



Joint Training on Union Organising
“Organiser’s Skills on Labour Laws and Dispute Settlement”
Jakarta, 7-9 June 2021

The union leaders and active union members need and should learn about the labor law in Indonesia. The easiest way is by reading the existing law and regulation. Currently, the labor law and regulation has changed interchangeably and often being amended/nullified, so we can say that they are not “intact” anymore. For example, there are some Constitutional Court decisions that have been overturned some articles, overturned some phrases in the articles or giving interpretation to a specific article from the labor law. As a result, in practice, the law sometimes still being applied while actually those are already overturned by the Constitutional Court. Therefore, it’s very important to understand the history of how the law/regulation being passed along with the changes that occurred. Including the Job Creation Act and its very controversial implementing regulations.

Advocacy, by language, means accompaniment support, recommendation, defending. In the manpower, advocacy means an activity or a spectrum of activities in the form of recommendation, assistance or accompaniment, statement or a defense carried out for workers/members or organization due to some circumstances or certain problems.

In the industrial relation, we can’t avoid “a dispute” that most likely happened. A dispute between worker and employer basically can happened prior to or not prior to a violation of the law. Should a labor dispute has started by to the violation of the labor law, generally it’s caused by the following factors:

- as a result of difference interpretation on the labor law implementation (*conflict of rights*);
- due to an act of discrimination done by the employer, or;
- due to the lack of understanding of the employer on trade union role and function as a bargaining institution and workers representative institution.

The dispute in the workplace can be avoided, but sometimes can’t be avoided and this is, among others, due to the following:

- The decision is one-sided where sanction directly given by the management/company to the workers, ignoring the regulation that has been agreed in the workplace
- The management/employer attitude that perceive workers as a production factor and merely for profit oriented (productivity)

- The failure of bargaining by the parties in settling the labor dispute as a result of an absence or lack of good and effective communication
- There's no recognition of the trade union in the workplace as an institution to represent on behalf of workers

The Primary Labor Law Implemented in Indonesia:

- (1) Law No 11/2020 on the Job Creation and its implementing regulations
- (2) Law No 13/2003 on the Manpower
- (3) Law No 21/2000 on the Trade Union
- (4) Law No 4/2004 on the Labor Dispute Settlement

The Output of the trainings are as follows:

Increasing the knowledge and skill for the organizers on the labor law enacted in Indonesia and how to conduct advocacy on the violation of workers right in the workplace.

Programs and Training Materials

Day One: 7 June 2021		
Time	Topic	Person in Charge
13.00	Participants' arrival Preparation to Check in	Indah Budiarti
13.30	Opening and Introduction Program and Material Overview	Indah Budiarti
14.00	Session 1: Understanding Law and the Structure applied in Indonesia: <i>The Penal Code, The Civil Code, The Administrative Law and the position of the Labor Law</i>	Facilitator Team
15.00	Coffee/Tea Break	
15.30	Session 2: Understanding Labor Law applied in Indonesia and its amendment: (1) Law No 11/2020 on the Job Creation and its implementing regulations (2) Law No 13/2003 on the Manpower (3) Law No 21/2000 on the Trade Union (4) Law No 4/2004 on the Labor Dispute Settlement	Facilitator Team
18.00	Dinner Free Activity	
Day Two, 8 June 2021		
Time	Topic	Person in Charge
08.30	Session 3: Understanding The Basic Principles of the Law on the Industrial Relation Dispute Settlement and recognizing Types of Disputes: Dispute on Rights, Dispute on Interest, Dispute on Termination, Dispute happened inter unions	Facilitator Team

10.00	Coffee/Tea Break	
10.30	Continuing Session 3 – Identifying Violations’ Cases	Facilitator Team
11.30	Session 4: Understanding Dispute Settlement Regulation in the Bipartite Body in the Company	Facilitator Team
12.30	Lunch	
14.00	Session 5: Recognizing Problems/Grievance/ Complaint in the workplace: <i>Identifying Problems and The Technique to settle it in the first phase</i> <ul style="list-style-type: none"> • <i>Writing or documenting the complaint and reporting it</i> • <i>Settle the complaint</i> Case Exercise and Group Work	Facilitator Team
15.30	Coffee/Tea Break	
16.00	Session 5 – continued	Facilitator Team
18.00	Free Activity	
Day Three, 9 June 2021		
Time	Topic	Person in Charge
08.30	Session 6: The skill in court proceeding for the civil code and administration and the technique to prepare the documents for civil case and administration case Mock Trial	Facilitator Team
10.00	Coffee/Tea Break	
10.30	Sesi 7: The skill of dealing with penal/criminal court session and the technique to prepare documents for criminal case Mock Trial	Facilitator Team
12.30	Conclusion and Closing Check Out	Indah Budiarti

