

Labour Inspection Structure and organization

Name of institution that manages work issues

The institution responsible for labour affairs is the Ministry of Manpower and Transmigration (MOMT).

Department(s) responsible for Labour Inspection

Act No. 13 of 2003 on Labour Law establishes the Ministry of Manpower and Transmigration (MOMT) as the only government institutional responsible for labour matters. Labour inspection is one of the MOMT's core functions covering every economic sector and size of enterprise. In the area of occupational safety and health, some authority for advisory services (in certain sectors) is delegated to other government agencies:

- OSH advisory services in the energy, mining, and mineral resource sectors are delegated to the Ministry of Energy and Mineral Resources;
- OSH advisory services in the nuclear energy sector are delegated to the Nuclear Energy Regulatory Agency;
- OSH advisory services in the construction sector are delegated to the Ministry of Public Works.
- OSH inspectors from the MOMT sometimes carry out joint inspection visits with OSH officials from these other agencies.

The Directorate General of Labour Inspection within the MOMT covers the inspection areas of working conditions, occupational safety and health, women and child workers, and labour inspection capacity building.

It's main role is to enforce the country's labour laws through labour inspection actions. It also formulates policies, standards, norms, guidelines, and mechanisms, and provides technical guidance and evaluation services in all these areas.

Labour inspection functions are carried out through four Directorates:

(1) the Directorate of Working Conditions Inspection covers inspections in the fields of employment relationship, social security, working conditions, placement and training;

(2) the Directorate of Occupational Safety and Health Inspection covers inspection in the fields of mechanical equipment, pressure vessel and boilers, construction and electrical installations, fire, occupational health, hazardous substances and working environment, and OSH management systems;

(3) the Directorate of Women and Child Labour Inspection covers inspections in the fields of women workers, child labour, and is responsible for cooperation between relevant institutions as well as advocacy;

(4) the Directorate of Law Enforcement on Labour Inspection covers inspection institutions and labour inspectors, standardization and certification, as well as labour inspection evaluation and information, emphasizing law enforcement and prosecution and the investigation of occupational cases.

All this work is carried out by labour inspectors in the provinces and districts, including PPNS (civil service investigators). Labour inspectors are appointed by the Minister of Manpower and Transmigration, after a period of specialized training and upon meeting the necessary competency requirements.

Labour Laws and Policies

- Act No. 13 of 2003 on Manpower;
- Act No. 23 of 1948 on Labour Inspection;
- Act No. 3 of 1951 on the implementation of Act No. 23 of 1948 for all of Indonesia;
- Act No. 1 of 1970 on Occupational Safety;
- Act No. 21 of 2003 on the ratification of ILO Convention No. 81;
- Presidential Decree No. 21 of 2010 on Labour Inspection;
- Ministerial Decree No. PER. 03/MEN/1984 on Integrated Labour Inspection;
- Ministerial Decree No 02 of 2011 on Labour Inspection Implementation, Supervision, and Coordination;
- Ministerial Decree No.15 2011 on the Labour Inspection Information Network System;
- Ministerial Decree No. 10 of 2012 on the Labour Inspection Committee.

Labour inspectors are responsible for enforcing laws, administrative regulations and collective agreements. Labour inspection has competency over all workplaces which includes where work is performed, usually performed, or where it is assumed to be performed. Act No. 13 of 2003 on Manpower does not exclude any category of establishment from its scope of application.

Labour inspectors, in coordination with the police, have the authority to investigate labour crimes. Inspectors are further required to provide technical guidance to enterprises in the form of advisory services and capacity building. In collaboration with other Directorates in the MOMT, the Labour Inspection Directorate also deals with issues such as industrial relations and employment placement.

The labour inspection governance structure was changed from a centralized to decentralized system. Competencies over labour issues, including labour inspection, are now the jurisdiction of local authorities. The central government has the responsibility to develop laws, regulations and procedures to assist the Provincial and Local District Governments in the implementation of labour affairs.

All levels of government (Ministry, Provinces, Districts) are required to prepare annual budgeted labour inspection plans (prepared one year in advance). As such, the majority of inspection visits are planned visits (first inspections and periodic visits) with the remainder of visits taking place as the result of a complaint or accident notification.

Coordination, Monitoring and Evaluation

Despite the decentralized government system, efforts have been made to improve coordination between the central level and the provinces/districts. Presidential Decree No. 21 of 2010 concerning Labour Inspection specifically addresses the need for stronger coordination and monitoring of labour inspection activities throughout the country. Under this Decree, district offices are responsible for delivering the latest data and information on inspection activities in their region to the provincial offices and the Ministry. Coordination with the higher LI authority (either the Province or Ministry as the case may be) is mandatory in the case of labour crimes prosecutions. The Decree provides a system to maintain the Ministry's overall central authority role.

This same Decree No. 21 requires that all district offices maintain a unit responsible for labour inspection. Even so, in practice, not all district offices have labour inspectors. In such cases, these offices are required to coordinate with Labour Inspectors in neighbouring district offices, provincial offices, or the Ministry.

Social dialogue and labour inspection

Social dialogue on the topic of labour inspection has taken place at various levels on an ad hoc basis. In an effort to regularize such discussions, Ministerial Decree No. 10 of 2012 was issued creating a Labour Inspection Committee. This Committee functions as a consultative body and includes among its members Labour Inspectors, employers' and workers' organizations. The purpose of the Committee is to give input and advice on ways to enhance the effectiveness and capacity of Indonesian labour inspectors in addition to improving policies to strengthen the overall labour inspection system.

Permanency of inspectors

All labour Inspectors are civil servants with corresponding stability of employment.

Selection process

Labour inspectors are recruited and appointed by the Minister. To be appointed they must enter into a competition consisting of a course and competency test. They are trained through a special training programme held by the Centre for Training and Education of the MOMT. The MOMT makes this training available to all civil servants who may wish to become labour inspectors as a way to build the pool of potentially qualified candidates. PPNS inspectors (civil service investigators), who have the authority to prosecute labour cases, must in addition complete a special two month training course delivered by the police authorities.

Background required

Candidates are required to hold a Bachelor degree.

Role of preventive measures

Labour inspectors run awareness programs/campaigns and run external/advisory courses in enterprises.

Employers have the obligation to notify and report accidents.

Registries and reporting of accidents/diseases at work

The labour inspectorate maintains a workplace registry.

Sanction and administrative processes

Different sanctions are foreseen for cases of violation of the labour laws. These include written warnings, economic fines, work stoppages and the withdrawal of operating licences or registration. Labour inspectors, in cases of non-compliance with the labour law, issue a minute/act/order to employers, and in case the situation is not corrected, the inspector may file a case with the court.

ILO Conventions Ratified

Indonesia ratified Convention No. 81 in 2004.