government facilitates employment opportunity through productive programs in the form of competency cluster-based training and entrepreneurship.
- (5) Public dynamically tries to self-actualize as skilled, productive, creative and innovative independent individuals.

Article 48

The Local Government facilitates Employers and finance institutions either banks or non-banks to assist and provide ease for any public activities that may create or develop employment opportunity expansion.

Article 49

- (1) In order to carry out employment opportunity expansion strategies as referred to in Article 47 section (1), the Local Government may establish coordination forum.
- (2) The establishment of coordination forum as referred to in section (1) is carried out by involving elements of Local Government and public consisting of:
 - a. elements of Local Government originating from Local instruments responsible in the field of Manpower, capital investment, and trade; and
 - b. elements of public originating from representatives of Employer association in Region.
- (3) The establishment of coordination forum as referred to in section (1) is determined by a Governor Decision.

CHAPTER V
INDUSTRIAL RELATIONS

Part One
Employment Relation, Company Regulation
and Collective Employment Contract

Paragraph 1
Employment Relation

Article 50

- (1) Employment Relation occurred due to Employment Contract between Employer and Workers/Labourers.
- (2) The Employment Contract as referred to in section (1) is made in writing which at least contains:
 - a. name, address of the Company, and type of business;
 - b. name, sex, age, and address of of Workers/Labourers;
 - c. position or type of job;
 - d. place of work;
 - e. amount of Wage and payment method;
 - f. requirements of work containing rights and obligations of Employer and Workers/Labourers;
 - g. beginning and term of period of employment contract;
 - h. place and date of employment contract making; and
 - i. signatures of parties of employment contract.
- (3) The provisions contained in the Employment Contract as referred to in section (2) must not be contrary to the prevailing Company Regulation, PKB, and legislation.
- (4) The Employment Contract as referred to in section (2) is made based on:
 - a. agreement of both parties;
 - b. abilities and qualifications for legal activities;
 - c. agreed job existence; and

- d. agreed job not contrary to public order, decency and legislation.
- (5) The Employment Contract made contrary to the provisions as referred to in section (4) point a and point b may be canceled.
- (6) The Employment Contract made contrary to the provision as referred to in section (4) is null and void.

Article 51

- (1) The employment contract for a certain period is required to be recorded by the Employer to the Office administering Manpower affairs not later than 7 (seven) days as of the Employment Contract is signed.
- (2) The Employer appoints Workers/Labourers to be regular employees is obligated to provide appointment letter to the Workers/Labourers not later than 7 (seven) days as of the appointment.

Article 52

- (1) The workers with PKWT are entitled to normative rights equal to workers with PKWTT.
- (2) The normative rights as referred to in section (1) is given in accordance with the provisions of legislation.

Article 53

- (1) PKWT cannot be made for permanent jobs.
- (2) PKWT can only be made for certain jobs of which their type and characteristics or activities will be done in a certain time as follows:
 - a. one time or interim jobs;
 - b. seasonal jobs; and
 - c. jobs related to new products, new activities or additional products of which still in experiment or feasibility.
- (3) The employer who will conduct Employment Relation with PKWT is obligated to notify in writing not later than 7

(seven) work days before it is signed by the Office for Company of which the work areas are more than one regency/municipality.

- (4) The Office examines the field not later than 14 (fourteen) days as of the notification accepted.
- (5) In the event that result of the field examination for PKWT system is proven fail to fulfilling the provision as referred to in section (2), it is changed to PKWTT.
- (6) The Employer enforces system of Employment Relation with PKWT is obligated to pay the Wages at least of Provincial Minimum Wage.

Article 54

- (1) The employment contract ends if:
 - a. the workers pass away;
 - b. employment contract period ends;
 - c. there is a court decision and/or institution decision of dispute settlement of Industrial Relation that is legally binding;
 - d. there is a certain situation or occurrence contained in the Employment Contract, Company Regulation, or PKB that may end the Employment Relation; or
 - e. both parties agree to end the Work Relation.
- (2) The Employment Contract does not end due to the death of Employer or transfer of rights to Company due to sell, inheritance, or bequest.
- (3) In the event of transfer of Company, the rights of Workers/Labourers are borne by new Company unless decided otherwise in transfer agreement by not deducted rights of Workers/Labourers.
- (4) In the event that the Employer, individual, passes away, the beneficiary of Employer may end the employment contract by discussing it with the Employers/Labourers.
- (5) In the event that the Workers/Labourers pass away, their beneficiaries are entitled to the rights in accordance with the legislation or rights as regulated in the Employment Contract, Company Regulation, or PKB.

Article 55

The Employer is prohibited to hold or keep original documents that are as collateral of the workers.

Paragraph 2

Company Regulation

Article 56

- (1) The Employer employing Workers/labourers at least 10 (ten) persons is obligated to make a Company Regulation.
- (2) The Company Regulation at least contains:
 - a. rights and obligations of Employer;
 - b. rights and obligations of Workers/labourers;
 - c. work requirements;
 - d. Company's rules;
 - e. Company Regulation term; and
 - f. matters as follow-up regulations of legislation.

Article 57

- (1) In 1 (one) Company, there is only 1 (one) Company Regulation applicable for all Workers/labourers in related Company either PKWT or PKWTT.
- (2) In the event that related Company has branches/units of work/representative, the Company Regulation as referred to in section (1) is applicable for all branches/units of work/representative of Company.
- (3) Branches/work unit/representative offices of Company as referred to in section (2) may make implementing Company Regulation applicable in respective branches/units of work/representative of Company.
- (4) The Company Regulation as referred to in section (1) contains provisions that generally accepted in all branches/units of work/representative of Company.
- (5) The implementing Company Regulation as referred to in section (3) contains specific provision adjusted with the condition of respective branches/units of work/representative of Company.

- (6) In the event that the implementing Company Regulation as referred to in section (3) has not yet be legalized by the local Office administering government affairs in the field of Manpower, the Company Regulation as referred to in section (1) is still applicable in related branches/units of work/representative of Company.
- (7) In the event that several Companies jointly in 1 (one) group, the Company Regulations are made by each Companies.

Article 58

- (1) The Company Regulation as referred to in Article 56 section (1) is made and drafted by the Employer by considering the suggestion and consideration from the representatives of Workers/labourers in related Company.
- (2) The representatives of Workers/labourers as referred to in section (1) may not give any suggestion and consideration for Company Regulation submitted by the Employer.
- (3) The representatives of Workers/labourers as referred to in section (1) are selected by the Workers/labourers democratically to represent each work unit in the Company.
- (4) If there is any trade union in the Company, the representatives of Workers/labourers as referred to in section (1) are the management of the trade union.
- (5) In the event that there is any trade union in the Company but its membership not represent the majority of Workers/labourers in the Company, the Employer aside from considering the suggestion and consideration from management of trade union must also considering suggestion and consideration from representatives of Workers/labourers that are not members of trade union.
- (6) The suggestion and consideration as referred to in section (1) cannot be disputed.

Article 59

- (1) The Company Regulation is legalized by the Office for Company of which work area is more than 1 (one) regency/municipality.
- (2) The Employer must apply for legalization of Company Regulation as referred to in section (1) to the Office.
- (3) The legalization application as referred to in section (1) is attached by:
 - a. draft of Company Regulation signed by the Employer;
 - b. proof of suggestion and consideration from trade union and/or representatives of Workers/labourers if there is not any trade union in the Company; and
 - c. letter from the Company that has not yet have trade union.

Article 60

- (1) The Office must examine the legalization application of Company Regulation as referred to in Article 59 section (3) covering:
 - a. documents completeness; and
 - b. Company Regulation materials.
- (2) The Company Regulation materials as referred to in section (1) point b cannot be less than legislation.
- (3) The examination of Company Regulation materials as referred to in section (1) point b is carried out not later than 6 (six) work days.
- (4) Procedures for drafting Company Regulation is regulated more by Governor Regulation.

Article 61

- (1) In the event the application as referred to in Article 59 section (2) fails to fulfill the requirements, the Office notifies the Employer in writing on the Company Regulation revision.
- (2) For the period of not later than 14 (fourteen) work days as of the date of notification is accepted by the Employer as referred to in section (1), the Employer is obligated to re-

submit the revised Company Regulation to the Office Head.

- (3) In the event that the Employer does not re-submit the Company Regulation as referred to in section (2), the legalization process is re-started from the beginning.

Article 62

- (1) In the event that the legalization application of the Company Regulation has fulfilled the requirements as referred to in section 59 section (3), the Office is obligated to legalize the Company Regulation by issuing a decision letter of Office Head administering manpower.
- (2) The issuance process as referred to in section (1) is carried out not later than 5 (five) work days as of the documents and materials fulfill the requirements as referred to in Article 59 section (3).

Article 63

- (1) In the event there is a PKB making discussion happening in the Company and the period of Company Regulation has ended, the Employer may apply for the extension of Company Regulation period.
- (2) The extension of Company Regulation period as referred to in section (1) is granted for not later 1 (one) year.

Paragraph 3

Collective Employment Contract

Article 64

- (1) To ensure the rights and obligations of Workers/labourers and Employer, the Employer and trade union draft PKB.
- (2) PKB is negotiated by a trade union or several trade unions registered in institution administering Manpower affairs with an Employer or several Employers.
- (3) The PKB negotiation must be based on good faith and free will of both parties.

- (4) The PKB negotiation as referred to in section (2) is carried out amicably.
- (5) The period of PKB negotiation as referred to in section (1) is determined based on both parties agreement and listed in negotiation code of conduct.

Article 65

- (1) In 1 (one) Company, there is only 1 (one) PKB that can be made and applied for all Workers/labourers in concerned Company both PKWT and PKWTT.
- (2) In the event that the concerned Company has branches/work units/representative, a main PKB is made and applied in all branches/work units/representative of Company as well as derivative PKBs may be made and applied in each branches/work units/representative of Company.
- (3) The main PKB contains provisions applied generally in all branches/work units/representative of Company and derivative PKBs contain implementing main PKB adjusted to condition of each branches/work units/representative of respective Company.
- (4) In the event that the main PKB is effective in the Company but derivative PKB is needed in branches/work units/representative of Company, as long as derivative PKB has not been yet agreed, main PKB is still effective.

Article 66

- (1) In the event that several Companies joined in 1 (one) group and each Company is a legal entity, PKB is made and negotiated by each Employer and trade unions in respective Companies.
- (2) In the event that 1 (one) Company has 1 (one) trade union, PKB is made and negotiated by the Company and trade union.
- (3) In the event that several Companies as referred to in section (1) has 1 (one) trade union, PKB is made and negotiated by several Companies and 1 (one) trade union.

- (4) In the event that several Companies as referred to in section (1) have more than 1 (one) trade union, PKB is made and negotiated by several Companies and several trade unions.

Article 67

PKB contains at least:

- a. name, location as well as address of trade union;
- b. name, location as well as address of Company;
- c. number as well as date of register of trade union in Provincial/Regency/Municipal Office;
- d. rights and obligations of Employer;
- e. rights and obligations of trade union and Workers/labourers;
- f. period and date of commencement of PKB; and
- g. signatures of PKB making parties.

Article 68

- (1). PKB is signed by board of directors or leaders of Company, head and secretary of trade unions in Company.
- (2). In the event that PKB as referred to in section (1) is signed by representative of board of directors or representative of leaders of Company, he or she must attach certain power of attorney.

Article 69

- (1) The period of PKB is not later than 2 (two) years as of the signing or regulated otherwise in PKB.
- (2) In the event that PKB negotiation fails to reach an agreement, in 30 (thirty) days before the expiry date of PKB, it can be extended 1 (one) time not later than 1 (one) year under the agreement of parties.
- (3) In the event that PKB negotiation fails to reach an agreement and period of extension of PKB is over, the effective PKB is the previous PKB until a new PKB is agreed.

Article 70

- (1) The PKB is applied by the Company to the Office for a Company in more than 1 (one) regency/municipality.
- (2) The PKB application as referred to in section (1) aims to be:
 - a. monitoring and evaluation instrument of regulation work requirements carried out in a Company; and
 - b. main reference in case of dispute.
- (3) The PKB application as referred to in section (1) must attach draft PKB signed by the Employer and trade union with duly stamped.

Article 71

- (1). The Office as referred to in Article 70 section (1) must check the fulfillment of requirements in accordance with the provisions.
- (2). In the event that the requirements are fulfilled, the Office as referred to in section (1) is obligated to issue PKB application decision letter not later than 4 (four) work days as of application is received.
- (3). In the event that requirements as referred to in section (2) are not fulfilled and/or there are PKB materials contrary to legislation, the official in charge in Manpower as referred to in section (1) notifies the parties to fulfill the requirements and/or revise PKB materials contrary to legislation.
- (4). In the event that the parties agreed to as referred to in section (3), the Office Head as referred to in section (1) gives note on the application decision letter.
- (5). The note as referred to in section (4) contains articles contrary to legislation on Manpower.
- (6). Procedures for PKB application is further regulated by a Governor Regulation.

Article 72

- (1) The Employer, trade union, and Workers/labourers are obligated to implement provisions listed in PKB.

- (2) The Employer and trade union are obligated to notify all Workers/labourers regarding content of PKB or its amendment.

Paragraph 4

Trade Union

Article 73

- (1) Any Workers/labourers are entitled to form and be members of trade union.
- (2) The trade union has the function to do the work in accordance with the obligation, keep the order for the continuity of production, give aspirations democratically, develop skills and expertise as well as support Company and fight for their and their families' welfare.
- (3) In carrying out its function as referred to in section (2), the trade union may collect and manage its finance as well as account for organizational finance including Strike fund.
- (4) The amount of and procedure for Strike fund collection as referred to in section (3) are regulated in articles of association of trade union concerned.

Article 74

- (1) The trade union and Employers implement partnership pattern in Industrial Relation in Company.
- (2) The Industrial Relation as referred to in section (1) is implemented by respecting rights and obligations of each other for creating harmonized and dynamic work climate.

Article 75

- (1) Employer may assist premium payment of trade union using Wage deduction monthly for application of trade union in accordance with the provisions of legislation.
- (2) The Employer facilitates rooms for trade union in the Company in accordance with necessity and ability of the Employer.

Part Two

Prevention and Settlement of Industrial Relation Dispute

Paragraph 1

Roles and Functions of Local Government

Article 76

- (1) In implementing Industrial Relation, the Local Government has functions to:
 - a. make provincial-scale policies;
 - b. provide service and fostering;
 - c. settle Industrial Relation disputes; and
 - d. develop Industrial Relation means.
- (2) In carrying out its functions as referred to in section (1), the Local Government prevents and settles Industrial Relation dispute.
- (3) In carrying out its functions as referred to in section (2), the Local Government empowers Bipartite and Tripartite cooperation institutions.

Article 77

Types of Industrial Relation Disputes as referred to in Article 76 section (2) cover:

- a. right dispute;
- b. interest dispute;
- c. termination of Employment Relation dispute; and
- d. dispute between trade unions within a Company.

Paragraph 2

Bipartite Cooperation Institution

Article 78

- (1) The Employer employing 50 (fifty) Workers/labourers or more is obligated to establish a Bipartite cooperation institution registered in Regency/Municipal Office administering Manpower affairs.

- (2) The Bipartite cooperation institution as referred to in section (1) functions as communication, consultation and discussion forums to solve problems within the Company.
- (3) The membership of Bipartite cooperation institution consists of Employer element and trade union element and/or Workers/labourers element democratically appointed/elected by the Workers/labourers.
- (4) Procedures for making and registering the Bipartite cooperation institution as referred to in section (1) are in accordance with the provisions of legislation.

Paragraph 3

Tripartite Cooperation Institution

Article 79

- (1) The Local Government establishes a Tripartite cooperation institution in Region.
- (2) The Tripartite cooperation institution as referred to in section (1) provides consideration, suggestion, and opinion for the Local Government in drafting Manpower policies and problems in the Region.
- (3) The membership of Tripartite cooperation institution as referred to in section (1) consists of:
 - a. Local Government element;
 - b. Employer organization; and
 - c. trade union.
- (3) The Tripartite cooperation institution as referred to in section (1) holds meeting at least once in 3 (three) month.

Article 80

- (1) The Local Government may optimize Tripartite cooperation institution in settling Industrial Relation disputes in the Region.
- (2) Operational and activities of the Tripartite cooperation institution as referred to in Article 79 section (1) are funded by Local Budget.

Paragraph 4

Industrial Relation Disputes Settlement Levels

Article 81

- (1) The Industrial Relation disputes are required to be settled first through Bipartite negotiation amicably.
- (2) The dispute settlement through Bipartite negotiation as referred to in section (1) must be finished not later than 30 (thirty) days as of the date the negotiation starts.
- (3) If in 30 (thirty) days as referred to in section (2), one of the parties refuses to negotiate or there has been a negotiation but fails to reach an agreement, the Bipartite negotiation is deemed failure.

Article 82

- (1) In the event that the Bipartite negotiation fails as referred to in Article 81 section (1), one or both of parties record the dispute to the Office, for a Company of which its work area more than 1 (one) regency/municipality in 1 (one) Region by attaching evidences stating the settlement efforts through Bipartite negotiation have been done.
- (2) If the evidences as referred to in section (1) are not attached, the Office returns the files to be completed not later than 7 (seven) work days as of the date the files return is received.
- (3) After receiving recording from one or both parties, the Office as referred to in section (1) is obligated to offer the parties to agree on conciliation or arbitration for dispute settlement.
- (4) In the event that the parties fail to determine the choice of settlement through conciliation or arbitration in 7 (seven) work days, the Office as referred to in section (1) delegates the dispute settlement to the Mediator.
- (5) The settlement through conciliation is carried out for interest dispute, termination of Employment Relation dispute, or dispute between trade union settlements.

- (6) The settlement through arbitration is carried out for interest dispute or dispute between trade union settlements.

Article 83

In the event that the settlements through conciliation or mediation fail to reach an agreement, one of the parties may file a suit to Industrial Relation Court.

Part Three

Work Strike

Article 84

- (1) Work strike as a basic right of Workers/labourers and trade union is set legally, orderly and peacefully as a result of a failed negotiation.
- (2) The Workers/labourers and trade union are obligated to notify in writing to the Company and Manpower Office not later than 7 (seven) days before the work Strike.
- (3) The notification as referred to in section (2) at least contains:
 - a. time (day, date, and hour) of start and end of work Strike;
 - b. location of work Strike;
 - c. reasons and causes of work Strike; and
 - d. signs of head and secretary and/or each head and secretary of trade union as work Strike person in charge.
- (4) In the event that the work Strike will be set by Workers/labourers that are not members of trade union, the notification as referred to in section (2) is signed by the representative of Workers/labourers appointed as a coordinator and/or person in charge of work Strike.

Article 85

- (1) In the event that Work strike does not set legally, orderly, and peacefully as referred to in Article 84 section (1), the Employer may take temporary measurement by:
 - a. prohibiting Workers/labourers having work Strike in production process location; or
 - b. if deemed necessary, prohibiting Workers/labourers having work Strike in Company area.
- (2) The measurements as referred to in section (1) are carried out for saving production tools and Company assets.
- (3) Any person is prohibited from committing intimidating action in any forms against Workers/labourers and/or members of trade union before, during and after work Strike.

Article 86

The work Strike for Workers/labourers working at Company providing public service and/or Company of which its business endangers human safety is set by Workers/labourers who are not in duties.

Article 87

In the event that Workers/labourers having work Strike legally demand normative rights that are violated by the Employer, the Employer is still obligated to pay the Workers/labourers' Wages.

Article 88

- (1) The Office is required to settle Industrial Relation dispute before work Strike is set.
- (2) At the time of receiving notification of work Strike as referred to in Article 84 section (2), the Office is required to check the notification and give receipt as a proof that the work Strike will be set by Workers/labourers or trade union is legal and in accordance with the legislation.

- (3) The Office is required to Inspect and monitor the work Strike and ensure that the work Strike can be set safely and orderly as planned in the notification.

Part Four

End of Employment Relation

Paragraph 1

Termination of Employment Relation

Article 89

- (1) The Employer, Workers/labourers, trade unions, and Local Government with all efforts must try to avoid PHK.
- (2) In the event that PHK is unavoidable, it is required to be negotiated by the Employer and trade union or Workers/labourers if the concerned Workers/labourers are not members of trade union.
- (3) In the event that the negotiation as referred to in section (2) fail to reach an agreement, the Employer may only carry out PHK against Workers/labourers after obtaining determination from dispute settlement of Industrial Relation institution.
- (4) The PHK without determination as referred to in section (3) is null and void.
- (5) The Employer is obligated to implement the provisions as referred to in section (4).

Article 90

- (1) As long as decision of dispute settlement of Industrial Relation institution has not yet been determined, both the Employer and Workers/labourers must carry out their obligations.
- (2) The Employer may commit breach against provisions as referred to in section (1) in the form of suspension against Workers/labourers in the process of PHK by still obligated to pay Wages along with other rights regularly received by the Workers/labourers.

Article 91

- (1) The Employer is prohibiting from carrying out PHK due to following reasons:
 - a. Workers/labourers fail to work because of illness proven by doctors for not later than 12 (twelve) months continuously;
 - b. Workers/labourers fail to carry out their duties due to obligation to the country in accordance with the provisions of legislation;
 - c. Workers/labourers conduct worships of their respective religions;
 - d. Workers/labourers get married;
 - e. female Workers/labourers are pregnant, giving birth, having miscarriage, or breastfeeding;
 - f. Workers/labourers have consanguinity and/or marriage ties with other Workers/labourers within the same Company, unless regulated in the employment contract, Company regulation, or collective employment contract;
 - g. Workers/labourers establish, become members and/or management of trade unions, conduct activities of trade unions after work hours, or within work hours under the agreement with the Employer, or under provisions regulated in employment contract, or collective employment contract;
 - h. Workers/labourers telling authorized Employer the Employer's action committing crime;
 - i. difference of views, religions, political views, tribes, skin colors, groups, sexes, physical conditions, or marital status; and
 - j. Workers/labourers are in total permanent disability, having employment injury, or sick due to Employment Relation of which medical statement states that the recovery period is uncertain.
- (2) The Employer carrying out PHK with the reasons as referred to in section (1) is obligated to re-employ concerned Workers/labourers.

Article 92

In the event that the decision of Industrial Relation Court and/or Supreme Court and/or other disputes settlement institution has decided and has legally binding (*inkracht van gewijsde*), stating Workers/labourers to return to work, the Employer is obligated to re-employ them.

Paragraph 2

Pension

Article 93

- (1) The Employer lists pension age in the Employment Contract, Company Regulation and Collective Employment Contract.
- (2) Workers/labourers coming of pension age are entitled to apply for retirement in writing to the Employer.
- (3) The Employer may employ Workers/labourers coming of pension age under Workers/labourers agreement on position of planner, thinker and controller.
- (4) The Employer is obligated to fulfill retired Workers/labourers rights by considering work period.
- (5) The provisions of pension age and fulfillment of retired Workers/labourers rights as referred to in section (1) and section (3) in accordance with the provisions of legislation.

Paragraph 3

Death

Article 94

In the event that the Employment Relation ends because of Worker/labourer's death, the Employer is obligated to provide money for heir of the Worker/labour with the calculation as follows:

- a. 2 (two) times of severance pay;
- b. 1 (one) time of employment period acknowledgement pay;
and
- c. reimbursement rights pay as regulated in legislation.

Paragraph 4

Lockout

Article 95

- (1) The Employer is obligated to notify in writing to Workers/labourers and/or trade union as well as local Regency/Municipal Office not later than 7 (seven) work days before the lockout.
- (2) Before and during the lockout, the Office as referred to in section (1) immediately solves the problem causing the lockout by arranging a meeting and discussion between parties in dispute.

Article 96

- (1) The Local Government attempts to find solutions in the Company to avoid lockout.
- (2) If the attempt carried out by the Local Government as referred to in section (1) fails, the solution will be looked for by Industrial Relation disputes settlement institution.

Part Five

Wages, Wage Council and Workers/Labourers' Welfare

Paragraph 1

Wages

Article 97

- (1) Wage policy aims for the achievement of income that can fulfill decent living for Workers/labourers.
- (2) In realizing decent living for Workers/labourers as referred to in section (1), it is necessary to determine minimum Wage by considering welfare improvement of Workers/labourers without neglecting Productivity enhancement and Company development as well as economic growth in general.

- (3) The minimum Wage as referred to in section (2) is as a safety net.
- (4) The minimum Wage as referred to in section (2) is the lowest monthly Wage which consists of:
 - a. Wage without allowance; or
 - b. basic Wage including fixed allowance.
- (5) The minimum Wage as referred to in section (2) is only applicable for Workers/labourers whose work period are less than 1 (one) year at the concerned Company.

Paragraph 2

Wage Structure and Scale

Article 98

- (1) The Employer determines the amount of wage for Workers/labourers having worked for 1 (one) year or more in accordance with Wage structure and scale.
- (2) Wage structure and scale as referred to in section (1) are required to be formulated by the Employer with regard to grade, position, work period, education, and competence and are required to be informed to Workers/labourers.
- (3) The wage increase as referred to in section (1) is applicable at the same time as UMP increase.
- (4) The Employer paying Workers/labourers' Wage with output unit, pieces/lump or commission, the Wage received by Workers/labourers in 1 (one) month at least the same amount as local UMP.

Article 99

- (1) Determination of minimum Wage as referred to in Article 97 section (2) is conducted annually based on the decent living needs and with regard to the Productivity and economic growth.
- (2) The decent living needs as referred to in section (1) are the needs standard of a single Worker/labourer in order to live physically decent for a month.

Article 100

- (1) Governor is obligated to determine UMP.
- (2) The determination of UMP as referred to in section (1) is calculated based on the minimum Wage calculation formula.
- (3) The Employer is obligated to pay Wage not less than UMP as referred to in section (1)

Paragraph 3
Wage Council

Article 101

The Provincial Wage Council in carrying out its duties may cooperate with either Office or privates and other concerned parties if deemed necessary.

Article 102

- (1) The membership of Provincial Wage Council consists of:
 - a. Local Government elements;
 - b. Employer Organization elements;
 - c. trade union; and
 - d. Universities, and Experts.
- (2) The membership of Provincial Wage Council from Government elements, Employer Organization, and Trade Union has composition of scale 2:1:1.
- (3) The membership of Provincial Wage Council from Universities and Experts is adjusted based on needs.
- (4) The membership of Provincial Wage Council is determined by a Governor Decision.

Paragraph 4
Workers/Labourers' Welfare
Religious Holiday Allowance

Article 103

- (1) Employer is obligated to give THR to Workers/Labourers who have worked for 1 (one) month.

- (2) The THR as referred to in section (1) is given once a year.
- (3) In the event that the same Religious Holiday occurs more than once in a year, Religious THR is given in accordance with the Religious Holiday.
- (4) Workers/Labourers who have worked for 1 (one) month but less than 12 (twelve) months are given proportional THR in accordance with the employment period.
- (5) Workers who have continuously worked for 12 (twelve) months or more are given THR for as much as 1 (one) month of Wages.
- (6) Wages for one month as referred to in section (4) and section (5) are basic wage including fixed allowance.
- (7) The THR is given not later than 7 (seven) days before the religious holiday takes place.

Paragraph 5

Welfare

Article 104

- (1) Any Workers/labourers and their families are entitled to have social security from Social Security Agency for Health and Social Security Agency for Employment.
- (2) The Social Security Agency for Health as referred to in section (1) administers the health security program in accordance with the provisions of prevailing legislation.
- (3) The Social Security Agency for Employment as referred to in section (1) administers the following programs:
 - a. employment injury security;
 - b. death security;
 - c. old-age security; and
 - d. pension security.
- (4) Workers/labourers obligated to register as members of Social Security Agency, their Company is obligated to register all Workers/labourers and their families to the Social Security Agency for Health and Social Security Agency for Employment.

- (5) The online application drivers are to protect themselves in social security program for Employment in employment injury security and death security.
- (6) For TKA who works for at least 6 (six) months in Indonesia are to become members of social security program for Employment.
- (7) The social security as referred to in section (1) is implemented in accordance with the provisions of legislation.

Article 105

- (1) Workers/labourers are entitled to conduct worships based on their faith.
- (2) The Employers are obligated to provide sufficient opportunity for Workers/labourers to conduct worships based on their faith.
- (3) The sufficient opportunity as referred to in section (2) is realized by providing time, place and infrastructures for conducting worships based on their faith.

Article 106

- (1) Any Company organizes or provides Workers/labourers' welfare facilities such as:
 - a. lactation room (breastfeeding room);
 - b. work uniforms and the facilities;
 - c. occupational health and safety facilities;
 - d. praying facilities that are decent and representing proportionate with the numbers of Worker/labourer;
 - e. sport facilities that are decent and representing;
 - f. cafeteria;
 - g. health and clinic facilities;
 - h. recreational facilities at least once a year;
 - i. break facilities;
 - j. facilitating cooperatives; and/or
 - k. Company parking area that is decent and representing.

- (2) The Workers/labourers' welfare facilities as referred to in section (1) are carried out by considering Workers/labourers' needs and Company capabilities.

Part Six

Workers/Labourers' Protection

Article 107

- (1) Any Workers/labourers are entitled to get protection for:
 - a. occupational health and safety;
 - b. hygienic Company and work environment;
 - c. moral and ethics; and
 - d. treatment representing values and dignity of human as well as religion values as regulated in the legislation.
- (2) In addition to protection as referred to in section (1), the Company is also obligated to:
 - a. provide shuttle from the main road closest to their homes to the Company for female workers who work at night;
 - b. apply occupational health and safety management system integrated to Company management system that is proven by occupational health and safety management system certificate in accordance with the legislation;
 - c. have Workers in personnel section that have finished their education and training of cadre of manpower norms in accordance with the provisions of legislation;
 - d. have at least 1 (one) expert of general occupational health and safety in accordance with the provisions of legislation;
 - e. provide free self protection tools in accordance with Indonesian national standard in accordance with the provisions of legislation; and
 - f. have regular medical check-up for workers at least once a year.

- (3) The work protection and requirements for Workers/labourers having employment contract for certain period, get equal protection and work requirements with Workers/labourers having employment contract for uncertain period.

Article 108

- (1) Any means and infrastructures of production, either stand-alone or unit having potentially incidental, detonated, fired, toxic, sickness due to Employment Relation and triggered work environment hazards are required to meet the requirements of occupational health and safety, Company hygiene, work environment.
- (2) The requirements of occupational health and safety, Company hygiene, work environment are applied for each stages of drafting, making, examination, using or utilizing and destruction or annihilation are in accordance with the provisions of legislation.
- (3) To fulfill the requirements as referred to in section (2), administrative and physical examination as well as technical examination must be carried out by Labour Inspection Officer or Occupational Health and Safety Service Company appointed in accordance with the legislation.

Article 109

- (1) Any Employer is obligated to carry out the following work provisions:
 - a. 7 (seven) work hours a day or 40 (forty) work hours a week for six-day work week; and
 - b. 8 (eight) work hours a day or 40 (forty) work hours in a week for five-day work week.
- (2) The work time as referred to in section (1) does not apply for certain work/business sectors as regulated in legislation.
- (3) The Employer employing Workers/labourers overtime as referred to section (1) is obligated to:

- a. have concerned Workers/labourers' consents;
 - b. make them work not later than 3 (three) hours in a day and 14 (fourteen) hours in a week;
 - c. pay overtime Wage at least in accordance with the provisions of legislation; and
 - d. give break time to Workers/labourers at least 15 (fifteen) minutes for Workers/labourers before having overtime 2 (two) hours or more.
- (4) The Employer is obligated to give break and leaves to Workers/labourers covering:
- a. break between work hours at least 30 (thirty) minutes after continuously working for 4 (four) hours;
 - b. weekly break for 1 (one) day for six-day work week or 2 (two) days for five-day work week;
 - c. break on national holidays determined by the Government;
 - d. annual break/leaves at least 12 (twelve) work days after continuously working for 12 (twelve) months;
 - e. break for female Workers/labourers giving birth for 1.5 (one and a half) month before giving birth and 1.5 (one and a half) month after giving birth;
 - f. break for 1.5 (one and a half) month for female Workers/labourers having miscarriage or according to medical statement of obstetricians/midwives.
- (5) The Employer is obligated to Workers/labourers without cutting their Wages and rights on holidays determined by the Government.

Article 110

The Company is prohibited from:

- a. employing children under 18 (eighteen) years old; and/or
- b. employing female Workers/labourers at night if they are breastfeeding their 6 (six) month babies.

Part Seven
Quick Reaction Unit

Article 111

- (1) In the event of prevention, early detection, monitoring, and early check in the Company potentially or allegedly not enforcing Manpower legislation, it is necessary to form a Quick Reaction Unit.
- (2) The Quick Reaction Unit as referred to in section (1) consists of the following elements:
 - a. Local Government;
 - b. Police;
 - c. Social Security Agency;
 - d. Employers organization representative; and
 - e. trade union representative.
- (3) The Quick Reaction Unit work results as referred to in section (1) are recorded in the form of recommendation and to be followed up by a Labour Inspector and/or a Civil Servant Investigator in both checking and investigating.
- (4) The Quick Reaction Unit forming as referred to in section (1) is determined by a Governor Regulation.

CHAPTER VI
FOSTERING AND INSPECTION

Part One
INSTITUTIONAL AND WORK UNIT OF LABOUR INSPECTION

Article 112

- (1) The Local Government through the Office carries out Labour Inspection in Region in a harmonized, coordinated and integrated Labour Inspection system.
- (2) In carrying out Labour Inspection as referred to in section (1), the Office may cooperate with regency/municipal Office.

- (3) The Labour Inspection aims for ensuring all legislation in the field Manpower to be obeyed.
- (4) Procedure for carrying out Labour Inspection as referred to in section (1) is regulated by a Governor Regulation.

Article 113

- (1) Labour Inspection is carried out by a Civil Servant appointed and assigned in the functional position of Labour Inspection with competency and professionalism in accordance with the provisions of legislation.
- (2) The Civil Servant as referred to in section (1) observes the field regularly to inspect and monitor the enforcement of legislation in the field of Manpower.

Part Two

IMPLEMENTATION OF INSPECTION

Article 114

- (1) The labour Inspector may enter into all Companies or workplaces or places allegedly for works.
- (2) In the event that the labour Inspectors are rejected to enter a Company or workplace or places allegedly for works as referred to in section (1), they may ask for assistance from the Indonesian National Police to enter it.
- (3) The Labour inspector in inspecting a Company or workplace must notify the Employer or his or her representative unless if the Labour inspector considers the notification may harm the duties.
- (4) The Office along with its Technical Implementing Unit makes workplan of Labour Inspecting Unit.
- (5) The Labour Inspector makes plan of Labour Inspection every beginning of the month based on work plan of Office's unit and implements the work plan.
- (6) The Labour Inspector implements Labour Inspection by:
 - a. fostering;
 - b. checking;

- c. examination; and/or
 - d. investigation of Manpower crimes.
- (7) In implementing the duties as referred to in section (6), the Labour Inspector may ask for clarification from:
- a. Employer and/or management;
 - b. Workers/labourers;
 - c. Employers organization management;
 - d. trade union management;
 - e. Occupational Health and Safety experts; and/or
 - f. other concerned parties.
- (8) For the interests of checking and/or examination, the parties as referred to in section (7) are obligated to provide the needed clarification both orally and/or in writing and the Labour Inspection may gather other necessary evidence.

Article 115

- (1) The Manpower fostering as referred to in Article 114 section (6) point a aims for improve the understanding of Employer/worker on Manpower norms.
- (2) The Manpower fostering as referred to in section (1) may be carried out through technical counseling, dissemination, training, consultation meeting, discussion, and assistance.

Article 116

- (1) Manpower checking as referred to in Article 114 section (6) point b is carried out for Manpower norms in Company for guaranteeing Workers/labourers rights fulfillment.
- (2) The object of Manpower normative checking as referred to in section (1) covers:
- a. norms of work and break hours;
 - b. norms of wages;
 - c. norms of Employment Relation;
 - d. norms of workers social security;
 - e. norms of child labour;

- f. norms of woman labour;
 - g. norms of domestic Workers;
 - h. norms of migrant Workers;
 - i. norms of foreign Workers;
 - j. norms of training;
 - k. norms of Manpower compulsory reporting;
 - l. norms of occupational safety of crane;
 - m. norms of occupational safety of boiler;
 - n. norms of occupational safety of pressure vessel;
 - o. norms of occupational safety of power and production mechanics;
 - p. norms of occupational safety of electricity;
 - q. norms of occupational safety of lightning;
 - r. norms of occupational safety of lift;
 - s. norms of occupational safety of construction;
 - t. norms of firefighting;
 - u. norms of welding;
 - v. norms of work health service;
 - w. norms of Workers medical check-up;
 - x. norms of Workers nutrition and/or catering;
 - y. norms of work environment;
 - z. norms of sanitation Company hygiene;
 - aa. norms of controlling toxic and hazardous materials;
 - bb. norms of industrial waste management;
 - cc. norms of agronomy;
 - dd. norms of self-protection tools;
 - ee. norms of occupational health and safety institution;
 - ff. norms of occupational health and safety personnel;
 - gg. means and facilities of occupational health and safety;
 - hh. norms of occupational health and safety management system.
- (3) Findings as well as corrections in the checking are required to be recorded in book of Inspection in the Company and signed by a Labour inspector.

- (4) The results of Manpower norms are required to be recorded in a report of checking results and written by an inspector.

CHAPTER VII ADMINISTRATIVE SANCTIONS

Article 117

- (1) Every Company and/or Employer committing violation as referred to in Article 55, Article 103, Article 104, Article 107, Article 109 and Article 110 is subjected to administrative sanctions in the form of:
 - a. written warning;
 - b. restrictions of business activities;
 - c. temporary suspension partially or wholly of production tools;
 - d. freezing of business activities; and/or
 - e. revocation of license.
- (1) Further provisions regarding procedures and implementation of administrative sanctions as referred to in section (1) are regulated by a Governor Regulation.

CHAPTER VIII TRANSITIONAL PROVISION

Article 118

At the time this Regional Regulation comes into force:

- a. all licensing published before the enforcement of this Regional Regulation is still effective until the expiry of concerned license period.
- b. all matters related to Manpower implementation except from licensing as referred to in point a are required to adjust to this Regional Regulation for not later than 6 (six) months as of the promulgation of this Regional Regulation.

CHAPTER IX
CLOSING PROVISIONS

Article 119

A Governor Regulation as the implementing regulation of this Regional Regulation is issued not later than 6 (six) months as of the promulgation of this Regional Regulation.

Article 120

This Regional Regulation comes into force on the date of its promulgation.

In order that everyone may know hereof, it is ordered to promulgate this Regional Regulation in the Regional Gazette of the Province of West Sumatera.

Issued in Padang
on 19 September 2019

GOVERNOR OF WEST SUMATERA

signed

IRWAN PRAYITNO

Promulgated in Padang
on 19 September 2019

REGIONAL SECRETARY
OF THE PROVINCE OF WEST SUMATERA

signed

ALWIS

REGIONAL GAZETTE OF THE PROVINCE OF WEST SUMATERA OF 2019
NUMBER 7

Jakarta, 25 June 2020

Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,



WIDODO EKATJAHJANA

ELUCIDATION OF
REGULATION OF THE PROVINCE OF WEST SUMATERA
NUMBER 7 OF 2019
ON
MANPOWER IMPLEMENTATION

I. GENERAL

Manpower development as an integral part of national development under Pancasila and the 1945 Constitution of the Republic of Indonesia is implemented for the whole Indonesian people development to enhance value, dignity and pride of workers as well as realize prosperous, fair, well and equitable society, both materially and spiritually. The manpower development must be well regulated so the basic rights and protection for manpower and worker/labourer are met at the same time as the realization of conducive situation for business development. The manpower development has many dimension and relation. Those relations are not only workers' interest during, before, and after work but also employers, government, and people's interests. Thus, the comprehensive regulation is necessary, covering human resources development, Indonesian workers' productivity and competitiveness enhancement, efforts to expand employment opportunities, workers placement services, and industrial relation fostering.

Under Law Number 23 of 2014 on Local Government as amended several times, last by Law Number 9 of 2015 on the Second Amendment to Law Number 23 of 2014 on Local Government, manpower is a mandatory of government that is unrelated to basic service. The manpower affairs have been regulated in Law Number 13 of 2003 on Manpower and other legislation; such as Government Regulation, Presidential Regulation and Regulation of the Minister of Manpower.

Initially, basic rights of workers/labourers as well as equal opportunity and treatment must be carried out in well-planned, structured, and integrated for enhancing prosperity of West Sumatera Province society. For it, the West Sumatera Province must face free market challenges especially ASEAN Economic Community. The best way to face it is by implementing manpower and developing workers quality who work for both public and private company sectors.

The manpower issues are also national issue that must be solved comprehensively by several parties. The macro issues in manpower such as shifting the use of technology that is more efficient than the use of workers. This changes the system from workers intensive to capital intensive that may change work climate and relation between employer and workers. So the manpower implementation must be carried out based on the principles of integral, rights equity, democracy, social justice, gender equity and justice and without discrimination, with the purpose of empowering and exploiting workers optimally and humanely, realize equal work opportunity and workers provision in accordance with local and national development needs, guarantee equal treatment without discrimination for workers/labourers, enhance prosperity for workers and their families, increase workers quality both direct and indirect in relation with work and keep good industrial relation.

In manpower implementation, the Local Government is obligated to draft manpower planning covering macro manpower planning; determine policy direction in priority sectors for empowering and exploiting local workers optimally; determine policy strategy for equal work opportunity and workers provision in accordance with development needs in regions; and determine policies purposely for regulate manpower implementation in regions.

Based on those issues, there are 5 (five) scopes of problems of manpower that need to regulated covering: workers and manpower information planning; work training and productivity; workers placement; industrial relation; and manpower supervision.

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear.

Article 2

Point a

The term “integral” means the manpower implementation is carried out by harmonize several elements such as government, employer and workers and synergize several related components.

Point b

The term “rights equity” means every manpower implementor has equal rights for manpower.

Point c

The term “democratisation” means all business people either employer or worker participated directly and actively in government decision making in manpower implementation.

Point d

The term “social justice” means to give guarantee of decent livelihood for workers so they can get the opportunity to have better lives.

Point e

The term “gender equity and justice” means the equal condition for males and females to obtain opportunity as well as their rights as human for being able to participate in business world.

Point f

The term “without discrimination” means the equal treatment and opportunity for all people in building manpower without discriminating tribes, races, religions and groups.

Article 3

Sufficiently clear.

Article 4

Sufficiently clear.

Article 5

Sufficiently clear.

Article 6

Section (1)

Sufficiently clear.

Section (2)

- a. macro PTK, covers manpower plan drafting process systematically containing manpower empowering optimally and productively, for supporting social or economy development either nationally, regionally or sectorally. So may give optimal work opportunity, enhance work productivity, and enhance workers/labourers prosperity.
- b. micro PTK, covers manpower plan drafting process systematically in an institution/agency, either institution of Government, Local Government, Regency/Municipal Government or private in order to enhance manpower empowering optimally and productively to support good work achievement in related institution/agency or company.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 7

Sufficiently clear.

Article 8

Sufficiently clear.

Article 9

Sufficiently clear.

Article 10

Sufficiently clear.

Article 11

Sufficiently clear.

Article 12

Section (1)

The responsibilities of the Local Government in organizing Training cover: training unit establishment, means and

infrastructures provisions, instructors and training staff provision as well as training funding in accordance with the legislation.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 13

Sufficiently clear.

Article 14

Sufficiently clear.

Article 15

Sufficiently clear.

Article 16

Sufficiently clear.

Article 17

Sufficiently clear.

Article 18

Sufficiently clear.

Article 19

Sufficiently clear.

Article 20

The Apprenticeship training and supervising staffs may guide Apprenticeship participants according to Apprenticeship program needs of which not more than 30% (thirty) percent of total employees of concerned company.

Article 21

Section (1)

Sufficiently clear.

Section (2)

The Apprenticeship Web Communication Forums (*Forum Komunikasi Jejaring* Pemagangan, FKJP) are such as Apprenticeship and Training Communication Forum, Skill Development Center (SDC) and/or other forums related to human resource development.

Article 22

Sufficiently clear.

Article 23

Sufficiently clear.

Article 24

Sufficiently clear.

Article 25

Sufficiently clear.

Article 26

Sufficiently clear.

Article 27

Sufficiently clear.

Article 28

Sufficiently clear.

Article 29

Sufficiently clear.

Article 30

Sufficiently clear.

Article 31

Sufficiently clear.

Article 32

Sufficiently clear.

Article 33

Sufficiently clear.

Article 34

Sufficiently clear.

Article 35

Section (1)

Point a

Sufficiently clear.

Point b

Private institutions consist of:

- a. Worker Supplying Companies,
- b. Private Workers Placement Agencies,
- c. Special Work Exchange in high schools and universities and/or training institutions.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 36

Sufficiently clear.

Article 37

The Position Counseling and Fostering Service is applied to Vocational Schools or Universities and to Office of Regency/Municipality (responsible for AK1 service = *kartu kuning*) by the employment placement service officer.

Article 38

Sufficiently clear.

Article 39

Sufficiently clear.

Article 40

Sufficiently clear.

Article 41

Sufficiently clear.

Article 42

Sufficiently clear.

Article 43

Section (1)

Protection of Indonesian Migrant Workers is necessary in an integrated system by involving central government, local governments, related stakeholders and public. The role of local government in providing protection of Indonesian Migrant Workers is carried out starting from village, regency/municipality, and province since before work until after work. The protection of Indonesian Migrant Workers covers institutional protection, in this case the division of authority between Ministry of Manpower as the regulator or policy maker and agency as the operator or policy forcer. The local government must take the role and prepare Indonesian Migrant Workers to work abroad, including the time of working abroad in accordance with Law Number 18 of 2017 on Protection of Indonesian Migrant Workers. It also applies for health affairs, in case the local government budget must facilitate such as the banks or other legal units in accordance with the legislation.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 44

Sufficiently clear.

Article 45

Sufficiently clear.

Article 46

Sufficiently clear.

Article 47

Sufficiently clear.

Article 48

Sufficiently clear.

Article 49

Sufficiently clear.

Article 50

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Point a

Sufficiently clear.

Point b

The abilities and qualifications are parties able and qualified legally to make agreement. For children workers, their parents or guardians sign the agreement.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Article 51

Sufficiently clear.

Article 52

Sufficiently clear.

Article 53

Section (1)

The term “permanent jobs” means jobs that are permanent, continual, not limited by time and parts of a production process in a company or work that is not seasonal.

Section (2)

Point a

The term “one time or interim jobs” means certain period employment contract based on certain periods that may be for not later than 2 (two) years and can only be extended for not later than 1 (one) year, also may be renewed for not later than 2 (two) years with a grace period of 1 (one) month before the renewal.

Point b

The term “seasonal jobs” means jobs that do not depend on certain weather or condition. If the jobs are permanent, continual, not limited by time and parts of a production process, but depend on weather or they are needed because of certain condition, the jobs are seasonal and do not belong to permanent jobs so they may be objects for certain period employment contract.

Point c

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Section (6)

Sufficiently clear.

Article 54

Section (1)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Certain conditions or occurrences such as natural disaster, social riots or security disturbance.

Point e

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

The rights in accordance with the legislation or rights as regulated in the employment contract, company regulation, or collective employment contract are rights that must be given that are better and beneficial for workers/labourers concerned.

Article 55

Sufficiently clear.

Article 56

Section (1)

Sufficiently clear.

Section (2)

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

The term “work requirements” means rights and obligations of employers and workers/labourers that are not regulated in legislation yet.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Article 57

Sufficiently clear.

Article 58

Sufficiently clear.

Article 59

Sufficiently clear.

Article 60

Sufficiently clear.

Article 61

Sufficiently clear.

Article 62

Sufficiently clear.

Article 63

Sufficiently clear.

Article 64

Sufficiently clear.

Article 65

Sufficiently clear.

Article 66

Sufficiently clear.

Article 67

Sufficiently clear.

Article 68

Sufficiently clear.

Article 69

Sufficiently clear.

Article 70

Sufficiently clear.

Article 71

Sufficiently clear.

Article 72

Sufficiently clear.

Article 73

Sufficiently clear.

Article 74

Sufficiently clear.

Article 75

Sufficiently clear.

Article 76

Sufficiently clear.

Article 77

Point a

The right dispute means dispute concerning normative rights that are stipulated in employment contract, company regulation, collective employment contract, or legislation.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Article 78

Section (1)

For a company with a total workers/labourers less than 50 (fifty) people, its communication and consultation can be carried out individually well and effectively. For a company with a total workers/labourers 50 (fifty) people or more, its communication and consultation need to be carried out by representatives system.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 79

Sufficiently clear.

Article 80

Sufficiently clear.

Article 81

Section (1)

The bipartite negotiation as referred to in this article is the negotiation between employer or employers association and workers or trade union or between trade union and other trade union in dispute in a company.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 82

Sufficiently clear.

Article 83

Sufficiently clear.

Article 84

Section (1)

The term “failed negotiation” means the failure to reach an agreement to settle industrial relation dispute that may be caused by employer that refuses to negotiate or the negotiation reaches deadlock.

The term “orderly and peacefully” means not disturb public security and order, and/or threaten the safety of people and properties of company or employers or other people or public.

Section (2)

Sufficiently clear.

Section (3)

Point a

Sufficiently clear.

Point b

Location of work strike means places determined by the work Strike person in charge that are not prevent other workers/labourers to work.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Article 85

Sufficiently clear.

Article 86

The companies providing public service and/or Company of which its business endangers human safety are hospitals, fire department, railroad crossing guard, sluice guard, air traffic flow management and sea traffic flow management.

Article 87

The term “violating normative rights” means the employers are consciously not willing to fulfill their obligation as stated and/or stipulated in employment contract, company regulation, collective employment contract or legislation on manpower even though already determined or ordered by the authorized officials in the field of manpower.

The payment of wages of workers/labourers in strike in this article does not remove the provisions regarding sanctions against employers violating normative provisions.

Article 88

Sufficiently clear.

Article 89

Section (1)

The effort to prevent termination of employment relation, such as work hour regulation, efficiency, re-organize of work method and supervisory to workers/labourers.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 90

Sufficiently clear.

Article 91

Sufficiently clear.

Article 92

Sufficiently clear.

Article 93

Sufficiently clear.

Article 94

Sufficiently clear.

Article 95

Sufficiently clear.

Article 96

Sufficiently clear.

Article 97

Section (1)

The term “income that can fulfill decent living” means income of workers/labourers is sufficient to fulfill decent living of workers/labourers and their families covering foods and drinks, clothing, housing, education, health, recreation and old-age security.

Section (2)

Sufficiently clear.

Section (3)

The minimum wage determination as safety net is so that the wage will not be paid less than minimum wage determined by the government and also so that the wage does not decrease to the

level endangering workers/labourers nutrition and disturbing their work abilities.

Section (4)

Point a

The term “wage without allowance” means an amount of money regularly received by workers/labourers.

Point b

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 98

Section (1)

Sufficiently clear.

Section (2)

The formulation of wage structure and scale aims to be guidance of wage determination so that there is an assurance of wage of each workers/labourers and also to lessen gap between lowest and highest wages in company concerned.

Section (3)

Sufficiently clear.

Section (4)

Sufficiently clear.

Article 99

Sufficiently clear.

Article 100

Sufficiently clear.

Article 101

Sufficiently clear.

Article 102

Sufficiently clear.

Article 103

Sufficiently clear.

Article 104

Sufficiently clear.

Article 105

Sufficiently clear.

Article 106

Sufficiently clear.

Article 107

Section (1)

Sufficiently clear.

Section (2)

Point a

Sufficiently clear.

Point b

The term “occupational health and safety management system” means a part of entire company management system covering organizational system, planning, implementation, account, procedure, process, and resources needed for developing, applying, achieving, reviewing, and maintaining policies of occupational health and safety in controlling risk on work activities for achieving safe, efficient, and productive workplace.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Section (3)

Sufficiently clear.

Article 108

Sufficiently clear.

Article 109

Section (1)

Sufficiently clear.

Section (2)

The term “certain work/business sectors” such as work in offshore drilling, long-distance transport drivers, long-distance flights, ships (sea), or deforestation.

Section (3)

Overworking must be prevented as possible because the workers/labourers must have sufficient time to rest and recovery. However, in certain cases there are emergency needs that must be finished immediately and cannot be avoided so that the workers/labourers must work overtime.

Section (4)

Sufficiently clear.

Section (5)

Sufficiently clear.

Article 110

Sufficiently clear.

Article 111

Sufficiently clear.

Article 112

Sufficiently clear.

Article 113

Sufficiently clear.

Article 114

Sufficiently clear.

Article 115

Sufficiently clear.

Article 116

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

The book of inspection means the company data book containing manpower condition and may be used by the Labour Inspector to record examination results and correction requirements for legislation violation in the field of manpower issued by the Office responsible for Provincial manpower and book of inspection in kept by the company.

Section (4)

Sufficiently clear.

Article 117

Sufficiently clear.

Article 118

Sufficiently clear.

Article 119

Sufficiently clear.

Article 120

Sufficiently clear.