

Labour Policy For Overcoming The Impact of Covid-19

Sulistiyani Eka Lestari

Faculty of Law, Sunan Bonang Tuban University, Indonesia

E-mail : sulis_usb@yahoo.com

ABSTRACT

During the Covid-19 epidemic pandemic, the government has done a lot of policies, in order to overcome the widespread corona virus outbreak and reduce the number of victims. In dealing with the Covid-19 outbreak, the government issued several policies, one of which was the Circular of the Minister of Manpower Number M / 3 / HK.04 / III / 2020 regarding guidelines for Labor Protection and Business Continuity in Prevention and Subscription Coordination. However, this Circular Letter is deemed insufficient to solve labor problems during the Covid-19 pandemic. The Minister of Manpower circular is deemed inappropriate if the government regulates the labor sector in dealing with Covid-19 only through the Minister of Manpower's Circular Letter. The government should issue better policies such as Ministerial Regulations or higher so that they have the authority and binding force. Government policies on employment must be able to provide guidance and clarity for industrial relations actors in facing the current Covid-19 pandemic.

Keywords: Policy, Employment, Pandemic, Covid-19

1. INTRODUCTION

Corona Virus Diserse (Covid-19) is a plague that has spread to many countries, including Indonesia. Corona Virus is a contagious new virus that was first discovered in Wuhan China in December 2019. Not only in Indonesia, but also throughout the world, the corona virus outbreak that struck Indonesia made the government issue a special policy with the temporary suspension of community activities that caused a crowd, including the process of teaching and learning in schools, company workers, activities in public spaces, to activities religious in a place of worship. (<https://gajimu.com/tips-karir/kondisi-kerja-dan-kehidupan-di-tengah-pandemi-covid-19-indonesia/faq-ketenagakerjaan-dan-covid-19>)

Since this epidemic broke out, many new terms have emerged. There is a new term that is familiar with us today, namely WFH or Work From Home. Avoiding wrong perceptions, let us try to understand what is meant by Work From Home is a concept of working from home. This term has actually been known for a long time, especially for workers who are freelancers. Even before this pandemic existed, many companies adopted the concept of work from home for their employees. In Law number 13 Year 2013 article 86 paragraph (1) letter a Regarding employment, it is said that every worker has the right to obtain protection, safety and health in work.

There is a term that we commonly hear that is laying off workers, however this term is not known and is not regulated in the provisions of Law Number 13 Year 2003 concerning Labor. However, there were those who were laid off but did not do Termination of Employment, on the grounds that the company could not run production and experienced a crisis or congestion. The problem that then arises is, what about the wages of workers while carrying out Work From Home



(WFH). Associated with employee salaries that have been deducted has been regulated in Government Regulation Number 78 Year 2015 Regarding Wages. In cases such as Corona Virus or Covid-19 on the grounds that the company suffers a loss, wage deductions made by the company can cause disputes because they are not based on law. (<https://gajimu.com/pekerjaan-yanglayak/upah-kerja/pemotongan->)

As for the legal deductions for reasons for deduction of wages, it is necessary to understand in Law Number 13 Year 2003 Article 1 number 30 on Manpower stated that workers' rights received in the form of money are compensation from companies that have been determined and paid in accordance with the work agreement and agreement according to statutory regulations, including benefits for workers and their families for the work they have done. In Government Regulation Number 78 Year 2015 Article 5 paragraph (1) Regarding Wages, consisting of: 1) Wages; 2) Basic wages and fixed allowances; 3) Basic wages along with fixed allowances and non-permanent benefits.

During the pandemic, there are three things that needed to be regulated in relation to employment, including: At least there are 3 things that the government needed to consider in making employment sector policies in order to deal with the spread of Covid-19. First, occupational safety and health, which more than 2 million workers are affected by Covid-19. There are even workers who contracted Covid-19 at work. Secondly, employment certainty, the Covid-19 pandemic adds to the vulnerability of the workers' position to obtain employment certainty. In this situation, many workers experience termination of employment ahead of Eid because employers avoid payment of holiday allowances, and this is usually experienced by workers whose status is contract workers. Third, social security, social security programs are very important for workers and their families. The social security scheme organized by BPJS becomes inactive if participants do not pay dues. This will be a problem for laid-off employees and the company if they do not pay workers' social security contributions.

To overcome this problem the government should issue a policy, it can through regulating that BPJS Employment investment returns are then used to pay participants' premiums. The labor policy that has existed since Indonesia's independence has actually prioritized the protection of workers. This can be seen in the Labor Law which has been issued so far. Finally, Law Number 13 Year 2003. For example, if workers work in a threatening situation, protection of workers is a major concern. And where companies are no longer able to provide that protection, the State must be responsible. Because after all the normative rights of workers must be protected, for example the minimum wage as the minimum standard required by workers to live. And if companies are no longer able to fulfill workers' normative rights, the government must find the best solution.

2. RESEARCH METHOD

In this study the authors used qualitative research methods. Qualitative content analysis, according to Biber & Leavy (2010) is a research method for subjective interpretation of data text content through the process of classification and identification of themes or systematic patterns. In qualitative research, content analysis is carried out systematically, but not as rigid as quantitative content analysis. Categorization is only used as a guide, allowing other concepts or categories to emerge during the research process. Research that uses content analysis is related to phenomena that can be studied and observed. The author will first formulate precisely what will be studied in this study. Next take all actions based on predetermined goals. In this study, the unit of analysis is a reference, a series of words or sentences that indicate something that has meaning in accordance with the categories of employment and the effects of Covid-19. The researcher collects news related to employment and the impacts of Covid-19. Content analysis is carried out on electronic, print and online media.

Literature Review

Implementation of Labor Regulations

In Law Number 13 Year 2003 concerning Manpower in article 1 number 2, it is said that laborers are every person who does a job to produce goods or services both to meet their own needs and for the community. In Act Number 13 Year 2003 concerning Manpower is a refinement of Act Number 14 of 1969 concerning the Principal Provisions of Manpower (*Sendjun H. Manulang: 2011*).

Dumairy (1997), said that included in the workforce are residents who enter the working age. The working age limit is intended to portray reality in reality. Each country has different age limits due to policies and conditions of labor that are also different in each country, this is what causes the age limit in each country is different. In Indonesia, the worker age limit is 15 years and there is no maximum limit.

Payaman Simanjuntak (1998), said that workers are residents who are already working, currently working and who are looking for work or other activities such as school and taking care of the household even though they are not working but physically able to work. This understanding is broader than the understanding of workers / laborers who are only related to employment relations and workers who have not been able to work. While the understanding of the worker / laborer is a person who works and receives wages or rewards and is in a bond working relationship with a company. (*Hardijan Rusli: 2011*).

Meanwhile Sukirno (2013: 6) saw the sending of workers in terms of expertise and education, he distinguished them in three (3) categories, namely:

- 1) Crude laborers, i.e. workers who have low education or do not have the skills or skills in a job.
- 2) Skilled workforce, namely workers who have the skills or expertise from training or work experience.
- 3) Educated workforce, namely workers with a high enough education and expertise in certain fields of science.

Worker Rights and Obligations Related

That every worker has the right to get protection. In the contents of Law Number 13 Year 2003 Article 86 paragraph 1 stated that "Every worker has the same right to get protection for: 1). Occupational safety and health; 2). Moral protection; and 3) treatment of human dignity and values in accordance with religious values.

Darwan Prints, states that what is meant by rights is something that must be given to someone because of a cause or status of someone, while an obligation is an achievement either in the form of objects or in the form of services carried out by someone because of the position or status they bear. (*Darwin Prinst. 2012*)

The rights obtained by workers have been regulated in several rules, including:

- 1) Law Number 13 Year 2003; Government Regulation No. 8 of 1981 Article 1602 Civil Code, Articles 88 to 97 which contains the Protection of Wages or salaries
- 2) Law Number 13 Year 2003 article 4 which contains the right to work and decent income.
- 3) Law Number 13 Year 2003 Article 5 concerning the right to freedom of choice and to move jobs according to their talents and abilities.
- 4) Law No. 13 Year 2003, articles 9-30 concerning the right to foster vocational expertise in acquiring and increasing expertise and skills again
- 5) Law Number 3 Year 1992 article 3 on Social Security which is the right to obtain protection for safety, health and treatment in accordance with human dignity and religious morals.
- 6) Law Number 13 Year 2003 Article 104 concerning the Right to Establish and Become a Member of the Labor Union
- 7) Law Number 13 Year 2003 Article 79 concerning annual leave rights, after serving 12 (twelve) months consecutive months in one organization
- 8) Law No. 13 Year 2003 articles 88-98 concerning the right to full wages for annual leave.
- 9) Law Number 13 Year 2003 Article 150-172 is the right to annual payment, if at the time of termination of employment he already has at least 6 months from the time he is entitled to the last annual leave.

- 10) Law Number 2 Year 2004 Article 6-115 concerning the right to negotiate or settle in the event of industrial relations disputes whether through bipartite, mediation, conciliation, arbitration or settlement through a court. (*Lalu Husni, 2005*)

3. RESULT AND DISCUSSION

The impact caused by the Covid-19 Pandemic

Corona Virus or better known as Covid-19 is a new type of virus and it is a form of infectious diseases that spread quickly. Its spread has been to all corners of the world including Indonesia, where the virus was first discovered in December 2019 in Wuhan, China. There are several types of Corona Virus that cause respiratory infections from coughing to serious levels such as sufferers of Severe Acute Respiratory Syndrome (SARS) and Middle East Respiratory Syndrome (MERS). Corona virus is a new type of disease, where it is known that about 80% of people infected with covid-19 have managed to recover on their own without the need for special treatment, while 1 person out of 6 infected will suffer from severe pain and difficulty breathing until death. There are some people who are susceptible to Covid-19, among others, those who are elderly and those who have a medical history of congenital diseases, such as high blood pressure, diabetes, heart disease and other illnesses. Why covid is called a pandemic, the following explanation:

- 1) Endemic is a disease outbreak in an area that attacks the community, its coverage is small.
- 2) plague is a disease that spreads to several regions in a country.
- 3) Epidemic is the spread of disease between countries.

At the beginning of the emergence of Covid-19, it was still in an epidemic stage. Because at that time the countries that experienced Covid-19 were China, Korea, and Japan. But then spread throughout the world, the Corona Virus is then called a pandemic. In the construction of thinking people face Covid-19 a lot of non-scientific thinking patterns that circulate in the community, instead of preventing and stopping the spread of Corona Virus, non-scientific construction that was built even further worsen the spread of Covid-19's epidemic. (<https://w3.uinsby.ac.id/sikap-ilmiah-menghadapi-pandemi-covid-19/>)

Therefore, in the handling of the Covid-19 pandemic, humility and awareness of all elements of society are needed to entrust the handling of this pandemic to the government through the Covid-19 Prevention Task Force established by the government and the health ministry and related parties, namely WHO. For the community and independent institutions outside the government to be able to refrain from intervening in institutions that have been given authority so as not to worsen the situation. As a poetry that if it really can't help solve the problem at least don't be part of the problem.



It must be realized together that the accompanying factors of congenital diseases are a factor in the high level of mortality which is hampering in handling this Covid-19 outbreak. Another inhibiting factor is the incorrect way of viewing society in responding to and responding to the spread of the Corona Virus or commonly referred to as an anachronism perspective. Some perspectives of anachronism in society are: First, socio-cultural anachronism. In Indonesian society, sociology is known to be very strong through mutual mutual cooperation which is a form of social empathy for others. The existence of this sociological bond is often expressed in the form of shaking hands when meeting, hugging each other between friends or acquaintances and kissing the cheeks as a sense of longing for friends and the like. When the Covid-19 outbreak occurs and the government recommends keeping social distancing or terminology there is a habit that is lost or eliminated because there is a contradiction in thinking between reasoning to maintain health by maintaining social distancing and communitarian reasoning. The second is how to build religious understanding in the community, where the Covid-19 prevention protocol is contrary to the existing religious construction of the community. Through social media, we see a variety of religious narratives that ignore, even against the prevention and protection medical protocols of Covid-19. The construction of religious narratives built in society is that death is the prerogative of God Almighty, where the Covid-19 pandemic is God's punishment for the sins that humans have committed, so humans need not fear, let alone Covid-19, only fear of God alone, that in their thinking social distancing is only an attempt to silence the faith, and so on. In the end these people became the chain of transmission of Covid-19, and certainly this was very troublesome for the team handling the Covid-19 and the government. Therefore it is natural that the death rate in Indonesia due to the Corona Virus is the highest in Southeast Asia at around 8.46%.

The attitude of the community in understanding and responding to the Covid-19 pandemic scientifically manifested in reasoning thinking inductively in understanding the phenomena of social reality. Inductive way of thinking is a cognitive process in which there is a causal basis based on the reality of people's lives empirically. While the way of thinking deductively is a normative reality that is adapted in empirical reality is not always in line with the context of space and time. (*Masdar Hilmy: 2020*)

Since the Covid 19 pandemic occurred, there have been many problems not only related to socio-cultural, religious and economic issues but also related to labor issues. Until now, many workers have changed their work routines into work from home activities, with terms that are currently the trend of WFH (Work From Home). Termination of employment occurs in almost all countries affected by the Corona Virus. In Indonesia, there were around 2.8 million workers affected by Covid-19, both those who were laid off or who were laid off.



WFH or Work From Home is a work concept by doing work from home. The term work from home has long been known especially for freelancers or freelancers. Law Number 13 Year 2013 concerning Manpower Article 86 paragraph (1) letter a is the legal basis of work from home that every worker has the right to get protection, safety and health at work. However, in practice, many companies laid off workers but did not terminate employment due to various reasons, for example the company could not run production until the company experienced a crisis and now this is due to the Covid-19 epidemic. Data that has been collected related to labor / workers work that has been laid off or laid off has reached 3 million workers since Corona virus struck Indonesia, some of these workers have been laid off, some have even been laid off or laid off.

Minister of Manpower, Ida Fauziyah conveyed that as many as 1.7 million workers had been laid off by his company and others were laid off. While the remaining 1.3 million are still in the validation process. The latest data on May 4th, 2020 there are 3 million workers who have been affected both validated and still in process. (<https://finance.detik.com/berita-ekonomi-bisnis/d-5001628/>). In more detail there are about 1,722,958 people no longer working because of this Corona Virus. While there were around 1,032,960 people who were laid off, and 375,165 people were laid off, while in the informal sector there were 314,833 people affected. The Legal Regulations that lay off workers related to Covid-19 are regulated in:

1. In a Circular from the Minister of Manpower Number: SE-05 / M / BW / 1998 concerning Workers' Wages that are laid off and not in the Way of Termination of Employment; This regulation regulates:
 - Where employers still have the obligation to pay full wages, in the form of basic wages and fixed benefits as long as workers are laid off, unless there is a Work Agreement, Company Regulations and Collective Agreements
 - If the employer is unable to pay the full salary, it should be negotiated with the union and with the workers about the amount of wages during the home.
2. In the Circular of the Minister of Manpower Number: SE-907 / MEN / PHI-PPHI / X / 2004 concerning Prevention; If due to large-scale social restrictions caused by the Covid-19 pandemic then the company experiences difficulties which can ultimately affect workers, Termination of employment or layoffs is the last effort that can be taken, after making every effort, namely: 1) Namely by reducing wages and workers facilities at the top level; 2) By reducing the work shift; 3) By reducing the existing working hours; 4) By reducing Business Days; 5) By laying off or laying off alternately for a while.

In order to protect the rights of laborers or workers the Government together with employers provides a wage protection scheme when the Covid-19 pandemic takes place, the Minister of Manpower in his Circular Letter dated March 17th, 2020 Number M / 3 / HK.04 / III /



2020 Year 2020 Regarding Protection of Against workers in the prevention and prevention of Covid-19 declared a global pandemic (<https://gajimu.com/pekerjaan-yanglayak/upah-kerja/pemotongan->)

Provisions for Implementing Large Scale Social Restrictions

Provisions regarding large-scale social restrictions regulated in Minister of Manpower Circular Letter Number 3 Year 2020, as follows:

- a. Covid Persons in Monitoring which are stated with a doctor's certificate and carried out self-isolation for 14 days so as not to be able to come to work in accordance with the provisions of the Ministry of Health, the wages are still paid in full.
- b. Then for those who are categorized as Covid-19 suspects and quarantined as stated by a doctor's certificate, then during quarantine the wages must be paid in full.
- c. For workers who experience illness due to Covid-19 as evidenced by a doctor's certificate, the wages will still be paid according to existing regulations.
- d. In the Imposition of restrictions on business activities because of government policies in large-scale social restrictions in their respective areas for the prevention and control of Covid-19, then the impact on company activities that causes some or all workers cannot come to work, then the payment of workers' wages can be made according to the agreement carried out between employers and workers.

In the case that the company is no longer able to pay workers' wages in accordance with the Provincial Minimum Wage in a public health emergency situation during the 19th pandemic, because due to large-scale social restrictions impact on company activities so that turnover decreases and the company is no longer able to pay wages workers, companies are not allowed to immediately terminate employment or not pay workers' wages. The solution that can be done by the Company is that they can submit to the Governor the suspension of payment of wages where this provision has been regulated in Law Number 13 Year 2003 Article 90 on Manpower and Minister of Manpower and Transmigration Decree No. KEP-231 / MEN / 2003 concerning Procedures for Suspending the Implementation of Minimum Wages. As regulated in Article 151 paragraph 1 of Law No. 13 Year 2003 concerning Employment of Companies, the Company may not conduct arbitrary Termination of Employment in any situation, including in the emergency situation of the Covid-19 pandemic outbreak.

However, if the termination of employment as a last alternative cannot be avoided due to reasons of force and efficiency. Then the company must provide a report with proof of the existence of financial statements for at least the last 2 years through an audit of public accountants stating that the company suffered losses. Where this provision is regulated in Law No. 13 Year 2003 concerning Manpower Article 164 paragraph 1 and paragraph 2



4. CONCLUSION

Associated with the increasingly widespread outbreak of Covid 19 which has had a very extraordinary impact, both in terms of socio-cultural, economic, health, psychology and the impact on the employment sector, this can be seen with the increasing number of unemployment and the occurrence of waves of layoffs that have broken the 3 million figure, however, when viewed from a legal standpoint, the government together with the company has issued a Circular to protect the rights of workers / laborers, through the Circular of the Minister of Manpower Number M / 3 / HK.04 / III / 2020 Year 2020 concerning Protection Workers and Business Continuity in the Context of Preventing and Countering Covid-19. Worker's rights must be exercised and considered. The Termination of Work is the last resort that must be taken, but must still pay attention to the rights of workers and the applicable legal rules. With reference to the applicable legal rules, including: 1) Labor Law Number 13 Year 2003; 2) Law concerning Settlement of Industrial Relations Disputes Number 2 Year 2004; 3) Government Regulation on Wages Number 78 Year 2015; 4) Decree of the Minister of Manpower and Transmigration concerning Procedures for Suspending the Implementation of the Minimum Wage Number KEP-231 / MEN / 2003 Year 2003.

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