



ILO Declaration Project
to The Indonesian National Police

PROMOTING AND REALIZING
FUNDAMENTAL PRINCIPLES AND
RIGHTS AT WORK
TO THE INDONESIA NATIONAL POLICE



"Reformasi" and Industrial Relations

As part of the process of Indonesia's reformation to a more democratic state, many frictions, disputes and conflicts have occurred due to sometimes opposing interests of different parties in politics, economy and social fields.

In the field of labour, the reformation programme has developed a new structure of industrial relations system that requires changes of perspectives and attitudes of the tripartite constituents towards industrial disputes. While inevitable, mismanagement of industrial disputes can result in losses for the enterprises and workers concerned, can lead to violence and property damage, and can deter foreign and domestic investment, which would create more jobs opportunities.

Police and Industrial Disputes

In different industrial dispute situations, the Police has continue been called upon by government officials, employers, workers or members of the community to take action in relation to concerns about property damage, threats to public order, unfair treatment of workers, protection of workers from mobs engaged to break up workers' strikes or protest etc.

The action taken or inaction by police may lead to criticisms being made about conduct or improper interference by police in industrial disputes that can lead to mismanagement of industrial disputes and even violation of the fundamental principles and rights at work, which conventions have been ratified by Indonesia. In addition, the involvement of military or the police in industrial disputes raises a variety of issues and has been the subject of public controversy in Indonesia.

Following the Decision of People's Consultative Congress No. VI and No. VII of 2000, the Indonesian Police is no longer part of the Indonesian Armed Forces. The separation of Indonesian National Police from the military has put them in the fore to maintain order and security, to enforce law and to investigate crime, while upholding human rights, as a part of the criminal justice system. These roles of the Indonesian National Police are stipulated in law No. 2 of 2002 on Indonesian Police.

Given the important role of the National Police in Indonesian society, it is essential that training be provided to appropriate officers in relation to developments in labour laws and labour rights and the handling of industrial disputes.

The Project

The ILO Declaration Project on Promoting and Realizing Fundamental Principles and Rights at Work to the Indonesian National Police was developed as ILO's response towards the need for enhancement of the Indonesian National Police understanding with regard to the handling of industrial disputes. The two-year Project is part of a bilateral technical cooperation project between the Government of the United States of America and the Government of Indonesia on Narcotics Control and Law

Enforcement, which agreement was signed by Chief of the Indonesian National Police and Ambassador of the USA to Indonesia in Jakarta on 26 February 2003. The ILO, in this regard, is the implementing agency of the Project.



"Let's Step Up to Change! Stop Violence! Enforce law and order without violence in workers' strikes and demonstrations for harmonious and productive industrial relations"

Objective

Immediate objectives of the Project are to enhance understanding and institutional capacity of the Indonesian National Police to implement fundamental principles and rights at work, and to undertake its mandate in maintaining law and order in industrial disputes.

Achievement of these objectives is expected to contribute to the creation of a sound, harmonious and fully functioning industrial relations system aimed at promoting economic growth while guaranteeing workers' rights, which is the development objective of the Project.

Approach and Strategy

In order to institutionalize the understanding and capacity, sustainability of Programme of the Project should be reached through creation of a group of master trainers and incorporation of courses on fundamental principles and rights at work, as well as the role of police in industrial disputes settlement into the curriculum of police education at all levels.

Beneficiaries

Direct beneficiaries of the Project are police officers in the headquarters and selected police precincts (Polres) in the nine provinces of North Sumatra, Riau, Jakarta, Banten, West Java, Central Java, East Java, South Sulawesi and East Kalimantan. Furthermore, manpower officials, employers' and workers' organizations, as well as the general public are expected to be the indirect beneficiaries of the project activities.

Activities

As of the end of 2004, the Project has conducted different activities as follows:

- Baseline study on police understanding and capacity to implement the fundamental principles and rights at work and the role of the police in handling industrial relations disputes. Findings of the

study will be used as benchmark of indicators to monitor effectiveness of its activities throughout the course of the Project and to measure impact created after its implementation.



MAIN FINDINGS OF BASELINE STUDY

1. The Fundamental Principles and Rights At Works (N=23)

| Question | Yes | No | Don't Know |
|--|------------|------------|------------|
| Do workers have the rights to join or establish trade unions? | 20 (87%) | 2 (8.7%) | 1 (4.3%) |
| Do employers have the rights to join or establish employers' association? | 19 (82.6%) | 4 (17.4%) | - |
| Do police and military personnel have the rights to join or establish unions? | 2 (8.7%) | 21 (91.3%) | - |
| Can the government intervene in the management of workers' and employers' organizations? | 6 (26.1%) | 16 (69.6%) | 1 (4.3%) |
| Can the government dissolve workers' or employers' organizations? | 18 (78.3%) | 5 (21.7%) | - |
| Do workers have the rights to strike? (N=11) | 8 (72.7%) | 2 (18.2%) | 1 (9.1%) |
| Do employers have the rights to lockout? (N=11) | 7 (63.6%) | 2 (18.2%) | 2 (18.2%) |
| Can any individual or institution employ anyone as forced labour? | 0 | 23 (100%) | - |
| Can the state impose forced labour as a punishment for people who against the state's political and economic ideology? | 0 | 22 (95.7%) | 1 (4.3%) |
| Can the state forcefully employ their citizens to work for economic development? | 3 (13%) | 20 (87%) | - |
| Can the state adopt a forced labour policy? | 14 (60.9%) | 9 (39.1%) | - |
| Can the state adopt a compulsory military service policy? | 13 (56%) | 10 (43.5%) | - |
| Can a superior impose forced labour to his/her indiscipline subordinates? | 3 (13%) | 20 (87%) | - |
| Can an employer impose forced labour to punish striking workers? | 0 | 23 (100%) | - |
| Can children be employed in the worst forms of child labour? | 0 | 23 (100%) | - |
| Can discriminative remuneration based on sex be applied for equal work? | 0 | 23 (100%) | - |
| Can discriminative remuneration based on sex be applied for high-risk employment? | 4 (17.4%) | 19 (82.6%) | - |

2. The Police Role in industrial dispute situations

| Pertanyaan | Yes | No | Don't Know |
|---|-----------|------------|------------|
| Should the police ignore any industrial dispute situations? | 0 | 23 (100%) | - |
| Should the police refer the case to Manpower officials? | 6 (26.1%) | 17 (73.9%) | - |
| Should the police conduct investigation? | 8 (34.8%) | 15 (65.2%) | - |
| Should the police try to reconcile the disputing parties? | 9 (39.1%) | 14 (60.9%) | - |

- Training of master trainers for 30 police officers from police education institutions or district offices from the above provinces except Riau, East Kalimantan and South Sulawesi provinces.
- Socialization training for approximately 90 police officers from different Police District offices in Jakarta, North Sumatra, Yogyakarta, Central Java, East Java and West Java provinces and 45 officers of provincial police offices from the above provinces except DKI Jakarta. The training involved 30 participants from local Manpower offices, the Employers' Association of Indonesia (Apindo) and Trade Unions, with a total of 60 women participants.
- Development of the final draft of the Guideline on the Conduct of Indonesian National Police in Handling Law and Order in Industrial Disputes, which will be ratified by the Chief of the Indonesian National Police.
- Filming of training video on the handling of worker's strike and demonstration, and publication of different information and promotional material program activities such as poster and leaflet.

Counterparts

In implementing its activities the Project closely work with the Office of Personnel Development Buraue, Deputy for Human Resource Development (DeSDM) and Education and Training Institute (Lemdiklat) of the Indonesian National Police (Polri). Department of Manpower and Transmigration (Depnakertrans) will also be involved in a number of project activities.



OUTLINE OF THE POLICE GUIDELINES

- ★ The guideline is hereby prescribed to officially govern the conduct of all members of the Indonesian National Police (INP) in maintaining public security and order, and enforcing the law during or following strikes, lockouts and industrial disputes.
- ★ Police detail ... is for the purpose of providing protection and services in maintaining public security and order and allowing workers and employers to exercise their rights to strike, demonstration, and company lockout in lawful, orderly, and peaceful fashion.
- ★ INP personnel detailed ...shall:
 - 1) Remain impartial in dealing with the parties to the controversy;
 - 2) Have a principle that all parties are equal before the law;
 - 3) Always bear in mind that the parties are not their adversaries but rather are partners in the quest for industrial peace and social justice;
 - 4) Not be involved in any industrial dispute negotiation.
- ★ In case of real threats towards public security and order in industrial disputes, and in strike, demonstration, or company lockout, INP personnel must take necessary police action in firm and measurable manner, in accordance to existing laws and regulations
- ★ Police action shall be conducted to maintain public security and order in efforts to enforce the law and uphold human rights.

For further information, please contact:



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