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Guide for labour inspection in Indonesia's palm oil sector



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Foreword

Director General for Labour Inspection and Occupational Safety and Health (OSH)

Praise be to our Allah, all the glory belongs to Him, He is the Most Exalted and the Highest. We are thankful that the development of the field guide for labour inspection in Indonesia's palm oil sector has been completed. Labour inspectors execute one of the government's key roles of ensuring improvement in compliance with the labour and occupational safety and health (OSH) norms through education and legal enforcement. This is especially important during this period of transition, with the enactment of the Law Number 11 of 2020 on 'Job Creation' as well as the ongoing impact of the COVID-19 pandemic. This Guide is expected to support the work of Labour Inspectors in improving compliance with the prevailing labour norms.

This instrument is a combined effort of the Ministry of Manpower in supporting the implementation of the Presidential Instruction No. 6, 2019 on the National Action Plan on Sustainable Palm Oil and the ILO Office for Indonesia and Timor Leste through the project on "Advancing workers' rights in Indonesia's palm oil sector". This concrete action towards improving labour inspections will hopefully contribute to enhancing the image of Indonesia's palm oil industry as a sector with the potential of creating decent jobs across its supply chain.

I take this opportunity to also extend my highest appreciation to all parties, particularly the labour inspectors at the national and provincial level, who have been actively involved in the development of this Guide. The creation of job opportunities in rural areas through reinforcement of flagship sectors is expected to contribute, both directly and indirectly, to the improvement of productivity as well as a conducive, constructive, and equitable climate for industrial relations. Therefore, hopefully, this Guide will not only serve as the basis for the effective and more cohesive implementation of labour inspection in the palm oil sector across Indonesia but also become a model for labour and OSH development and inspection in other agriculture sub-sectors in Indonesia.

Thank you very much.



Haiyani Rumondang
Director General for Labour Inspection and
Occupational Safety and Health (OSH)

Opening remarks

ILO Country Director for Indonesia and Timor Leste

Oil palm plantations are a source of international interest and scrutiny for several reasons, ranging from the near ubiquitous use of palm oil in consumer products and its continually increasing demand, to environmental and social concerns over sustainability of production practices. For Indonesia, the palm oil sector is seminal not just as a significant source of export earnings, but also as a source of direct or indirect employment for a large number of people. At the same time, however, decent work deficits such as, for example, those related to occupational safety and health, wages, employment relationships, are not uncommon in the sector. When it comes to smallholders, who account for a significant share of production, factors such as lack of technical knowledge, and limited access to inputs, technology and finance, among others, pose challenges to harnessing their full potential.

Ensuring that the sector plays an important role in alleviating rural poverty and advancing inclusive economic growth and sustainable development will require a strong focus on addressing the social and environmental challenges facing it. This is especially important in the prevailing times, with the COVID-19 pandemic pushing millions of people into poverty.

The ILO has been actively working with the tripartite constituents in Indonesia to promote decent work in the sector. In addition to providing technical support to specific measures aimed at promoting decent and productive employment at the plantation level, the focus has been to strengthen the institutional capacity of the government and social partners to promote workers' rights and ensure decent work in the sector. Strengthening the capacity of the labour inspectorate to advance workplace compliance is an important part of these efforts.

In March 2020, the ILO and the Ministry of Manpower convened a workshop on strategic compliance planning in the palm oil sector. The event brought together the stakeholders from the inspectorate, the employers' organizations, enterprises and unions, as well as technical specialists from the ILO, to identify ways to improve workplace compliance as well as enhance the involvement of the social partners in promoting a culture of compliance.

This Field Guide traces its basis to the extensive discussions in the strategic planning workshop and has been developed with the goal of assisting labour inspectors to conduct more targeted and relevant investigations of working conditions in the palm oil sector. The size of the sector, remoteness of the plantations and limited human resource capacities of the labour inspectorates pose challenges to the effectiveness of labour inspection as a mechanism to enforce labour laws, promote workers' rights and improve productivity. It is hoped that the Guide will help in efficiently optimizing the time and resources of the labour inspectors to mitigate these challenges for consistent and quality action across the country when planning and carrying out inspection in the palm oil sector.

This Guide has been developed as part of the ILO's 'Advancing workers' rights in Indonesia's Palm Oil Sector' project, with generous support from The United States Department of State, Bureau of Democracy, Human Rights and Labour. I take this opportunity to acknowledge the commendable efforts of the ILO project officers in Jakarta and technical specialists from the Sectoral Policies Department in Geneva and the Decent Work Team in Bangkok in developing this Guide. I also extend my gratitude to the national and provincial labour inspectorates under the Ministry of Manpower for their active involvement in the development of this Guide and for making their technical expertise available to ensure its alignment with ground-level realities.

The guide has been field-tested by labour inspectors at both national and provincial levels. The ILO is proud to have been involved in this work and I hope that this Guide can become the reference for the labour inspectors and contribute to the Indonesian Government's efforts to effectively enforce its labour laws and promote and ensure fundamental principles and rights at work and other relevant international labour standards.

Jakarta, Desember 2021



Michiko Miyamoto
Country Director ILO for Indonesia and TImor-Leste

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This Guide has been developed within the framework of the ILO's 'Advancing workers' rights in Indonesia's Palm Oil Sector' project, implemented with support from the United States Bureau of Democracy, Human Rights and Labor. The document is the result of collaborative efforts of specialists in the Sectoral Policies Department at the ILO Headquarters, El'vis Beytullayev and Pallavi Sharma; the ILO Decent Work Technical Support Team for East and South-East Asia and the Pacific, Rene Roberts; and, the ILO Country Office for Indonesia, Yunirwan Gah, under the overall supervision of Alette van Leur, Director of the Sectoral Policies Department, Mariangels Fortuny, Head of the Forestry, Agriculture, Construction and Tourism Unit, the Sectoral Policies Department, and Michiko Miyamoto, Director of the Country Office for Indonesia. The work on the Guide also greatly benefited from the technical inputs from the national and provincial labour inspectorates in Indonesia. The authors especially acknowledge the valuable contribution of the following officials, in alphabetical order, Arifin Syahputra Hasibuan, Al'qoumi Anshar Anwari, Angga Suanggana, Anndalussia Firda Farida, Amelia Yuswidyastika, Cut Adee Opie Rugistria, Dede Supriyatna, Dominggus Umbu Deta, Dwi Ferthasari, Fitri Nurani, Giawan Lussa, H. Manto, I Nengah Dharma Wijaya, Hendrawan Dendy Santoso, Iskandar Agung, Isti Nurani, Indra Kurniawan, Julnaidi, Lena Kurniawati, Lisbet Maryati Siregar, Marlian Fajri, Masco Rosnelli Ginting, Maududi Farabi, Mety Puji Wartianti, Mohammad Akhwan, Muhammad Sadly Aras, Musnimar, Sri Astuti, Primahdrita, Sonya Ermina, Tresye Widiastuty Paidi, Tri Djatiningsih, H. Terubus and Uti Ilmu Royen.

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Guide for labour inspection in Indonesia's palm oil sector[1] [2]

I. Introduction

Indonesia's palm oil sector is a key contributor to the national economy and a source of income and jobs for millions of people. In 2018, oil palm plantations and mills provided livelihoods to more than 6 million workers.[3] Many more workers are engaged along the palm oil supply chain. However, jobs in the sector may often be characterized by decent work deficits, including those related to fundamental principles and rights at work, such as freedom of association and collective bargaining, child labour and discrimination; employment relationships and wages; and occupational safety and health (OSH). .[4]

The working and living environment of those engaged in direct production and processing of palm oil has features that distinguish this industry from many other agricultural industries in Indonesia. In particular, oil palm plantations and mills cover significant areas of land across the country, and are located in remote and isolated rural settings, often with poor supporting infrastructure. There are approximately 1,070 palm oil enterprises operating on 12.4 million hectares in 26 provinces across the archipelago. The sheer size of the sector in terms of its workforce and the areas covered presents significant challenges to labour inspection as a key mechanism for ensuring the effective enforcement of labour legislation, the protection of workers' rights and promotion of productivity at work. These challenges include, among others:

a. Logistical issues: Due to their remote location and significant size, oil palm plantations and mills may be difficult to reach and cover, therefore requiring more time and resources for inspection compared to other sectors.

b. Limited data on employment and labour issues in the sector: Addressing this issue is critical to supporting the functions of labour inspectors and will require increased collaboration with other

1 DISCLAIMER: This field guide does not establish, replace or supplement applicable national or international standards on work in the palm oil sector, or national guidelines on labour inspection. Inspectors should ultimately be guided by these governing legal obligations.

2 This pilot tool was developed within the framework of the ILO's Advancing Workers' Rights in Indonesia's Palm Oil Sector project and as a follow-up to a strategic compliance planning activity with Indonesia's labour inspectorate held in early 2020.

3 Ministy of Agriculture, 2018

4 ILO: "Promoting decent work in Indonesia's palm oil sector: A diagnostic study resutls", Jakarta, 2015 (unpublished); ILO: "Summary of discussion in the SCP workshop", Palembang, 3-6 March 2020.



stakeholders, such as trade unions, employers and their organizations, the Indonesia Sustainable Palm Oil (ISPO) and the Roundtable for Sustainable Palm Oil (RSPO) schemes, which may further help build public awareness of the problems and catalyse voluntary action.

c. Limited number of labour inspectors, including of adequately trained inspectors who are familiar with technical aspects of work in the sector.[5]

d. The absence of a holistic compliance strategy to address underlying causes of persistent labour law violations through a range of interventions (including enforcement) and partnerships.

e. The cultural context that may have significant influences on the interactions in the workplace, including in industrial relations.

The Government of Indonesia is committed to improving compliance in the palm oil sector. Presidential Instruction No. 6 of 2019 sets out the National Action Plan for sustainable palm oil and provides a strong mandate for the Ministry of Manpower to improve general working conditions and in particular OSH in the sector through labour inspection. This includes the application of national labour laws, in line with the ILO's fundamental principles and rights at work.[6] The ability of Indonesia's labour inspectorate to enforce these laws and provide advice to employers and workers on compliance is crucial for the long-term sustainability of the industry.

About the Guide

This document is intended to serve as a field guide for labour inspectors when carrying out inspection visits in oil palm plantations and mills. It should help ensure consistency and quality action among inspectors across the country. The document builds on the foundation laid by the strategic compliance plan (SCP) for the sector, which is

5 See Ministry of Manpower. 2017. State labor law enforcement and innovation in Indonesia, presented at: Symposium on Strategic Labour Law Compliance in Indonesia through the Labour Inspection System. (Jakarta, Indonesia, 4-6 April 2017).,

6 Indonesia has ratified all eight of the ILO's Fundamental Conventions covering four key issues: forced labour, child labour, non-discrimination and freedom of association and the effective right to collective bargaining.

important to ensuring that labour inspector actions are not only effective, but also focused on salient labour issues and high-risk workplaces. It has been developed to follow-up on the discussions and recommendations in the SCP event organized by the ILO in 2020 with inspectors from West Kalimantan, South Sumatra and North Sumatra, to serve as a tool to further support effective and consistent labour inspection action in the palm oil sector, as had been previously done for the fishing sector in Indonesia. The SCP recognized that such a tool would help efficiently maximize the limited time and resources of inspectors.

This guide is set out in three main parts: planning and preparation, inspection and post- inspection:

1. **Planning and preparation:** Prior to taking any inspection action, it is imperative to understand the sector, its labour law compliance features and deficits, and to develop a strategic plan focusing on priority issues, workplaces and interventions. As part of a well-executed strategic planning methodology, this step includes: reviewing the labour inspectors' mandate; gathering available data on non-compliance; assessing possible root causes of non-compliance; identifying stakeholders and their influence; and, based on this analysis, exploring the range of possible interventions, including labour inspections, that are necessary and sufficient to measurably improve labour law compliance in the sector. Strategic planning should be undertaken at the institutional level, under the guidance of inspection managers.

2. **Inspection:** The second part of this field guide provides practical details on conducting the inspection visit in oil palm plantations and mills. This includes techniques and steps that can be used in implementing the SCP. Moreover, it also highlights the importance of preparing for the inspection visit, whether announced and unannounced. The section provides guidance for inspectors on priority issues and areas to be inspected, inspecting fundamental rights at works, and interviewing workers to gather sufficient evidence.

3. **Post-inspection:** The last section of this guide provides information on how to effectively follow-up after an inspection visit, since an initial visit on its own will likely be insufficient to remedy any violations detected or to bring about sustained change in an enterprise's labour law compliance. Follow-up actions may include further enforcement actions and reporting and liaising with other departments at national, district and provincial levels to make use of the findings and recommendations from the inspection in their own portfolios.

This guide covers the full range of issues an inspector might encounter when visiting a palm oil plantation or mill (e.g. general working conditions, OSH, social security and fundamental principles and rights at work). However, while the guide is comprehensive, it is not mandatory to fill it out completely. As always, inspectors should use their discretion and focus on the highest priority issues during the limited time available for an inspection visit.

II. Planning and preparation, carrying out and following up labour inspections in the palm oil sector

1. Planning and preparation[7,8]

Individual inspection plans should be formulated based on the broad strategic work plan developed by managers on a periodic basis, outlining the priorities of the work of the inspectorate. These individual inspection plans should be cognizant of the realities of the palm oil sector, including the prevalent working conditions and compliance gaps. Planning is crucial to ensure that enforcement actions correspond to ground realities and limited resources of the labour inspectorate are optimally utilized.

To guide this planning stage, the ILO has developed the following six-step methodology to formulate, sequence and operationalize broader thinking and action to facilitate sustained compliance in the sector.

▶ Step 1: Mengeksplorasi mandat, data dan sumber daya yang tersedia dalam pengawasan ketenagakerjaan

In this initial step, the labour inspectorate needs to be clear on its mandate and the policy context in which it operates.[9] At the outset, the inspectorate should identify the laws and regulations establishing a clear mandate for labour inspection in the sector, as a strategic plan can only go so far as the law and regulations empowering the actions of the inspectors.

The next crucial input to the planning process is to gather the relevant sector specific data and information on compliance and inspection activities – both from internal sources available to inspectors as well as external sources such as public reports, industry publications and certification reports, in particular ISPO and RSPO, labour force data, news reports, etc.

Lastly, for any strategic planning to be realistic, the inspectorate must know the variety and extent of resources that can be mobilized for inspection and other compliance interventions in the sector. Taken together, these three elements (mandate; data and resources) ensure the planning process is rooted in reality and that the eventual plan will be targeted and feasible.

▶ Step 2: Identifying priority issues and targets

Data and information collected at the planning stage should be analysed to identify (1) priority issues to focus on when carrying out an inspection visit, such as chemical safety, vehicle safety, child labour, forced labour, employment contracts, and working time and (2) priority target workplaces, for example, plantations and mills with a higher risk profile for labour law violations,[10] to be visited for inspection and enforcement actions.

Identification of the priority issues and targets should be the basis for developing inspectors' quarterly inspection work plans.

The labour inspection unit needs to carry out an enterprise mapping in their territorial area based on various data sources, to use as baseline information in developing the labour inspection plans.

Taking into consideration the geographical area, location, and available resources required to conduct inspections in oil palm plantation and mills, the labour inspectors should take the following into consideration when determining the priority target workplaces to be inspected[11]:

- Complaints and grievances on labour issues reported to the local Manpower Office that have been received, investigated, or pending from previous inspections, and other previous inspection reports that have been verified;

7 Ministerial Cirlcular No. 33, 2016, on Labour Inspection; Ministerial Cirlcular No. 1, 2020, on Changes to the Ministerial Circular No. 33, 2016, on Labour Inspection.

8 For detailed information on compliance planning as a recommended approach by the ILO, see ILO: "ILO Approach to Strategic Compliance Planning for Labour Inspectorates", 2017

9 Ministerial Cirlcular No. 33, 2016, on Labour Inspection; Ministerial Cirlcular No. 1, 2020, on Changes to the Ministerial Circular No. 33, 2016, on Labour Inspection.

10 This refers to workplaces where the inspectorate determines that there is a higher likelihood of labour law violations and where consequences of those violations would be most severe.

11 ILO Approach to Strategic Compliance Planning for Labour Inspectorates, 29 November 2017

- Information on potential labour law violations from various stakeholders such as, but not limited to trade union organisations, employers' organisation, NGOs-both local and international, certification bodies such as the ISPO or RSPO, media reports, and other relevant organizations;
- Previous violations;
- Recent reports of serious accidents or fatalities;
- New operations or operations under new ownership/management;
- Reports of industrial unrest;
- Plantations or mills which have not been inspected or wherein significant time has passed since last inspection;
- Other information legally mandated to be reported to the local authorities such as the profile of the company, number of local and foreign workers and relevant permits.[12]

Step 3: Exploring influences

Once the priority issues are identified, the next step is to explore the possible driving factors behind the violations and how inspection action might address these root causes. This can be practically done by asking "why" these violations exist and trying to understand the business and/or regulatory context that might contribute to the persistence of certain violations. This is a challenging but important step towards the goal of sustainable change in compliance behaviour in the industry.

Step 4: Exploring stakeholders

This step involves the labour inspectorate identifying various stakeholders who positively or negatively influence compliance in the workplace and developing a strategy to engage with them towards enhancing labour law compliance in specific workplaces. These stakeholders could be, for instance, authorities from the Ministry of Agriculture, local trade unions and palm oil employer associations, as well as ISPO officials, other industry groups or worker advocates.

Step 5: Exploring interventions

A strategic compliance approach should include identifying a broad range of interventions beyond inspection visits, which are sufficient and necessary to improve working conditions in the palm oil industry. Inspection visits and enforcement actions could be complemented with, for example, education, communication, political and other policy and structural interventions, which could potentially influence behavioural change and improve compliance. While the labour inspectorate should consider developing a range of interventions that together can improve labour law compliance in the palm oil sector, this guide focuses on enforcement action through inspection visits. Improving the frequency and quality of inspection visits can on its own make a significant contribution to better working conditions in the palm oil sector.

Step 6: Operationalizing the strategic compliance plan

As the final step, the strategic plan for the industry, developed by the labour inspectorate following the abovementioned steps, should be operationalized. This involves aligning individual inspector work plans at the local level with the overall strategic plan. It also requires each Manpower Office to allocate the necessary resources to ensure that the work plans can be carried out in their entirety.

12 Based on National Bill No 7, 1981

2. Conducting the inspection visit

Once the broader strategic workplan and individual inspector workplans have been developed, inspection visits can be carried out in line with the procedures described in this section.

While inspection visits can be announced or unannounced, it is preferable to carry out visits without prior notice so that inspectors have a better opportunity to observe the real situation in the plantations and mills. The selection of the plantations or mills for inspection can be done based on the reports or complaints from the worker/s, employers, trade unions, local or international civil organisations, etc. It should also take into account the agreed priority risk factors, in line with the strategic plan developed above (e.g. workplaces that have been the subject of complaints; that have reported serious accidents; that have not been inspected in a long time; or, where there are industrial disputes, etc.). In certain circumstances, the labour inspectors could notify the enterprise about the inspection plan by sending the letter of assignment and other relevant documents, including the list of personnel to be interviewed.

2.1 Prior to the inspection visit

Prior to every site inspection visit, the following must be ensured[13]:

1. **Assignment Letter**

   The labour inspector must have an assignment letter or order from the relevant authority.

2. **Coordination**

   - The labour inspector should coordinate with the relevant authorities and stakeholders at the district level, including in the case of direct assignment by provincial authorities, before proceeding to the inspection location, except when conducting unannounced visits.
   - As part of the coordination at the district level, the labour inspector should examine the relevant information gathered on the company to be inspected from the District Manpower Office and other sources. Some of the relevant information could include registration of employment contracts such as with outsourcing companies, employment agencies, PKWT (fixed-term employment contract) and PKWTT (permanent employment contract), registration of the company and other required permits.
   - If necessary, the labour inspector can call the enterprise for an initial meeting to gather relevant information and documents, such as, compulsory data on the number of workers, reports on various kinds of workers and employment contracts, and other online reports submitted to various bodies such as ISPO etc.
   - The labour inspector may share the inspection visit plan with the targeted enterprises in case of announced visits. The enterprises can be asked to submit missing documents as well as appoint a contact point for follow-up.

3. **Gathering preliminary information**

   The labour inspector should gather all the additional relevant information about the plantation, mills or workplace to be visited which may include incidents, complaints or grievances from various institutions and list of proposed workers to be interviewed.

4. **Assembling a team**

   If the terms of inspection require an inspection team, efforts should be made to involve inspectors with specialization and experience in various priority areas such as chemicals or fire safety.

5. **Developing a field inspection check list**

   Based on the analysis of the relevant information and considering the characteristics of the palm oil industry and the applicable laws and regulations[14], the labour inspector may prioritize specific issues in the general field inspection checklist (Annex 5).

13 The Labour inspectors can have an unannounced visit to a company or workplace outside of the strategic compliance plan that have been made based on the complaints or reports from workers. Trade unions, employers organisations, or any complaints raised by various relevant stakeholder.

14 Based on the Ministirial decree No. 33, 2016, the inspection checklist can be developed and adjusted with the sectoral condition or needs.



6. Filling in preliminary information

The labour inspector should fill in the preliminary information about the establishment(s) to be visited as required in the inspection form for records ahead of the visit(s) to the extent possible, as part of the planning process. Missing details can be completed during the on-site visit or later on, based on the information submitted electronically by the enterprise. Please refer to Annex 1 for detailed documents that could be relevant prior to and during the visit.

2.2 During the site inspection visit

It is recommended that labour inspectors carry out visits in pairs, to ensure their safety and divide the work. In this field guide, there are four main parts to the inspection visit detailed below, namely: the initial meeting; the site visit; interviewing management and workers; and concluding the inspection visit.

IMPORTANT NOTE FOR INSPECTORS:

Palm oil plantations and mills are dangerous workplaces. As inspectors, make sure to carry out safe inspection visits by wearing the necessary protective equipment and by following all the safety instructions given by the enterprise.

14 Berdasarkan pada Peraturan Menteri Ketenagakerjaan No.33 Tahun 2016 mengenai Tata Cara Pengawasan Ketenagakerjaan, daftar periksa pengawasan ketenagakerjaan dapat disusun dan disesuaikan dengan kondisi atau kebutuhan sektoral



It should take two inspectors roughly half a day to two full days to visit one plantation (depending on its size) and about 3 to 5 hours to visit a mill (not accounting for travel time).

Take advantage of your visit to remote oil palm areas to inspect as many workplaces as possible. This might mean for example organizing visits over several days and staying overnight in those locations to avoid the inconvenience of travel. This will help maximize efficiency while reducing costs.

Make sure to take careful notes during the inspection visit as well as pictures of different parts of the operations. In particular, take a picture of the name (e.g. sign) of the company and worksite at the start of the visit for your records and to properly identify which photos go with which workplace. General information that needs to be collected in the beginning of the meeting is presented in Annex 2.

2.2.1 Initial meeting (at sites): Interviewing the employer/manager and examining documents

When inspecting an oil palm operation (whether farm, plantation or mill), contact the employer/site manager upon arrival, present your credentials and explain the purpose and procedure of the inspection visit (e.g. inspection of working conditions using document checks, site inspection; and worker interviews).

In case of the employer resisting the inspection, the labour inspector can attempt to formally explain the purpose of the inspection as well as the potential benefits for the company in terms of improvement in working conditions and productivity through follow-up actions identified in the inspection. If the employer continues to resist inspection, the labour inspector may seek the support of the local police.[15] This is also applicable to unannounced visits to follow up on a case or report by workers, trade unions, or other organisations.

Obstructing a labour inspector is a serious offence. If, in the course of the inspection visit, the inspector is obstructed in his or her work (i.e. denied access, or any other interference with inspection powers) appropriate action should be taken to ensure that the inspection visit can be carried out in accordance with the law, and that the employer is appropriately sanctioned.

If possible, the initial meeting with the employer/manager should also be attended by a worker representative (if there is one designated); a worker from a worker/management committee (e.g. OSH committee); or at least a senior worker who has the confidence of employees in the workplace.

Following the introductory meeting, the inspector can start gathering documentation evidence:

First, the labour inspector may begin by asking the employer/manager for general information about the workplace and its workers. This should include a discussion of employment contracts/types; wages and benefits (; social security registration and payments; working time, rest time and leave; gender equality etc.

Next, the labour inspector should ask the employer/manager to produce copies of the relevant documents for examination. If the documents are not readily available on-site, the manager should be asked to obtain copies (e.g. electronic copies), while the inspector is carrying out the rest of the visit. If the documents are not available during the visit, the inspector should ensure that employer/manager sends their electronic or hard copies for review in the designated time. In case these required documents are not made within the given time, the labour inspector can categorize it as violation and issue an investigation note (this should be made to prevent the employers falsifying the documents requested). Annex 1 below provides the minimum documents that should be acquired and reviewed. The labour inspector can extend the list based on the field conditions, and as permissible by law.

Prior to actually visiting various parts and operations of the workplace, the inspector should discuss with the manager and a worker representative (ideally from the OSH committee) the workplace's OSH management system. Annex 3 includes some of the main questions which could be asked. Where appropriate, supporting documentation should also be asked for.

15 Chapter 2, Bill No. 3, 1951 on labour inspection; Chapter 10, Ministerial decree No. 33, 2016

2.2.2 Site visit

After receiving (or being promised to receive copies of) all the necessary information and documentation on labour and OSH issues during the initial meeting, the inspector should explain to the manager that they wish to conduct a site visit. The site visit should be carried out with the manager and worker representative(s) to help guide the inspector, answer questions and for the inspector's safety. The inspector should ensure to follow the safety instructions when conducting the visit and wear any required personal protective equipment (PPE).

The purpose of the site visit is to inspect priority work areas, hazards and issues. This could also include areas that were the subject of previous inspection visits or related to previous violations. Whether on a plantation or in a mill, the inspector should plan the walk to focus on areas of work that are more likely to have hazards and where (ideally) workers are in fact working.

Recall that the inspector is the leader of the inspection visit and should instruct the manager about the parts of the operation she or he would like to visit. The manager should not decide what the inspector should see or inspect. When carrying out the site visit, the inspector should make visual observations of the operations, equipment, worker practices etc. and record the findings whether in writing, by taking photos or by gathering evidence/samples as necessary (e.g. related to chemicals etc.).

Annex 4 below refers to some of the main work processes on both plantations and mills, and can be used as a guide to determine the parts/processes of the operation to visit.

In inspecting these places, the labour inspector can be guided by the checklists that have been prepared in the planning stage. A sample of general inspection checklist can be found in Annex 5 (general inspection checklist).

2.2.3 Interviewing palm oil workers

In the course of the site visit, in addition to safety and health observations, the inspector should try to interview as many workers as possible. Interviews help in learning about the working conditions (both labour and OSH) and compliance from the workers perspective. This helps to cross check against information gathered in speaking with the management and reviewing documents. The following tips should be kept in mind when selecting and interviewing workers.

i. Selection of workers

- The goal is to carry out interviews covering a representative number of workers. The inspector should conduct as many interviews during the site visit as time allows.
- The inspector, not the manager or HR officer, should choose which workers to interview. Select workers for whom it is safe to briefly pause their work to speak with you.
- The manager or HR officer should not be present during the interviews to ensure confidentiality.
- Interviews can take place in small groups (3-6 workers) or individually depending on the circumstances.
- Interviewed workers should reflect a mix of years of experience (junior and senior), as well as functions in the plantation or mill.
- Where possible, inspectors should try to interview workers with different contractual arrangements to be able to compare their respective working conditions (e.g. full-time worker, casual worker, sub-contracted workers (full-time or casual).
- Inspectors should also ensure a gender balance among interviewees and asking questions related to gender issues such as discrimination (including in pay, contractual arrangements, etc.), gender-based violence, the provision of PPE for women[16] as well as maternal health (especially given that a disproportionate number of women workers on plantations handle and spray chemicals).

ii. Conducting the interviews

- Getting good results from an interview requires trust. To help build this trust, the inspectors should not rush, listen actively and respectfully.

16 In some cases, the PPE is not gender sensitive and may not be suitable for women engaged in spraying and fertilizing.

- The inspectors should begin interviews with introductions and a description of the purpose of the inspection (e.g. "To understand and help improve your working conditions").
- To gather accurate information, the inspector can ask workers' consent for being recorded during the interview sessions in addition to the written interview record. The inspector should also emphasize that the information gathered during the interview will be kept strictly confidential and that other workers will be interviewed too.
- They should indicate that interviews will take approximately 15 minutes.
- Open, not closed, questions should be used, to get workers to tell stories about working conditions at their place of work. For example, the inspectors should not ask workers if 'Everything or everyone is fine?' This will likely yield limited information and workers will be inclined to respond that everything is fine. Rather than a set of questions, it is best to try to shape the interview as a conversation, not an interrogation.
- The inspectors should ask about recent, not just current practices—e.g. 'Has this happened in the last six months, one year?'
- The inspectors should also ask about stories workers have heard about working conditions in other plantations or mills. These stories should not be taken as evidence of violations but as possible information for follow up and to understand industry practices and trends.
- The inspectors should try giving an example in their question of a violation to show workers their understanding of the ground realities (e.g. "In some plantations, workers are promised higher pay but the real pay is lower than promised. Has this happened on your plantation?" or "In some plantations, young children work together with their parents to help them meet the daily target. Does this happen on your plantation?").
- The inspectors should repeat or rephrase answers from workers if they seem to misunderstand or their answers are not clear.
- As interview notes can count as evidence for enforcement actions, the inspectors should ensure they are clear, accurate and complete.
- The questions contained in the general checklist below (Annex 5) can be used when interviewing workers.

iii. Ending the interviews

- The inspectors should ask workers if they have any questions for them. This process should not be rushed. Questions should be asked two or three times if necessary and workers should be given time to reflect.
- The inspectors should remind workers of the basic protections in Indonesian law, in particular related to minimum wage, minimum rest, safety and health issues (including as concerns the COVID-19 pandemic) the right to make anonymous complaints free from retaliation, and the right to join a trade union.
- If appropriate, the inspectors should share their mobile phone number and business card with the workers, so that they can be contacted directly with issues in the future.

2.2.4 Concluding the inspection visit

At the end of the inspection visit, the labour inspector should (at least verbally) share his or her findings with the management in the presence of a worker representative and indicate what improvements are expected, with clear timelines for remediation, and what (if any) actions will be taken as a result of the violations detected (e.g. any improvement notices, follow-up visits, or sanctions).

This opportunity should be used to advise management about the legal requirements and to provide guidance on how best to comply with the applicable labour law and potential consequences if the employer remains in non-compliance.

The following are some key considerations, depending on the inspection findings.

- If, during the visit, the inspector identifies an immediate threat to the life or limb of workers, the inspector should require the manager to stop the operation/equipment without delay, until such time that it is remedied.
- If there are children below the legal minimum age carrying out prohibited work (e.g. any child under the age of 15 or children between 15 and 17 engaged in hazardous work), these child workers should immediately be removed from the work setting and the owner be sanctioned according to the law.
- For other serious violations, or if legally required documents are not available, actions should be taken to obtain these documents and, if necessary, sanction the employer as appropriate for not producing them.
- When considering imposing a sanction for any violation, the inspector(s) should take into account the following factors:
  - the number and severity of violations identified;
  - whether or not the violation(s) can be rapidly remedied;
  - prior history of similar violations;
  - the potential risk to workers.

3. Follow up after the inspection visit

Following the visit, the inspector should prepare as soon as possible the inspection report for each workplace, according to the standard format. The focus should in particular be on the findings and follow-up actions that must be taken by the inspectorate.

3.3.1 Analysis and inspection reporting

The inspectors have to prepare the reports covering summary of findings or violations on the labour and OSH norms. The reports need to be signed by the labour inspectors, employers, and the manager of the plantations. These inspection reports (*Berita Acara Hasil Pemeriksaan Ketenagakerjaan*) are to serve as the evidential basis for follow-up action by the inspectors. The inspectors should also make a formal labour inspection deed as stipulated by law.[17]

3.3.2 Follow up

Follow-up actions could include:

i. Inspection note:

The inspector has to make an inspection note, in accordance with law, if strong evidence of violation of labour laws is found upon analysing the inspection report. This note is to be shared with the employers for follow-up actions and correction measures. Following are some examples of follow-up action by employers:

- **Wage:** The adequacy of wages and the mechanism for determination wages-on the bases of quota or work time. The inspector should subsequently follow up based on the steps provided under the Ministerial Cirlcular No. 1, 2020, on Changes to the Ministerial Circular No. 33, 2016, on Labour Inspection (chapter 28 point 1 to 6).
- **OSH and labour laws:** The inspector may sanction the enterprise, in coordination with the relevant authorities, if there is violation of fundamental rights at work causing inter alia: (i) accident resulting in death or disability of the workers, (ii) loss of life due to performing work-related activities, (iii) evidence of worst form of child labour, and (iv) work related diseases.[18]

The inspector may share the findings and recommendations with other relevant stakeholders such as GAPKI (the palm oil employers' organisation), ISPO or RSPO secretariats, as appropriate.

17 Ministerial Cirlcular No. 33, 2016, on Labour Inspection; Ministerial Cirlcular No. 1, 2020, on Changes to the Ministerial Circular No. 33, 2016, on Labour Inspection.

18 Ministerial Circular No. 1, 2020, on Changes to the Ministerial Circular No. 33, 2016, on Labour Inspection.

ii. Monitoring implementation of recommendations:

Many recommendations for improving workplace conditions in the oil palm plantations and mills could be implemented easily and do not require any additional follow-up field visits for monitoring. For example, issues such as workers not possessing the requisite certification for operating heavy machinery could be remedied by the employer by providing the necessary training and certification. A report by the employer will suffice as proof of implementation of inspection recommendation and a follow-up factory visit will not be necessary.

On the other hand, follow-up field visits would be necessary to verify actual implementation of safety procedures by workers, beyond training, or improvements in freedom of association after the inspection.

Annexes

Annex 1: Suggested list of documents to be requested in preparation for and during the inspection [19]

Area and guiding questions	Verifying documents/sources	Findings
Employment		
Does the employer have a record of all required documents related to workers' employment in their plantations/mills?	Labour reports submitted to the local authorities *(Arsip Wajib Lapor Ketenagakerjaan)*	
	Contract records *(Pencatatan Perjanjian Kerja);*	
	Sample contracts for different worker types for review	
Do workers receive payment in accordance with the law?	Records of worker pay (pay slips etc.)	
Are working hours, including overtime, in accordance with the law?	Records of workers hours (time sheets, cards, work schedules, etc.).	
Is the enterprise KNK certified?	Labour norm certification *(Sertifikasi Keahlian Tenaga Kerja)*	
Does the employer encourage freedom of association and collective bargaining?	Registration of industrial relations facilities *(Pencatatan Sarana Hubungan Industrial)*	
	Bipartite committee regular reports *(Laporan LKS Bipartit)*	
	Collective bargaining agreement	
	Grievance mechanism	
Social security		
Is the enterprise registered for social security?	Health Insurance programme or *BPJS Kesehatan* National Workers Social Security Programme or *BPJS Ketenagakerjaan*	
Are workers properly registered for social security?	Health Insurance programme or *BPJS Kesehatan* National Workers Social Security Programme or *BPJS Ketenagakerjaan*	
Have social security contributions been properly made for each registered worker?	Health Insurance programme or *BPJS Kesehatan* National Workers Social Security Programme or *BPJS Ketenagakerjaan*	

19 Note: This list is an example of various documents that will be required, in conducting the inspection. Please focus on the priority of the inpection objective instead of preparing a long list of document auditing which might consume time and resources. Some of these documents can be gathered in preparation for the visit, others may need to be gathered during the inspection visit itself. Please also note that while having all required documentations is important, it is crucial that during your field visit the focus is on the priority issues that have been predefined or based on the salient issues that need to be solved. Therefore, the list of the documents requested should support your field visit objective.

Area and guiding questions	Verifying documents/sources	Findings
Occupational safety and health		
Does the plantation/mill have a documented occupational safety and health (OSH) plan?	- OSH letter *(Surat Keterangan K3 / Perijinan K3)* - OSH organization documentation *(Dokumen Organisasi K3 diperusahaan)*	
Has this plan been effectively communicated and implemented?	- Report of the OSH committee *(Laporan Panitia Pembina Keselamatan dan Kesehatan Kerja (P2K3))* - Other relevant documents (e.g. communication materials, meeting minutes, campaign pictures etc.)	
Does the plantation/mill have a safety and health committee? How often does the committee meet? Are there minutes of its meetings from the past year and what did they focus on?	- Report of the OSH committee *(Laporan Panitia Pembina Keselamatan dan Kesehatan Kerja (P2K3))* - *Laporan Penilaian SMK3 Eksternal Perusahaan*	
How many workers were trained on OSH in the past year and what topics were covered?	- Report of the OSH committee *(Laporan Panitia Pembina Keselamatan dan Kesehatan Kerja (P2K3))* - Copy of OSH cadre report *(Tembusan Laporan Kegiatan Ahli Keselamatan dan Kesehatan Kerja (AK3))* - *Arsip Kartu Lisensi Petugas P3K di Tempat Kerja*	
Does the plantation/mill have a safety and health incident record?	- Incident report and work related deseased report) *Laporan Kecelakaan Kerja dan Laporan Penyakit Akibat Kerja (PAK)*	
How many incidents were recorded in the past year and what were their severity and causes?	- Incident report and work-related accidents and diseases report) *Laporan Kecelakaan Kerja dan Laporan Penyakit Akibat Kerja (PAK)*	
Is there a standard operating procedure for the handling and storage of chemicals?	- Report on the measurement and workplace control *(Laporan Pengukuran dan Pengendalian Lingkungan Kerja)*	
Are workers provided with appropriate personal protective equipment (PPE), free of charge, to cover all potentially hazardous operations?	- Report of the OSH committee *(Laporan Panitia Pembina Keselamatan dan Kesehatan Kerja (P2K3))*	

Area and guiding questions	Verifying documents/sources	Findings
How often are routine safety checks, worker safety briefings and emergency drills carried out?	- Report on routine worker health check *(Laporan Pemeriksaan Kesehatan Tenaga Kerja)* - Workers health inspection card *(Laporan Pemeriksaan Kesehatan TK)* - Report on the implementation of work health services *(Laporan Penyelenggaraan Pelayanan Kesehatan Kerja (PKK));*	
Is the enterprise ISPO certified and does it have any ISPO reports or other communication on working conditions?	- Review all available ISPO documentation for indications of issues related to working conditions (employment and OSH).	

Annex 2: Establishment information[20]

Name of the oil palm plantation/mill: *(Perkebunan / Pabrik)*	
Address of the oil palm plantation/mill: *Perkebunan/Pabrik pengolahan Kelapa sawit*	
Phone number: *Nomor Telepon Perusahaan:*	
E-mail address: *Alamat surel (e-mail) Perusahaan:*	
Name of the manager *Nama Manajer*	
Address of the employer/main office/ parent company: *Nama dan Alamat Kantor Pusat:*	
Registration number of the employer: *Nomor Induk Kependudukan Pengusaha*	
E-mail of the employer *Email Pengusaha*	
Registration number of the manager: *Nomor Induk Kependudukan Pengurus:*	
Phone numbers of the site/plantation/ mills manager: *Nomor Telepon Pengurus:*	
E-mail of the manager: *E-mail Pengurus*	
Date of visit: *Name of the labour inspector/s:*	
Previous inspection visit's findings and reports from labour inspectors	

20 Please take into consideration different managerial and company structures , both in palm oil plantations as well as the crude palm oil (CPO) factories.

Number of workers and wage status[21]	Indonesian citizen				Foreign workers				Total	
	Male		Female		Male		Female		Male	Female
	≥ 18 yrs	< 18 yrs	≥ 18 yrs	< 18 yrs	≥ 18 yrs	< 18 yrs	≥ 18 yrs	< 18 yrs		
I. Employed directly under the company										
A. For fixed term contract *(Perjanjian Kerja Waktu Tertentu or PKWT)*[22]										
A.1. Monthly										
A.2. Contract (based on quota or target or piece rate)										
A.3. Daily workers										
B. Permanent contract *(Perjanjian Kerja Waktu Tidak Tertentu or PKWTT)*										
Total workers employed										
Employed by outsourcing company/broker										
a. Name of the outsourcing company)										
b. Broker/other third party provider										
c. Other										

21 This table should also be used to capture the information of workers employed by outsourcing companies. Labour Inspectors could also obtain more information on the employment contract used by outsourcing companies.

22 Please refer to the Government Regulation No. 35, 2021 concerning employment agreement for a specified period of time, outsourcing, working time and rest time, and termination of employment. Labour inspectors should investigate if there is any abuse of employment (i.e. disguised employment) by using applicable indicators for determining the requirement of an employment contract as opposed to a short term contract, for instance, by taking into consideration the seasonality of the work, the period of time required to carry out the work, the nature of the work in the context of the specific palm oil operation and the expected availability of the worker.

Annex 3: Initial interview with management

The interview can be based on the type of work performed which will have implications for the employment status, wage, social protection, etc. This Annex is designed to assist inspectors in gathering information about the enterprise (plantation; mill) from discussions with management. It is recommended that at least one worker representative be present at this meeting as well (e.g. trade union steward if applicable, worker member of the OSH committee; or worker representative from some other worker/management forum). The information gathered from management can then be compared against evidence gathered through documentary reviews, the site visit, and worker interviews. Annex 5 below contains a set of questions that can be used during such worker interviews.

Respondent identity

Name
Age
Type of work[23] / Position
Address
Contact

A. Employment relationship, working time and wages (part of initial interview with management)

No.	Questions	Findings/answer
Employment		
1	Please describe the specific work/task that is carried out in the plantation/mill.	
2	Is this type of work being done on a regular/ permanent or only temporary basis?	
3	In case it is temporary, please explain why this specific work/task needs to be carried out? Please explain how it is decided if this particular work is needed or not needed?	
4	In particular, how many days a month is this particular work carried out (by a worker)?	
5	How are workers' wages for this type of work/tasks set/calculated? (For example, workers may receive daily, weekly or monthly rate; piece-rate i.e. upon achieving the set target or task-based rate.)	

23 Type of work in the plantation can cover: Harvester, daily workers performing work in fertilizing and spraying, clearing, etc.

No.	Questions	Findings/answer
6	What is the periodicity of the payment of wages?(i.e. daily, weekly, monthly, etc.)?	
7	Do workers experience wage deductions for taking uncertified leave?	
8	Do workers have their wages deducted for taking sick leave?	
9	Do workers sign a contract upon recruitment for this particular job (to perform this particular task)?	
Working time and resting time		
1	How many days do workers work in a month (greater or fewer than 21) ?[24] For daily workers, i.e. those not employed on a permanent basis, how many days per month do they work?	
2	How many hours per day/shift, on average, do workers work?	
3	What are the rest periods for workers during their shifts (number of breaks and how long)?	
4	During weekly rest time, may workers be required to come to work?	
5	During official holidays, for example Independence Day, may workers be required to come to work?	
6	During regular working days, are there any workers working overtime?	
7	Do workers receive pay for overtime work? If so, what are the mechanisms for calculating pay for overtime work or work during rest times and official holidays?	

24 Based on the Ministerial Regulation No. 15, 2018

No.	Questions	Findings/answer
Wages (see also the wages and benefits table in Annex 6)[25]		
1	What is the minimum wage paid in the plantation/mill?	
2	Is there any wage scale/structure applicable in this plantation or mill? If yes, what is it?	
3	Does the company use piece rate or time-based wage system (or combination)?	
4	Please explain in what positions/types of work workers receive time-based wages? Are wage rates fixed for an hour, a day, a week, or a month?	
5	Please explain in what positions/types of work workers receive piece-rate payments? What is the mechanism for establishing such rates? For example, do workers have a daily target to achieve in order to receive their wage?	
6	What are the deductions from workers' wages (i.e. other than possible deductions for absences)?	
7	Besides wages, do workers receive any other kind of remuneration (e.g. in-kind payments or allowances)?	

25 Please refer to the Government Regulation No. 36, 2021

Annex 4: Work processes in plantations and mills for possible inspection

Stages of the palm plantation work process for possible inspection	Inspected	
	Yes	No
Land opening and cleaning (if applicable)		
Nurseries and planting		
Maintenance facilities		
Harvesting of fresh fruit bunches (FFB)		
Transportation of FFB		
Storage of chemical substance and fertiliser		
Replanting sites		
Workers' living place: housing facilities such as barracks and dormitories in accordance with the Ministerial 5, 2018[26] including:		
• Access to clean and potable water		
• Sanitation facilities		
• Air ventilation		
• Hygiene		
• Welfare facilities		

Stages of the palm oil milling work for possible inspection	Inspected	
	Yes	No
Delivery and sorting of fresh fruit bunches		
Sterilization or cooking of FFB		
Threshing (removal of fruit from FFB)		
Digestion of the fruit		
Pressing (extracting the palm oil)		
Oil purifier (clarification)		
Seed processing (kernel recovery)		
Crude palm oil tank (bulking)		
Storage of waste material (chemical and non-chemical)		

26 Please refer to the Ministerial Regulation No. 5, 2018 when inspecting the living place or working environment. With respect to hazardous chemical, please also refer to the Ministerial Regulation No. 187 year 1999 on the Hazardous chemical control and the Director General guidance (Kepdirjen PPK No. 84/PPK/X/2012) on the mechanism for documenting control of medium and high-risk hazards in the workplace

Annex 5: General checklist for the site visit

Category and questions	Findings
I Working time, rest time and leave	
Working time and resting time can be categorized based on the type of work that has been identified as a priority for inspection (harvesters, workers in spraying and fertilizing, security, supervisor, cleaning service, administrative work, etc).	
1 Are workers entitled to a weekly rest period? Please provide details	
2 Are workers entitled to rest periods during their shifts? Please provide details.	
3 Are workers entitled to paid annual leave? Please provide details	
4 Is there a workers' annual leave record?	
5 How much overtime do workers work, on average?	
6 Are there special working/rest time arrangements or restrictions for pregnant women or breastfeeding mothers?	
7 Are women entitled to paid maternity leave? Please provide details.	
8 Are the applicable working and resting times clearly and accurately specified in worker contracts?	
II. Human resources[27] and employment relationship	
1 Number of workers hired during the last 12 months disaggregated by sex.	
2 Are there contracts for each type of work/task in the plantation or mill?	
3 Do workers receive a copy of their contract?	
4 Are the contractual classifications of workers based on PKWTT (permanent) and PKWT (temporary) contracts in accordance with the labour law?	
5 Do all workers employed by the palm oil plantation and mills sign a contract? What about workers who are employed through third parties (i.e. outsourced)?	
6 Are there workers who are hired through a third party (subcontractor or employment agency? If so, please provide further information, e.g. the type of company.	

27 Labour inspector should also take into consideration potential cases of unregulated recruitment practices of workers from other provinces.

Category and questions	Findings	
7 For independent recruiters, do they have a valid permit/licence to provide recruitment services?		
8 Is there any grievance/complaint mechanism developed through social dialogue between the trade unions and the employer? Does this mechanism covers all workers in the plantation/ mill?		
9 Are there records of worker complaints / cases regarding discrimination, harassment, etc.?		
10 For foreign workers, do they have a valid work permit to stay and work in Indonesia?		
III. Wages (see also the Wages and benefits table in Annex 6)	**PKWT**	**PKWT**
1 What is the applicable minimum wage?		
2 Wage system being implemented: a. Time based? (Is it daily, weekly, or monthly?) b. Piece rate? c. Combined time and piece rate system? d. Or other wage calculation method?		
3 Are the terms on wages, as stated in the contract, in line with the applicable law?		
4 Form, time, and place of wage payment?		
5 Component of wage of workers per category		
6 In what instances do workers experience deduction of wage?		
7 Disciplinary action that resulted in the deduction of wage?		
8 Are payment records in place?		
9 How is the implementation of the wage structure and scale?		
10 How is pay for overtime calculated: a) Per hour b) Per extra work completed (for e.g., specific tasks, additional targets achieved)		

Category and questions	Findings
IV. Workers social security [28]	
1 Number of workers registered on the BPJS TK scheme	
2 Program being implemented	Employment injury (*Jaminan Kecelakaan Kerja* or JKK: (number of people registered under the scheme) Death benefit (*Jaminan Kematian* or JK: (number of people registered under the scheme) Old age benefit (*Jaminan Hari Tua* or JHT: (number of people registered under the scheme) Pension (*Jaminan Pensiun* or JP: (number of people registered under the scheme) Unemployment protection programme or Program *Jaminan Kehilangan Pekerjaan*
3 Number of workers not registered on the BPJSKK dan BPJS Health	
4 Is there any BPJS insurance scheme that is not implemented?	
5 Are there any gaps in the amount being paid and being received by the workers?	
6 Number of workers with health insurance (BPJS Kesehatan)	
7 Amount of wage reported to the workers' insurance (BPJS JAMSOSTEK)	
Occupational safety and health	
1 Number of fatal accidents recorded in the last 12 months	
2 Number and nature of non-fatal (serious) occupational accidents recorded in the past 12 months	
3 Number of and nature of light injuries recorded in the last 12 months	
4 Is there a workers' compensation system in place? For instance, is there an insurance scheme for the workers who suffer a workplace accident? How the compensation they receive is calculated?	
5 Does the palm oil company (plantation and mill) provide health services to workers? If yes, which services are provided?	
6 Does the company conduct a health check prior to, and regularly during, workers' employment, as appropriate, based on the Ministerial regulation No 2, 1980 on Workers' health and safety inspection?	

28 For national social protection, there are two appointed body based on the national bill no. 24 on national protection one on heath and the other one on employement.

Category and questions	Findings
7 Is there a special room dedicated for women to breastfeed their children?	
8 Are there any recreational or sport facilities that workers have access to?	
9 Is there any mechanism and commitment to resolve sexual abuse or harassment at the workplace, based on the Ministerial Circular No. 3, 2011?	
10 Is the information about the applicable law on occupational safety (National Bill No. 1, 1970) available?	
11 Is there any posted information about OSH in the workplace?	
12 Are there any signs of hazards/danger based on the risks and hazards?	
13 Do workers receive appropriate PPE? Is it free of charge? Is it renewed regularly? Are they trained on its proper use?	
14 Is there an OSH committee? Please describe its work and impact.	
15 Do workers receive training on OSH?	
16 How is the monitoring of the OSH management system being implemented?	
17 Is the prevention of fire in the workplace being implemented and how?	
18 What are the procedures for storing chemical substances and fertilizers?	
20 Are there OSH measures for the working environment?[29] (e.g. on workplace temperature, ventilation, noise, lighting, cleanliness etc)?	
VI. Fundamental principles and rights at work[30]	
i. Child labour	
1 Are there workers under the age of 18?	
2 Is there a policy stating that no children under the age of 18 are recruited by the company?	
3 Is there a system in place to ensure that no children under the age of 18 are engaged in the plantation/ mill?	
4 Are the children of the workers involved in hazardous child labour in the plantation or mill?	

29 Please refer to Manpower Ministerial Regulation No. 5, 2015 on Work Environment Occupational and Safety

30 Indonesia has ratified all eight of the ILO's Fundamental Conventions covering the four principles, including: the abolition of child labour; the elimination of forced or compulsory labour; freedom of association and the effective recognition of the right to collective bargaining; and the elimination of discrimination in respect of employment and occupation.

Category and questions	Findings
ii. Freedom of association and collective bargaining	
1 Are workers familiar with organizations that defend workers' rights?	
2 Have workers tried to organize or join a trade union?	
3 Do workers think they could join a union if they wanted and what would be the consequences for their work?	
4 If so, did the employer interfere, threaten workers, or take any retaliatory measures (dismissal, punishment, etc.)?	
5 Is there a collective bargaining agreement in place?[31] Who does it cover? How does it impact working conditions?	
6 Are any workers members of an independent trade union in the plantation/mill?	
7 What are the employer's views on workers joining trade unions?	
8 Has there ever been a labour dispute at the workplace? When and what happened?	
9 Have workers ever been dismissed or punished for taking part in trade union activities?	
iii. Forced labour[32]	
1 Did the worker(s) choose this job? If not, is there a reason why they do this job?	
2 Are workers free to quit their job if they wanted to? If not, why?	
3 On their time off, can the worker freely leave the farm/plantation when s/he chooses?	
4 Have workers ever been subject to violence or threats of violence by their supervisors?	
5 Is the worker always in possession of his/her personal identification? If not, why?	
6 Are workers' wages ever held back? If yes, why?	
7 Are workers free to use their wages as they please?	
8 Are there workers who are in debt to their employer? If yes, why and by how much?	
9 Can workers who owe debts to the employer and/or a third party freely leave their jobs?	

31 Recall that a collective bargaining agreement determines the contractual working conditions of a given workplace (no worse than the legal minimums) and should be referred to when inspectors carry out their visits as the applicable standard for the workers covered by the agreement.

32 The ILO has identified the following 11 indicators of forced labour to assist front line law enforcement officials, including labour inspectors to identify persons who are possibly trapped in situations of forced labour and who may require urgent assistance. These include: abuse of vulnerability; deception in recruitment; restriction of movement; isolation; physical and sexual violence; intimidation and threats; retention of identity documents; withholding of wages; debt bondage; abusive working and living conditions; excessive overtime.

Category and questions	Findings
10 Are workers forced to work overtime under threat of penalty?	
11 Does the employer coerce workers to work or stay on the job through violence; withholding of wages; disciplinary measures; punishment for participation in a strike; restricted access to their personal documents; threats of deportation, visa cancellation, or reporting to the authorities; or other coercive tactics?	
iv. Non-discrimination	
1 Are all workers (regardless of their race, colour, sex, religion, political opinion, national extraction or social origin) treated equally with regard to conditions of employment?	
2 Do men and women workers receive the same remuneration (wages and benefits) for work of equal value?	
3 Are workers (women or men) ever subject to sexual harassment?	
VII Disability	
1 Does the company currently employ any persons with disabilities (palm oil plantation/mills)?	
2 Does the company have an obligation to hire 1% of disabled persons?	
3 What are the facilities provided for disabled persons (both in terms of OSH and supporting infrastructure)?	
4 Do workers with disabilities face any challenges at work? Please describe?	

Annex 6: Wages and benefits table

	Manager Interview	Documents	Worker Interview 1	Worker Interview 2	Worker Interview 3
Type of Work[33]:					
Type of Contract:					
1. Base wage **(at minimum 75 percent of the total base wage+ fix/regular allowance)**					
2. Allowance: (IDR)					
a. Fixed allowance					
b. In-kind benefit[34]					
Total amount paid: (1+2)					
3. Deductions[35]:					
a. Type and amount of deduction					
b. Type and amount of deduction					
(please add other deductions based on the interview)					
Total Deduction: IDR.....					
4. Holiday pay					
5. Overtime pay					

33 Name of the Job title for example: Harvester, Maintenance, Clerks, etc

34 Examples of in-kind benefits that are usually included in the calculation of wage: cost of living adjustment, housing allowance, transport allowance, non-production bonuses paid once or several times during the year, housing and utilities such as water or electricity for employee's home/barrack, meals at work, etc.

35 Labour inspectors should check if the companies' wage deduction policy is compliant with the applicable law (Government Regulation No. 36, 2021) . There might be different policies among the palm oil companies, for instance, in case of palm oil harvesters, companies may make deductions to wages or quota bonuses for not meeting targets, diciplinary actions or administrative sanction. These practices often aret stated under the collective bargaining agreement or regulated by the law.

	Manager Interview	Documents	Worker Interview 1	Worker Interview 2	Worker Interview 3
6. Other monetary or in-kind benefits					
7. Payment frequency (weeks)					
8. Date of last payment					
9. Period covered by last payment					
10. Delayed payments? If yes, how long and how frequently delayed?					
11. Method of payment (cash, kind, electronic, other)					
12. Applicable wage calculation for fixed term contract:					
• Time based 1. Hourly: IDR..... Wage per hours = Monthly wage/126 [36]					
2. Daily 1. For companies with 6 days working schedule: Earned wage= Monthly wage/25 2. For companies with 5 days working schedule Earned wage = Monthly wage/ 21					
• Quantity or target based or piece rate[37] o Daily Daily work target = Average work output in standard working hours[38]					

36 Government Regulation No. 35, 2021 on Wage. The formula for calculating the hourly wage should not deviate from the stated formula unless there is a legally defined standard by the national wage council.

37 Please refer to Government Regulation No. 36, 2021 on 'Wages'

38 The average work output in standard working hours needs to be agreed between the employers and employee based on the type of work. For example the average work output for standard working hours for a harvester is calculated by taking into account the average total output in a day (kilograms/hectare/other unit and total hours taken by a worker in a single day to produce that output. For some examples of the various methods used by the industry to calculate wages of palm oil harvesters, see RSPO and Earthworm.

	Manager Interview	Documents	Worker Interview 1	Worker Interview 2	Worker Interview 3
o Monthly Wage= average amount of the last 12 months received by worker[39] o Combined time and piece rate system? o Or other wage calculation method?					
13. National workers security registration or BPJS registration			**Yes/No**	**Yes/No**	**Yes/No**
13. a. Type of participation:					
• Employment injury (*Jaminan Kecelakaan Kerja* or JKK: (number of people registered under the scheme)					
• Death benefit (*Jaminan Kematian* or JK: (number of people registered under the scheme)					
• Old age benefit (*Jaminan Hari Tua* or JHT: (number of people registered under the scheme)					
• Pension (*Jaminan Pensiun* or JP: (number of people registered under the scheme)					
13. b. Total amount of wage reported/ registered to the national security programme					
13. c. Total workers registered under the national social security programme					

39 Government Regulation No. 36, 2021 on 'Wage'

Annex 7: Special guidance for inspection during COVID-19

In addition to general safety and health observations during the site visit, inspectors should also make observations related to prevention and mitigation of COVID-19, in line with applicable national standards and the enterprise's own COVID-19 plan (if any). The following table outlines some of the minimum considerations that inspectors should look for. Importantly, this also includes taking into account common facilities beyond the work processes in the tables above (e.g. cafeterias and other places where workers may gather, as well as housing facilities for workers such as dormitories etc.). [40]

COVID-19 and OSH management[41]	Verifying documents
1. Did the enterprise conduct a risk assessment for COVID-19 for its staff and operations?	
2. Does the enterprise have a COVID-19 prevention and mitigation plan?	
3. Does the enterprise have a contingency plan if a worker is identified as having contracted the virus (e.g. immediate reporting and coordination with the local health centre or health office)?	
4. Were worker representatives involved in preparing these plans?	
5. Have all staff been properly informed and trained on the risks of COVID-19, how to prevent and control transmission and what to do if they exhibit relevant symptoms (e.g. training on Ministry of Health guidelines)?	

40 This is an indicative list of issues to consider in conducting an inspection related to COVID-19 preparedness. Inspectors should be familiar, however, with the Ministry of Health "Guidelines for Prevention and Control of Corona Virus Disease 2019 (COVID-19) in the Workplaces of Offices and Industries in Supporting Business Continuity within the Pandemic Situation" (NUMBER HK.01.07/MENKES/328/2020).

41 See further below for COVID-19 specific inspection items for the site visit.

COVID-19 field observation checklist

1. Does the workplace observe physical distancing (applicable national standard (2 metres ILO)) in its work processes and communal areas?	
2. Have the necessary modifications been made to allow for adequate physical distancing in all work and communal areas in accordance with Ministry of Health guidelines?	
3. Is there easy access to sanitary facilities?	
4. Are hand washing stations and/or hand sanitizer readily available?	
5. Is drinking water readily available?	
6. Do all workers have access to and properly use personal protective equipment (masks, gloves, visors) in line with Ministry of Health guidelines?	
7. Are there procedures in place for health screening and contract tracing of all staff and visitors to the worksite?	
8. If there are worker dormitories on site, are similar measure in place to allow for adequate physical distancing, hand washing, sanitation, health monitoring and, potentially, the observation and isolation of sick individuals?	

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