DEMYSTIFYING THE CORE CONVENTIONS OF THE ILO THROUGH SOCIAL DIALOGUE

The Indonesian Experience

International Labour Organization
Jakarta Office
Dedicated to the democratic achievement of
the freedom loving people of Indonesia
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FOREWORD

The ratification of ILO Convention on the Freedom of Association and the Protection of the Rights to Organize by Indonesia in June 1998 swung open the window of opportunity for collaboration between the Ministry of Manpower and the ILO within a tripartite framework involving the existing trade unions and employers' organizations in Indonesia in promoting the fundamental principles and rights at work.

A Letter of Intent signed by the ILO and the Republic of Indonesia in December 1998 helped launch a nationwide sensitization campaign to mobilize civil society support for the ratification and implementation of the ILO Core Conventions. It also helped create tripartite capacity to simplify and widely disseminate the message of the ILO Core Conventions with the technical advisory assistance from the ILO.

Simultaneously, we have embarked, with ILO technical advisory assistance in the important task of the formulating new labour legislation through a process of tripartite consultation.

Although, the entire process of labour legislation is not complete, I am glad that the ILO is documenting the process of tripartite consultations which led to the ratification of the ILO Core Conventions, the formulation of proposals for new labour legislation and mobilizing civil society support for both the successful ratification of three ILO Core Conventions in June 1999 as well as for their implementation.

I must congratulate the ILO for producing this monograph (with its translation into Bahasa Indonesia) which will serve as a valuable manual for the entire Civil Society including ILO's Tripartite Constituents to sustain the campaign for awareness raising among the masses on the fundamental principles and rights at work.

Jakarta, 28 September 1999

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Minister of Manpower
CONTRIBUTORS

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PASARIBU, Oktavianto
SIBBEL, Lejo

1 Substantive inputs to Chapter 4 were provided by Tim De Meyer, Bernard Germigon, Yoshie Noguchi, Thomas Constance. Chapter 3 is virtually the creation of the Tripartite Drafting Group in Indonesia which formulated their own perceptions and interpretations of the core Convention of the ILO.
PREFACE

The ILO’s country programme in Indonesia encompasses the four strategic objectives of the Organization: (a) the promotion and realization of the fundamental principles and rights at work, (b) the creation of greater opportunities for women and men to secure decent employment and income\textsuperscript{1}, (c) enhancing of the coverage and effectiveness of social protection for all\textsuperscript{2}, and (d) strengthening of tripartism and social dialogue in a coherent and balanced manner\textsuperscript{3}.

This monograph represents a concrete demonstration of the cross-cutting character of the ILO strategic programme themes. The monograph clearly illustrates how tripartism and social dialogue can be used as powerful and effective strategic tools for the promotion and realization of the fundamental principles and rights at work. It is indeed remarkable that the military and the police were incorporated into the process of this social dialogue.

As the monograph documents the experience of the cross-cutting processes of the promotion, acceptance and implementation of the fundamental principles and rights at work with the ILO playing a catalytic role through technical advisory assistance, it can be of immense value as a practical guide to the global implementation of the ILO InFocus programme on Promoting the Declaration\textsuperscript{4}.

The Bahasa Indonesia version of the monograph can also serve as a training manual in Indonesia, to sustain the momentum created by the 66 national awareness-raising tripartite workshops on fundamental principles and rights at work during the coming years.

The suitability of the monograph for both domestic and international audiences indicates the tremendous potential for national and global replicability of the model emerging from the Indonesian experience as it established a methodology derived from a concrete practical experience of the interrelated processes of the promotion, acceptance and implementation of the fundamental principles and rights at work at the country-level.

A self-and tripartite evaluation of the impact of the nation-wide awareness-raising campaign on fundamental and rights at work further confirms the value and replicability of the Indonesian model.

The production of the monograph also shows that local resource mobilisation (e.g. the financing by the Government of the Netherlands) is essential and attainable for the creation of knowledge base for ILO advocacy work, in law and in practice, on the fundamental principles and rights at work.

\textsuperscript{1} See for instance ILO: Strategies for Employment-led Recovery and Reconstruction of Indonesia (Jakarta/Geneva, ILO, 1999)

\textsuperscript{2} ILO programmes funded by the Dutch Government (INS/99/M02/NET: Trade Union Participation in the Civil Society Monitoring of the Social Safety Net programme including the component financed by the World Bank loan) and by DANIDA (RAS/97/M11/DAN: Workers Education Assistance in Strengthening Trade Union Support for Workers in the Informal Sector of Selected ASEAN Countries).

\textsuperscript{3} For elaborations see ILO: Decent Work: Report of the Director-General, International Labour Conference, 87\textsuperscript{th} Session, 1999 (Geneva, ILO, 1999).

\textsuperscript{4} The Declaration on the Fundamental Principles and Rights at Work was adopted unopposed by the 1998 International Labour Conference.
The process described in the monograph spans over three significant periods in the ILO. The first phase of the Indonesian experiment coincided with the adoption of the ILO Declaration in June 1998 and the Transition Period from the election of the new ILO Director-General Juan Somavia, to his assumption of office a year later. The second phase received a boost from the launching of the ILO Programme *Decent Work*, under the new Director-General, adopted by the 1999 International Labour Conference.

Finally, the entire exercise could not have been accomplished without effective net-working, active involvement, participation and team-work among partners both inside and outside the ILO. On the one hand genuine cooperation from the Civil Society groups and the government including the armed services were crucial for the promotion, acceptance and implementation of the fundamental principles and rights at work. On the other hand without the coordination and harnessing of inputs internally from ILO Headquarters, its Regional Office, ILO/SEAPAT and the ILO Jakarta Office, the advisory assistance could not have been packaged and systematically channelled with remarkable results.

19 October 1999

Iftikhar Ahmed
Director
ILO
Jakarta Office
ACKNOWLEDGEMENTS

In Indonesia Syaufii Syamsuddin, Director-General of Industrial Relations and Labour Standards and Payaman Simanjuntak, Assistant to the Minister, Ministry of Manpower gave us encouragement in documenting the Indonesian experience.

The entire process described in this monograph was directed by Fahmi Idris, Minister of Manpower, and coordinated by Suwarto, Secretary-General, in his role as the Chairperson of the Ad Hoc Tripartite Task Force for the ratification of the fundamental Conventions of the ILO, who in turn was most ably assisted by Myra Hanartani, Head of the Legal Bureau of the Ministry of Manpower.

The strategic guidance provided by ILO Director-General Juan Somavia both during the transition phase and following his assumption of office was instrumental in the launching of work on this monograph to create the knowledge base needed for ILO’s advocacy work in relation to the In Focus: Promoting the Declaration on the fundamental principles and rights at work.

Kari Tapiola, Anne Trebilcock and Katherine Hagen from ILO Headquarters in Geneva provided support and inspiration for this work.

Padmanabh Gopinath and Guy Ryder provided encouragement from Geneva in undertaking this work within the broader cross-cutting strategic ILO Programme framework spelt out in Decent Work.¹

Miko Horiuchi and Roger Böhning from ILO Bangkok and ILO/SEAPAT, Manila respectively reinforced the expert inputs and mobilised resources needed at critical moments to complete the entire exercise.

Without the cooperation, participation and support of the numerous Trade Unions, Employers’ Associations, various Civil Society Groups (primarily NGOs) and members of the Armed Forces and the police this endeavour could not have been successfully undertaken.

The entire exercise was also supported by a funding from the Government of the Netherlands.

# ACRONYMS AND ABBREVIATIONS

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<tr>
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<th>Full Form</th>
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<tbody>
<tr>
<td>ABRI</td>
<td>Indonesian Armed Forces</td>
</tr>
<tr>
<td>APINDO</td>
<td>Indonesian Employers Association</td>
</tr>
<tr>
<td>APJATI</td>
<td>Association of Indonesian Labour Suppliers</td>
</tr>
<tr>
<td>APMI</td>
<td>Association of Indonesian Food Producers</td>
</tr>
<tr>
<td>APRISINDO</td>
<td>Indonesian Footwear Association</td>
</tr>
<tr>
<td>ASOKADIKA</td>
<td>Association of Indonesian Private Education Workers</td>
</tr>
<tr>
<td>ASPEK</td>
<td>Association of Indonesian Banking and Finance Workers Union</td>
</tr>
<tr>
<td>BMI</td>
<td>Bank of Muamalat Indonesia</td>
</tr>
<tr>
<td>BUMN</td>
<td>State-owned Enterprises</td>
</tr>
<tr>
<td>CEACR</td>
<td>Committee of Experts on the Application of Conventions and Recommendations (ILO Geneva)</td>
</tr>
<tr>
<td>DEPARSENIBUD</td>
<td>Ministry of Art and Culture</td>
</tr>
<tr>
<td>DEPADGRI</td>
<td>Ministry of Home Affairs</td>
</tr>
<tr>
<td>DEPDIKbud</td>
<td>Ministry of Education and Culture</td>
</tr>
<tr>
<td>DEPERINDAG</td>
<td>Ministry of Industry and Trade</td>
</tr>
<tr>
<td>DEPHANKAM</td>
<td>Ministry of Defense and Security</td>
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<tr>
<td>DEPKEH</td>
<td>Ministry of Justice</td>
</tr>
<tr>
<td>DEPEKU</td>
<td>Ministry of Finance</td>
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<tr>
<td>DEPLU</td>
<td>Ministry of Foreign Affairs</td>
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<tr>
<td>DEPNAKER</td>
<td>Ministry of Manpower</td>
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<tr>
<td>DEPPEN</td>
<td>Ministry of Information</td>
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<tr>
<td>DEPSOS</td>
<td>Ministry of Social Affairs</td>
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<tr>
<td>DEPTAMBEN</td>
<td>Ministry of Mine and Energy</td>
</tr>
<tr>
<td>DEPTAN</td>
<td>Ministry of Agriculture</td>
</tr>
<tr>
<td>DEPTRANSPPH</td>
<td>Ministry of Transmigration and Resettlement of Forest Squatters</td>
</tr>
<tr>
<td>DKI</td>
<td>Jakarta Regional Government</td>
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<tr>
<td>EGALITE</td>
<td>Equality and Human Rights Coordination Branch (ILO Geneva)</td>
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<tr>
<td>FIFTU=GASP</td>
<td>Federation of Indonesian Free Trade Unions</td>
</tr>
<tr>
<td>FOKUBA</td>
<td>Indonesian Financial Sector Union</td>
</tr>
<tr>
<td>FSBDI</td>
<td>The Federation of All Indonesian Democratic Unions</td>
</tr>
<tr>
<td>FSPSI</td>
<td>Federation of All Indonesian Trade Unions</td>
</tr>
<tr>
<td>GAPENSI</td>
<td>Indonesia National Contractors Association</td>
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<td>GAPKINDO</td>
<td>Association of Wood Working Manufacturers</td>
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<td>GAPPRI</td>
<td>Federation of Indonesian Clove Cigarette Manufacturers</td>
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<tr>
<td>GASBIINDO</td>
<td>Federation of Indonesian Industrial Labour Unions</td>
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<td>GASP</td>
<td>Federation of Indonesian Free Trade Unions</td>
</tr>
<tr>
<td>GKB</td>
<td>Federation of Indonesian Batik Cooperatives</td>
</tr>
<tr>
<td>GPPD*</td>
<td>Federation of the Jakarta City Bus Workers Union</td>
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<tr>
<td>GSBI</td>
<td>Federation of Indonesian Trade Unions</td>
</tr>
<tr>
<td>HAM</td>
<td>Human Rights</td>
</tr>
<tr>
<td>HQ</td>
<td>Headquarters</td>
</tr>
<tr>
<td>IAIN</td>
<td>Moslem University</td>
</tr>
<tr>
<td>ICRC</td>
<td>International Committee of the Red Cross</td>
</tr>
<tr>
<td>IKAPI</td>
<td>Association of Indonesian Publishers</td>
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<tr>
<td>ILO</td>
<td>International Labour Organization</td>
</tr>
<tr>
<td>Acronym</td>
<td>Description</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------------------------------------------------------------------------</td>
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<tr>
<td>SP TRANS</td>
<td>Indonesian Transport Workers Union</td>
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<tr>
<td>SP FARKES</td>
<td>Indonesian Pharmacy and Health Workers Union</td>
</tr>
<tr>
<td>SP NIBA</td>
<td>Indonesian Commerce, Bank, Insurance, Services and Profession Workers Union</td>
</tr>
<tr>
<td>SP TAN*</td>
<td>Agriculture and Fishery Workers Union</td>
</tr>
<tr>
<td>SPK</td>
<td>Workers Union of Justice</td>
</tr>
<tr>
<td>SPSI Reformasi</td>
<td>Indonesian Workers Union - Reform</td>
</tr>
<tr>
<td>SPTI</td>
<td>Indonesian Transport Workers Union</td>
</tr>
<tr>
<td>TASKIN</td>
<td>Ministry of People's Welfare and Poverty Eradication</td>
</tr>
<tr>
<td>TNI</td>
<td>Indonesian Military</td>
</tr>
<tr>
<td>TOMT</td>
<td>Training of Master Trainers</td>
</tr>
<tr>
<td>TPI</td>
<td>Indonesian Private Television Broadcaster</td>
</tr>
<tr>
<td>TVRI</td>
<td>Indonesian Government Television Broadcaster</td>
</tr>
<tr>
<td>UGM</td>
<td>University of Gadjah Mada (Yogyakarta)</td>
</tr>
<tr>
<td>UI</td>
<td>University of Indonesia (Jakarta)</td>
</tr>
<tr>
<td>UIR</td>
<td>University of Indonesia Raya</td>
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<tr>
<td>UKI</td>
<td>Indonesian University of Christian (Jakarta)</td>
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<tr>
<td>UNIBRAW</td>
<td>University of Brawijaya (Malang, East Java)</td>
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<tr>
<td>UNRI</td>
<td>University of Republic of Indonesia</td>
</tr>
<tr>
<td>USAID</td>
<td>United States of America Agency for International Development</td>
</tr>
<tr>
<td>VOA</td>
<td>Voice of America</td>
</tr>
<tr>
<td>WALUBI</td>
<td>Indonesian Buddhist Council</td>
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<tr>
<td>YPSI</td>
<td>Social Concern Foundation of Indonesia</td>
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* The exact designation is being verified.
Signing of the Letter of Intent to ratify all of the core Conventions of the ILO between the Indonesian Minister of Manpower, Fahmi Idris (right) and the Director of ILO Jakarta Office, Iftikhar Ahmed (left) at the State Palace (23 December 1998) witnessed by the President of the Republic of Indonesia, B.J. Habibie.

MISSION ACCOMPLISHED: THE FIRST IN ASIA

Indonesian Minister of Manpower, Fahmi Idris submitting the instrument of ratification of ILO Conventions on the elimination of child labour, forced labour and discrimination in employment to the Director-General of the ILO, Juan Somavia in a ceremony at ILO Headquarters in Geneva on 7 June 1999. Indonesia thus become the first country in the Asia-Pacific region to ratify all (7) of the core Conventions of the ILO.

Photo credit: ILO/G. Cabrera
A. Exclusively Awareness-raising
- Groundwork
- Tripartite Capacity Building
- Mobilising Civil Society Support for Ratification
- Compliance: Reporting Procedures

B. Matching Labour Law with Ratification
- Fundamental Human Rights Conventions of The ILO
- Freedom of Association
- Labour Dispute Settlement
- Revision of Manpower Act
- Migrant Workers

E. Awareness-raising
Organized by th
D OF CIVIL SOCIETY
-RAISING
SIA (1998 - 1999)

C. Exclusively Drafting of Legislation
- Revision of Manpower Act. No. 25, 1997
- Drafting of Labour Dispute Settlement Bill
- Drafting of Trade Union Bill

D. Forthcoming Awareness-raising
- Fundamental Human Rights Conventions
- Discrimination in Employment
- Child Labour
- Drafting of Trade Union Bill
- Revision of Manpower Act
- Migrant Workers
- Social Security
Chapter 1

INTRODUCTION

THE GLOBAL CONTEXT

Fifty-four (54) out of the one hundred seventy-four (174) ILO member States have ratified (as of 11 October 1999) all seven (7) of the core Conventions covering the fundamental principles and rights at work. Although Indonesia was, globally, the 47th country to have ratified these core Conventions, it was the first country in the Asia Pacific region to do so.

Indonesia clearly stands apart from the top fifty-four (54) of the global ratification chart for a number of reasons. It is the largest Moslem country in the world. Any improvement in fundamental principles and rights at work in Indonesia has the potential to benefit the fourth largest population grouping in the world (220 million human beings). Furthermore, the net of fundamental human rights has to be spread widely across a population scattered over 6000 inhabited islands.

But, it is just not the size and geographical distribution of the population that poses a challenge in Indonesia. Fundamental rights at work has to penetrate the lives of 370 heterogeneous ethnic groups using 67 local dialects that the 220 million population of Indonesia are split into. The circumstances of ratification is also unique for Indonesia. Unlike the other core Conventions ratifying-nations, Indonesia ratified all the core Conventions even when it was reeling from the devastating political, social and economic consequences of the crippling Asian financial crisis.

The global ratification chart (Annex 11) conveys little about the complex interaction among the domestic social, economic and political forces and international pressures which have collectively and cumulatively played a decisive role in the process of ratification. For instance, the suddenness of the financial crisis and the processes of democratisation and the ratification of the core Conventions as well as timely activities aimed at promoting respect for the fundamental principles and rights at work in Indonesia appear to have all proceeded hand in hand.

Such intricate interrelated processes of ratification, acceptance and implementation of the core Conventions have not been adequately addressed and analysed by any country case study. In addition, insights on the catalytic role that ILO could play through advocacy and technical assistance in the promotion and orientation of these interrelated processes, however, have not been fully captured in any systematically documented study.

This monograph aims to fill this major gap in empirical work.

1 Freedom of Association and Collective Bargaining (No. 87 and 98), Forced Labour (No. 29 and 105), Non-discrimination (No. 100 and 111) and Minimum Age (No. 138).
Chart 1

FINANCIAL CRISIS AND POLITICAL REFORM

INDONESIA

Asian Financial crisis

Government

Demand for "reformasi"

New respect for HR, basic freedom and democratic processes

New willingness to work with international organizations
THE INDONESIAN EXPERIENCE

Certain features of the Indonesian experience of its onward march to realize the fundamental principles and rights at work are noteworthy at the very outset of the monograph.

Financial crisis triggers respect for human rights

The devastating social consequences of the Asian financial crisis and the collapse of the authoritarian regime flung open the door to Indonesia’s acceptance of democratic and political reforms including the fundamental principles and rights at work and its willingness to work with international organizations (see Chart 1).

Cross-cutting processes

Simplistically speaking, two interrelated processes which propelled the effective promotion of the fundamental principles and rights at work in Indonesia during 1998-1999 can be identified (elaborated in Chapter 2).

The first flowed and began with the ratification of Convention No. 87 in June 1988 and the Direct Contacts Mission undertaken in August of the same year. Subsequently, a labour law reform programme was developed and implemented based on a tripartite drafting process.

The second, which started sequentially but runs simultaneous with the first process, was set off with the Government’s indication that it intended to ratify the three remaining fundamental ILO Conventions it had not yet ratified. This was formalized with the signing of the Letter of Intent (December 1998) and matched with the ILO’s pledge of technical assistance.

When one looks at the dynamics of these two processes and the interaction between them several conclusions can be drawn with regard to the way in which they relate and cut across each other.

The first being that the existence of the first process, and the progress made within it, greatly facilitated the establishment of the second process. Had the first process failed, or progressed with extensive difficulties, the question remains whether the second process could have been designed and launched.

The second conclusion that can be drawn is that the way in which the first process was undertaken, i.e. tripartite, and the success of this approach, greatly influenced the decision to adopt a similar approach in the second process as illustrated by the establishment of the Tripartite Task Force for the ratification of the fundamental human rights Conventions of the ILO. As a result, the same institutions were involved in both processes, ultimately leading to their mutual reinforcement. Subsequently, the organisation of the awareness-raising workshops and the ratification of the three remaining core Conventions, both part of the second process, influenced the drafting of legislation in the first process by reinforcing the knowledge base of the partners and adding new elements into the process (see Chart 2).
Chart 2
SEQUENTIAL/SIMULTANEOUS/CROSS-CUTTING/INTER-RELATED PROCESSES

**PROCESS 1**

- DIRECT CONTACTS AND MISSION (AUG. 98)
- RATIFICATION CONVENTION 87 (JUNE 98)

**PROCESS 2**

- LETTER OF INTENT (DEC. 98)

*ILO Declaration on the Fundamental Principles and Rights at Work (June 98)*

**LABOUR LAW REFORM PROGRAMME (SEPT. 98-CONTINUOUS)**

**TRIPARTITE TASK FORCE (JAN. 99)**
- Tripartite preparation of Training Material
- Tripartite Training of Trainers

**AWARENESS RAISING WORKSHOP (FEB. 99-CONTINUOUS)**
(Social Dialogue) + Military and the Police

**RATIFICATION CONVENTIONS 105, 111, 138 (JUNE 1999)**
Awareness campaign: Intensity, focus and geographical spread

A total of sixty-six (66) awareness-raising tripartite workshops on the fundamental principles and rights at work were held nation-wide within a short span of just one year with the technical advisory and financial support of the ILO. Nearly one third (20) of these workshops aimed at awareness-raising were primarily concerned with mobilising Civil Society support for the ratification of the core Conventions (Annex 12).

Fourteen (14) of these tripartite workshops adopted the dual approach of combining of the objectives of awareness-raising, labour law reform and ratification.

The primary focus of another 12 of the sixty-six (66) tripartite workshops was the drafting of labour legislation involving the preparation of the Trade Union and Labour Dispute Settlement Bills and the Revision of Manpower Act No. 25, 1997.

Nine (9) more awareness raising tripartite workshops are scheduled before the end of the year (1999).

Eleven of the sixty-six (66) tripartite awareness-raising workshops were successfully organized by the Ministry of Manpower independently without any technical advisory and financial assistance from the ILO.

A special effort was made to spread the awareness campaign to the widely scattered (6000 inhabited islands) Indonesian population (220 million). The 66 tripartite workshops were spread over 17 of the country's 27 provinces (see Map and Annex 12).

Beyond Civil Society

A total of 1,660 participants attended the 66 tripartite workshops which were composed of the local representatives of the following Civil Society Groups from the various regions and the capital (Jakarta).

Table 1. Civil Society and Military participation in the Nation-wide Awareness-raising Campaign on Fundamental Principles and Rights at Work.

<table>
<thead>
<tr>
<th>Civil Society Group</th>
<th>Participants (Number)</th>
<th>Percentage</th>
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</thead>
<tbody>
<tr>
<td>Government</td>
<td>585</td>
<td>35.2</td>
</tr>
<tr>
<td>Workers</td>
<td>320</td>
<td>19.3</td>
</tr>
<tr>
<td>Employers</td>
<td>560</td>
<td>33.7</td>
</tr>
<tr>
<td>NGOs</td>
<td>60</td>
<td>4.1</td>
</tr>
<tr>
<td>Military and police</td>
<td>30</td>
<td>1.8</td>
</tr>
<tr>
<td>ILO specialists</td>
<td>97</td>
<td>4.1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,660</strong></td>
<td><strong>100.0</strong></td>
</tr>
</tbody>
</table>
The following features are noteworthy (Table 1):

(a) The thrust of the workshop has been no doubt on empowering workers. However it is significant that more than one third of the 1,660 Civil Society participants of the workshops were local representatives of the employers.
(b) In addition to the Civil Society groups 30 local and national level representatives of the military and the police attended the workshops.
(c) The participation by almost 100 ILO specialists clearly demonstrates the scale and intensity of ILO technical advisory assistance inputs to this exercise.2

**Tripartite ‘plus’ capacity building**

Another unique feature of the promotional work of fundamental principles and rights at work in Indonesia was the emphasis on sustainability based on internal tripartite capacity building.

This began with the training of tripartite Master Trainers (TOMT) on the concept, content and substance of the core Conventions of the ILO as elaborated in Chapter 2.

The multiplier effect of this initial round was enormous. A tripartite panel of resource persons drawn from the pool of TOMT led the discussions and made presentations to a Civil Society and military audience of 1,660 persons on the core Conventions at the 66 tripartite workshops on the fundamental principles and rights at work.

Even the training material used was produced by a tripartite team (see Chapter 3) on the basis of which clarifications to questions posed from the floor were provided on the Conventions by the tripartite panel of resource persons (see Chapter 4)3

The process led to the creation of a total tripartite panel of 154 resource persons consisting of representatives of workers (28), employers (28), and government (98) (see Annex 13).

The organisation of eleven tripartite awareness-raising workshops independently by the Ministry of Manpower without the technical and financial assistance of the ILO is a strong indicator of capacity creation and of the future sustainability of the process.

**DESIGN AND HIGHLIGHTS OF THE MONOGRAPH**

In the light of the above background and summary overview, the monograph documents the methodology and approaches followed and results obtained through Indonesia’s onward march towards the goal of achieving and sustaining the fundamental principles and rights at work.

The second chapter comprehensively describes the tripartite methodology and application of social dialogue combined with the promotional efforts of the ILO which propelled the cross-cutting processes of ratification, labour law reform, nationwide popularisation campaign and acceptance of the fundamental principles and rights at work.

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2 The core team of ILO specialists were actually about a dozen in number but most of the individuals assisted the workshops numerous times in different locations according to well organised time-schedule.

3 The training material was also produced by a tripartite drafting group (see Chapter 2 and 3).
The activities include the training of Master Trainers which eventually served as a tripartite panel of resource persons for the social dialogue which generated a wide range and variety of questions on the Conventions which were clarified through a tripartite approach in responding to the queries with the technical advisory assistance of the ILO as described in Chapter 4.

Chapter 2 concludes by both self and tripartite-evaluation of the impact of the 60 or so of the nation-wide awareness-raising campaigns on the fundamental principles and rights at work.

Chapter 3 describes how the training material was produced through a tripartite process of review, intellectual assimilation and interpretation of the legal provisions of the core Conventions. These were spontaneously produced in the local language and remains clearly and purely an Indonesian tripartite perception of the core Conventions.

The remarkable feature of Chapter 4 is the natural and spontaneous way in which Social Dialogue has been deployed as an effective and successful tool which not only mobilised Civil Society support for the fundamental principles and rights at work but brought within the fold of the dialogue the military and the police who are allegedly involved in human rights violations or interference in labour disputes. The military's response to ILO supported/Ministry of Manpower sponsored campaign to sensitise the military and police personnel to fundamental principles and rights at work has been most enthusiastically warm and dynamic.

The final chapter takes stock of accomplishments and prepares the ground for facing up to the challenges in the future with an emphasis not only on attainment of goals but for ways of sustaining fundamental principles and rights at work as enshrined in Decent Work.

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4 For instance the Manpower of Minister lamented that the military often took part in conflicts between employers and workers, a factor that led to more problems than it solved. However, the Manpower Minister had written to the Minister of Defence and Security as well as other high-ranking military officials pleading with them not to allow their personnel to get embroiled in internal conflicts between workers and their bosses. Although a positive response was received by the Minister to this approach, the military personnel are still reported to be present at meetings aimed at solving internal (labour) problems (Indonesian Observer, Jakarta, 24 September 1999).

Chapter 2

THE ACHIEVEMENTS: PROCESS, METHODOLOGY AND APPROACH

INTRODUCTION

Indonesia has made a very significant progress in 1998/1999 on the ratification of the fundamental human rights Conventions of the ILO.

In June 1998 Indonesia ratified Convention No. 87 on Freedom of Association and Protection of the Right to Organize. In May 1999 Indonesia succeeded in ratifying Convention No. 105 on Abolition of Forced Labour, No. 111 on Discrimination in Employment and Occupation and No. 138 on Minimum Age. Thus, Indonesia became, as noted earlier, the first nation in Asia to ratify all of the seven fundamental Conventions of the ILO.

Indonesia is also expected to ratify the new Convention No. 182 on the Worst Forms of Child Labour which constitutes the eight fundamental Convention of the ILO.

In many respects, the developments in Indonesia have been unique in the Asian Region if not in the world. It is therefore worthwhile to record some of the main steps and action taken in regard to the promotion and ratification of the Conventions and the ILO support which have contributed to these developments.

In this Chapter, an overview is provided of the process which led to the ratification of the Conventions and the action taken towards their implementation in national law and practice in Indonesia.

At different intervals, the analysis is supported by charts (included throughout the chapter) which provide a graphic depiction of the processes described in the text.

THE COUNTRY CONTEXT

1998 and 1999 have been momentous years in Indonesia. The impact of the Asian financial crisis has been devastating for Indonesia as a nation and for the Indonesian people socially and economically.

Partly as a result of the financial crisis, the Government of President B.J. Habibie came to office in May 1998, succeeding President Suharto who had to step down after ruling the nation for nearly 32 years. The new Government was faced with widespread demands for change and “reformasi” and to bring an end to “KKN” (collusion, corruption and nepotism). The response of the Government involved a new respect for human rights, basic freedoms and democratic processes. There has also been a new willingness to work with and seek assistance from international organizations.

The financial crisis also led to the significant involvement of the World Bank and the International Monetary Fund in a wide range of matters relating to the recovery of the Indonesian economy.
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The financial institutions have stressed the need for progress to be made in human rights and democratic processes, and this has included pressure for Indonesia to make improvements in the field of labour rights (see Chart 1 in Chapter 1).

The new developments provided the opportunity for Indonesia to make effective use of ILO assistance and collaboration. The basic change is that Indonesia has become a country which wants to move forward in the labour field on the basis of the application of international labour standards.

In these circumstances, what has the ILO been able to do to assist Indonesia?

MAIN DEVELOPMENTS

The most significant developments in Indonesia since mid-1998 relate to freedom of association and the acceptance of core labour standards. They include the following:

- The ratification by Indonesia of the Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87) on 9 June 1998;

- The issuance of Ministerial Regulation No. 5/1998 which introduced a new system for the registration of trade unions and allowed the organization of trade unions, outside the previously government-sanctioned union Federation;

- The release from imprisonment of trade union activists, including Muchtar Pakpahan and Dita Sari;

- The acceptance by Indonesia of a direct contacts mission from the ILO to assist the Government in ensuring that its labour legislation fully complies with the requirements of the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) (ratified by Indonesia in 1957) and to provide advice on the necessary measures to be taken to ensure full compliance of labour legislation with Convention No. 87;

- The willingness of the Minister of Manpower to implement the recommendations in the report of the ILO Direct Contacts Mission;

- The postponement of the effectivity of the new Manpower Act 1997 to allow revisions to be made to that legislation relating to concerns expressed by various social groups and the ILO;

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1 See Annex 1 for the text of the Presidential Decree No. 83 of 1998 of the Republic of Indonesia on the Ratification of Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize.

2 See Annex 2 for the text of the Regulation of the Minister of Manpower No. 05 of 1998 on the Registration of Workers' Organisation.


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- **Tripartite-plus consultation and involvement** in the drafting of new labour laws including technical assistance from the ILO;

- The signing of a **Letter of Intent** with the ILO on 23 December 1998 wherein Indonesia reaffirms its commitment to ratify the three remaining core Conventions of the ILO [namely, *Abolition of Forced Labour Convention, 1957* (No. 105); *Discrimination (Employment and Occupation) Convention, 1958* (No. 111); and *Minimum Age Convention, 1973* (No. 138)] so that all seven core Conventions are ratified by June 1999;

- The establishment of a **Tripartite Indonesian Task Force** which would work together with the ILO on the follow up to the Letter of Intent;

- The drafting of legislation for submission to Parliament on the ratification of the three remaining core Conventions after **tripartite consultation and technical assistance from the ILO**; and

- The conduct of **Awareness-raising Workshops** throughout Indonesia to advise employers, workers and provincial governments about the fundamental Conventions and the implications of their ratification by Indonesia;

- The ratification of Conventions No. 29 (Abolition of Forced Labour), No. 111 (Discrimination in Employment and Occupation) and No. 138 (Minimum Age) in May 1999 following the passage of the relevant legislation through the Parliament; and

- The general consensus for the ratification by Indonesia of the new Convention on the Worst Forms of Child Labour (No. 182) in 1999.

The Indonesian Government over the past year has taken the necessary steps to remove existing restrictions on freedom of association and the right to organise and to provide greater rights and protections for Indonesian workers. As a result of the changes, some 21 different union federations have thus far been registered and are now legally operating in Indonesia. All the new unions have been involved, along with employer representatives and others, in the consultative and drafting processes for the new labour reform bills. All the new unions existing at that time are also represented in the Tripartite Indonesian Task Force.

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6 See Annex 6 for the text of the Decree of the Minister of Manpower No. 07 of 1999 concerning the Establishment of the Task Force for Ratification of the Fundamental Conventions of the ILO.

7 See Annex 7 for the text of the Decree of the Minister of Manpower No. 69 of 1999 concerning the formation of the Team of Instructors on the Seven Fundamental Conventions of the ILO.

8 See Annexes 8, 9 and 10 respectively on the texts of the Act of the Republic of Indonesia No. 19 of 1999 on the Ratification of Convention No. 105 concerning the Abolition of Forced Labour; of the Act of the Republic of Indonesia No. 20 of 1999 on the Ratification of Convention No. 138 concerning Minimum Age for Admission to Employment; and of the Act of the Republic of Indonesia No. 21 of 1999 on the Ratification of Convention No. 111 concerning the Discrimination in Respect of Employment and Occupation.
Chapter 2. The Achievements: Proses, Methodology and Approach

We will now turn to consider some of these developments, and the work of the ILO which has contributed to them, in more detail. The matters dealt with fall under the following broad headings:

- Progress with Freedom of Association;
- Technical Assistance with the Labour Law Reforms;
- Ratification and Implementation of the Fundamental Human Rights Conventions of the ILO;
- Human Rights Training for the Indonesian Military (TNI) and Police with Special Reference to the Fundamental Human Rights Conventions of the ILO.

FREEDOM OF ASSOCIATION

The most immediate and significant development in the labour field was the ratification by Indonesia of the Freedom of Association and the Protection of the Right to Organize Convention, 1948 (No. 87) on 9 June 1998. This was a milestone given the previous government policies which imposed a trade union monopoly and restricted the rights to organize and to collective bargaining. The ratification also opened the door to ILO work on standards-related matters and the introduction of needed labour law reforms.

The ILO sought to provide detailed assistance to Indonesia in the promotion of the right of freedom of association, consistent with the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) which was ratified by Indonesia in 1957 and the newly ratified Convention No. 87.

In many respects, the assistance from the ILO commenced with the Direct Contacts Mission held on 24-28 August 1998. The mission was suggested by the Conference Committee on the Application of Standards in June 1998 and was accepted by the Indonesian Government (see Chart 3). The purpose of the mission was to assist the Government in ensuring that its labour legislation fully complied with the requirements of the Right to Organize and Collective Bargaining Convention, 1949 (No. 98) and also to provide advice to the Government on the necessary measures to be taken to ensure the full compliance of labour legislation with Convention No. 87. The mission was headed by Dr. P. F. van der Heijden, Professor of Labour Law at the University of Amsterdam as the representative of the Director General of the ILO, and included staff members of the Freedom of Association Branch (LIBSYND) of ILO Geneva and of the ILO's South East Asia and the Pacific Multidisciplinary Team (ILO/SEAPAT), Manila. An official of the Labour Law and Labour Relations Branch (LEG/REL) of ILO Geneva also participated in the mission.

The mission was well received by the Indonesian Government and met with a wide range of government officials, including senior military officers of the Indonesian Armed Forces, the National Commission of Human Rights and with representatives of employers' and workers' organizations and NGOs. The approach adopted by the mission was a constructive, rather than a critical, one directed towards assisting Indonesia to meet its obligations under ratified Conventions.

During the course of the mission, the Minister of Manpower announced that the Government had decided to defer the operation of the Manpower Act No. 25,1997. The legislation, which was due to come into operation on 1 October 1998, had been the subject of strong opposition from various groups, including workers' organizations, women's groups, NGOs and some academics. Many issues relating to the Act, and in particular, those provisions relating to freedom of association were also raised in the course of the Direct Contacts Mission. Subsequently, the Parliament decided to postpone the operation of the Act until 1 October 2000.
Indonesia wants to move forward in the field of labour on the basis of international labour standards

1. Ratification of Convention 87 (9 June 98)
2. Direct Contacts Mission (24-28 August 98)
The report of the Direct Contacts Mission was forwarded to the Indonesian Government on 30 September 1998. The report noted the very high level of cooperation received from the Government and the parties and the willingness of the Government to avail itself of ILO technical assistance in revising and drafting relevant labour legislation. The report also referred to the commitment shown by the new Government, through its ratification of Convention No. 87, to workers’ rights and social justice.

The report made various recommendations directed towards assisting the Government to ensure that its labour legislation fully complies with the requirements of Conventions No. 87 and 98. In particular, the mission requested the Government to take measures: to establish a truly representative tripartite body to promote social dialogue and cooperation in the field of industrial relations (including effective consultation on the preparation and implementation of labour legislation); to ensure that civil servants and workers in state-owned enterprises have the right to freedom of association; to establish an appropriate system for the registration and recognition of unions; to establish an effective and impartial dispute settlement institution; to provide protection for workers against anti-union discrimination and protection for unions against acts of interference by employers; to ensure that the security forces refrain from intervening in industrial disputes; and to ensure the immediate release from imprisonment of labour activists, including Dita Sari (see Chart 4).

The report also provides an analysis of the provisions of Indonesian labour legislation that are incompatible with the requirements of Conventions Nos. 87 and 98, such as:

- The Manpower Act 1997 (Act No. 25 of 1997);
- Ministerial Regulation No. 5 of 1998 on the Registration of Workers’ Organizations;
- Ministerial Decree No. 1 of 1994 concerning the Establishment of a Labour Union at the Company Level;
- Act No. 8 of 1974 concerning Basic Matters relating to the Public Service;
- Draft Laws on Workers Unions and Draft Regulations concerning Procedures for Strikes and Lock-outs.

The report provided the basis for the early involvement and technical contribution by the ILO into the process of developing the new labour laws.

**FORMULATION OF NEW LABOUR LAWS**

The formulation of new labour laws is essentially a matter to be determined within Indonesia having regard to the needs and circumstances of Indonesian workers and employers and of the Indonesian society and economy. The laws need to be developed having regard to the Conventions ratified which provide general guidance in the formulation of the actual laws to be adopted. The task of applying the principles of the Conventions in national law and practice is one which must be undertaken at the national level and having regard to national circumstances.

The report of the Direct Contacts Mission and the good and collaborative relations established between the incumbent Indonesian Minister of Manpower and his Department and the ILO through its Jakarta Office led to the involvement of the ILO in the very initial drafting work on the new labour legislation.
Chart 4

DIRECT CONTACTS MISSION

Objective: Assist Government in ensuring that its labour legislation fully complies with the requirements of Conventions 98 and 87

Recommendations:
- Establish fully representative tripartite body
- Freedom of association for civil servant and workers in state-owned enterprises
- System for registration and recognition of unions
- Effective and impartial dispute settlement institutions
- Protection against anti-union discrimination
- No intervention by security forces in industrial disputes
- Release of labour activists
The contribution of the ILO to the drafting process took the form of:

- suggestions as to the process to be followed (e.g. involvement of employers’ and workers’ organizations as well as other concerned groups, consultations, tripartite working teams, etc.);

- provision of information regarding labour laws and systems in other countries (there was particular interest in other Asian countries, e.g. Malaysia, Singapore and the Philippines);

- assistance with general policy development work regarding the reforms needed (e.g. new dispute settlement machinery), the nature and contents of different Bills (e.g. Labour Dispute Settlement Bill to cover the new institution to be established and strikes and lockouts, etc.), the ways in which particular issues/problems might be addressed (e.g. Trade Union Bill and union structures, registration requirements and collective bargaining agents), the type of institutions needed (e.g. a new dispute settlement tribunal; an industrial registrar) and the scope of the reforms (e.g. protection for migrant workers);

- detailed inputs regarding particular provisions of draft legislation or the Manpower Act (see Chart 5).

In general, the ILO provided assistance and advice on the process to be followed in the development of the new labour laws as well as detailed technical inputs as to what those laws might contain. However, it was recognized that the result must be on Indonesian draft legislation, shaped in a way as to take into account international labour standards and relevant labour laws and systems of other countries.

The process adopted for the development of the new labour laws has included tripartite consultation and involvement through the Tripartite-plus Workshop Consultations held by the Department of Manpower (DEPNAKER) on all the Bills and through the work of the tripartite-plus drafting group established to finalize the Trade Union Bill and other legislation. This set a framework for the development of legislative reform proposals with tripartite involvement (Annex 12).

A number of comments may be made about the tripartite consultation which has taken place in the formulation of the legislative proposals.

It is a highly commendable approach which has been adopted by DEPNAKER in seeking to involve representatives of employers’ and workers’ organizations and other interested groups in the work on the new labour laws and an approach which is consistent with the Indonesian “way of doing things” – a relaxed style of talking issues through.

It has been a lengthy process involving many consultative meetings and working groups. It is a process which has led to a large measure of agreement and consensus regarding legislative proposals. However, it would be unrealistic to expect that in the formulation of labour laws there would be complete agreement achieved on all issues, especially given the breadth of the issues and the different interests of the groups involved. Ultimately, it is necessary to strike an appropriate balance between the competing policy considerations and interests and to finalize legislative proposals so that these can be considered by the law-makers.

The assistance has allowed the ILO to have a direct input into the drafting process - both through the provision of detailed comments and advice on standards matters and on legislation in
Chart 5

Programme of Labour Law Reform

Provisions of the Convention

- Tripartite process ➔ consultation, working teams
- Comparative information (Malaysia, Singapore, Philippines, South Korea)
- General policy development
  - problems identified ➔ identification of different ways these can be solved
- Technical advice on particular provisions

National needs and circumstances
other countries (and being able to explain these comments) and through the opportunity for involvement in discussions and debate regarding the shape and contents of the new laws. Through its work, the ILO was also able to place various additional matters on the reform agenda for consideration (e.g. the right to organise of civil servants; protections for migrant workers; a new industrial tribunal; an industrial registrar; the approach to union involvement in collective bargaining negotiations at enterprise level; and protections for union members against mismanagement of their unions and potential abuse of the finances).

A few comments should be made about the process followed and the assistance provided by the ILO:

(a) The control of the process and the final decisions were in the hands of the Indonesian Government and, in particular the Department of Manpower (DEPNAKER), with the ILO being an invited participant making inputs.

(b) The “outcome” of the exercise therefore is within the ownership of DEPNAKER and the result of tripartite consultation. It is on Indonesian draft legislation, shaped in a way as to take into account international labour standards and relevant labour laws and systems of other countries.

(c) The ILO involvement required the contribution of inputs in a shorter timeframe than might be usual with other ILO work where there is more time to prepare detailed written comments on issues/proposals. It also required having specialists to be present and available in Indonesia to render assistance as required (see Chart 6).

An ambitious timetable was originally set by DEPNAKER for the development and drafting of new and modern labour laws for Indonesia by the end of 1998. This timetable was not met, mainly as a result of the size and difficulty of the exercise, weaknesses in the policy development process and other work commitments of Department officials. However, significant progress has been made with the new laws.

The most advanced of the draft bills is that relating to the registration and operation of workers’ organizations. The new Trade Union Bill has been drafted and forwarded to the Office of State/Cabinet Secretariat for submission to the Parliament. The development of the Bill involved an exhaustive range of consultations with employers and unions and other groups, detailed inputs from the ILO and a tripartite drafting group, and consideration by interdepartmental meetings.

The Bill provides:

- protection for the right to organise for workers in private sector employment and in government agencies (but not civil servants who are to be dealt with in separate legislation);
- for unions to be formed on the basis of “business sectors or kinds of work” - not just enterprises;
- protection against anti-union discrimination and interference by employers;
- the registration of unions with the government agency responsible for manpower affairs;
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Chart 6

NATIONAL OWNERSHIP OF LABOUR LAW REFORM

PROCESS

CONTROL
final decision with Government/
ILO invited as participant-adviser

NATIONAL OWNERSHIP
Indonesian draft legislation which takes
into account ILS and comparative
labour laws and systems
Chapter 2. The Achievements: Proses, Methodology and Approach

- basic requirements as regard to constitution and rules, rights and obligations, financial administration, the holding of property and dissolution;

- the right to conduct collective labour agreement negotiations and the right of workers to choose which union shall represent them in such negotiations.

The Bill represents a significant improvement over the provisions of the current Ministerial Regulation No. 5 of 1998 and incorporates many features based on international labour standards.

The labour law reform programme generally covers the review, revision, formulation or reformulation of practically all labour legislation with a view to modernizing and making them more relevant to and in step with the changing times and requirements of a free market economy and a more democratic environment including full respect for the fundamental principles and rights at work.

The labour laws under consideration consist of the revision of Manpower Act 25, 1997 and the enactment of legislation on trade unions, labour dispute settlement, migrant workers and social security. It will be recalled that the implementation of the labour law reform process involving tripartite and tripartite-plus consultations and collaboration and the active support and assistance from the ILO, started in the second half of 1998 whereby the highest priority was given to the formulation of the Trade Union Bill in light of the ratification of ILO Convention No. 87 in 1998.

The current status in the consideration of the various legislation follows:

**Trade Union Bill**

After extensive consultations and discussions by all parties concerned including the social partners, the Trade Union Bill is now finally with the State/Cabinet Secretariat and ready to be submitted to Parliament based on the agenda that the latter will adopt. The new Parliament which convened in October with members elected in the June 7 elections will of course decide its agenda.

The main worries about the provisions of the Trade Union Bill aired mainly by employers and including some workers are how to avoid a multiplicity of union problem, what the new collective bargaining structure would emerge, selection of the collective bargaining agent and whether workers in general in conditions of poverty and lack of education, are prepared to fully exercise freedom of association. We have tried to explain that while problems may emerge, a process of responding to them can be developed but that the solution is not the continued restriction of basic rights.

Dita Sari aptly remarked during her visit to the ILO in Jakarta, that on the problem of trade union multiplicity, let the workers organize as many unions as they wish, because, ultimately, like the experience of having 48 political parties in the last elections, only a few will remain strong and effective to merit popular support.

The ILO has provided comments on the earlier drafts of the Trade Union Bill. An English translation of the Bill as it now stands, has been forwarded to LEG/REL, for necessary action.
Ministerial Regulation on Worker's Organizations

The Regulation was finalized in May, 1999. The main intention of the government is to improve on Ministerial Regulation No. 05/1988 on Registration of Trade Unions which has become controversial with time (particularly on the lack of protection to the workers in the exercise of their right to organize) and to serve as a transition regulation while the Trade Union Bill is still under consideration. Many quarters oppose the new Regulation and would rather wait for the enactment of the Trade Union Bill. The Regulation, however, remains to be under consideration by the Ministry of Manpower.

An English version of the Ministerial Regulations has also been forwarded to LEG/REL.

Labour Dispute Settlement Bill

This Bill was given second priority for enactment. Tripartite-plus consultations on the formulation of the Bill began in October, 1998. A draft Industrial Tribunals Bill was formulated during the first quarter of 1999. The Bill however has not moved forward since then. Thus, it is several steps behind the Trade Union Bill before it can go to the State/Cabinet Secretariat.

The Bill contains provisions giving labour inspectors a major role in the resolution of rights disputes which we pointed out as in error. Some employers, joined recently by a number of trade union federations, are pressing for the establishment of labour courts instead of industrial tribunals which can be a reflection of some bias against the ineffectiveness of bodies closely associated with the Manpower Ministry. The consideration of the Bill is also affected by discussions on the implications of the new law on decentralization which will give more responsibilities for implementation to the provinces away from the central ministries.

In a succeeding development, some trade unionists raised a number of objections on the Bill, during a tripartite-plus consultation workshop. They expressed preference on the use of the term “labour” as more synonymous to labour struggle instead of “workers” in the Bill and also said that the new government should be given to opportunity to consider this Bill. The Panel of trade unionists in the workshop decided to convene a meeting of their own for the purpose of taking a position on all proposed laws covering labour courts, dismissal, wages, working conditions and social security.

It can be contended that the law on dispute settlement should be given high priority as labour disputes continue to occur and both workers and employers will stand to benefit from their early and satisfactory settlement or resolution.

Manpower Act No. 25, 1997

In a new development, the Manpower Ministry decided to give the revision of the Manpower Act high priority. The aim was to have a draft of the revised Act with the State/Cabinet Secretariat by late September 1999.

The ILO has previously commented on the existing provisions of the Act. The ILO has participated in previous meetings of officials from different ministries convened by the Manpower Ministry early this year to discuss some key provisions of the Act particularly on the minimum age of workers, women workers and discrimination issues.
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Work on the revision has been continued internally in DEPNAKER resulting in a new draft. This draft has been circulated to the tripartite-plus constituents for study and comment before it was submitted to the Manpower Minister in the first week of August. Between August and September, a number of activities were held such as consultation workshops and drafting leading to a finalized draft which will be submitted to the State/Cabinet Secretariat. Emphasis is being given to the provisions dealing with child labour, women workers and the informal sector.

As a consequence, a number of ILO activities with the Manpower Ministry were moved forward to accommodate the new priority being given to this Act. A copy of the new draft Manpower Act received, has been forwarded forthwith to LEG/REL for appropriate action.

**Migrant Workers Bill**

The need for a new Migrant Workers Act is almost unanimously recognized in light of increasing number of workers going overseas and the equally rising rate of abuses and malpractices against migrant workers including applicants. Two workshops organized by SEAPAT late last year were for the purpose of assisting in the drafting of a new legislation. Somehow, not much has materialized.

In the ILO work programme for Indonesia, three workshops to be conducted with DEPNAKER was envisaged from July to November 1999 with a view to formulating and promoting the early enactment of a new law. In the tripartite-plus consultation workshop held in Pekanbaru from 12-13 July 1999, something of a breakthrough has been achieved. Senior DEPNAKER officials charged with functions relating to migrant workers and the drafting of labour laws were in attendance.

At the conclusion of the workshop, there was a commitment from DEPNAKER that it will immediately create a working group with responsibility to begin drafting a proposed new law which can then be considered in the succeeding two workshops in October and November for finalization and submission later on to the Cabinet Secretariat and Parliament. In September, 1999, the Ministry of Manpower formally requested the President of Indonesia for authority to move ahead in the drafting of the new law which has now become a priority for the Ministry of Manpower.

**Social Security Act**

Serious interest in having a new social security law replacing Act No. 3/1992 was indicated by the government early in 1999. The main purpose is to consider allowing private insurance companies to be involved in lieu of the present system in which a government-owned company is the only insurer and to shift emphasis from compensation to prevention. Ministry of Manpower is expected to establish an internal working group on the revision of the legislation.

A workshop is proposed to be organized in October, 1999, to discuss the possibilities for the proposed social security legislation. ILO (Social Security Department) in Geneva is formulating plans on how Indonesia can be assisted in this regard, and particularly in the organization of the initial workshop on social security.

The various activities under the ILO work programme on labour law and international labour standards in Indonesia are being pursued actively by SEAPAT, and ILO Jakarta with the strong support from the regional office and headquarters. With such close collaboration and teamwork
coupled with the excellent relations and cooperation now prevailing between the ILO and its Constituents in Indonesia, there is great reason to hope that the work on labour law reforms based on the fundamental principles and rights at work will continue to move forward in a fruitful and meaningful way.

The specific aim is to complete the drafting of all labour legislation and for DEPNAKER to submit them to the State/Cabinet Secretariat before the end of October 1999 in order that they will be ready for consideration by the new government which is expected to be formed around November 1999.

**RATIFICATION AND IMPLEMENTATION OF ILO CORE CONVENTIONS**

In June 1998, the Minister of Manpower indicated that it was the intention of the Indonesian Government to ratify the three remaining core Conventions of the ILO, namely those Conventions dealing with forced labour (No. 105), the elimination of discrimination in employment and occupation (No. 111) and child labour (No. 138). Assistance was sought from the ILO in the consideration of the obligations under and the implementation of the Conventions (see Chart 7).

As a result of this request, a programme of assistance and promotional activities was developed which included:

- Assistance to the Government in understanding the obligations under the Conventions and the implications of ratification for Indonesia;

- General assistance in the ratification process including in relation to the drafting of relevant legislation for submission to Parliament and the identification of laws or policies which might need to be revised having regard to the obligations under the Conventions;

- The preparation and distribution of promotional material (in Bahasa Indonesia and English) on the core Conventions; and

- Activities to promote a wider understanding of and commitment to the principles of the Conventions in Indonesian society.

The ILO was invited to attend many meetings with DEPNAKER officials to provide detailed advice about the implications of ratification of the Conventions and the laws and policies which might need to be revised in the event of ratification. Further meetings attended included tripartite consultations and inter-departmental meetings to examine the implications of ratification and necessary implementation measures. At the meetings, ILO experts were able to provide:

- Detailed advice regarding the obligations under the Conventions and the exclusions available (eg. under Convention No. 138);

- Discuss with the Indonesian officials various issues of concern about the Conventions e.g. the effect on transmigration schemes and prison labour (Convention No. 105); the issues regarding political party affiliation of civil servants (Convention No. 111); and problems relating to the exclusion of various sectors and activities with regard to child labour (Convention No. 138).
Chart 7

New Respect for Human Rights and Basic Freedoms

June 1998
Intention to ratify the three fundamental Human Rights Conventions of the ILO not yet ratified by Indonesia (Convention 105 - Forced Labour) (Convention 111 - Non-Discrimination) (Convention 138 - Minimum Age)
In relation to the promotional work regarding the Conventions, the ILO prepared a publication in Bahasa Indonesia on the fundamental Conventions. The publication consisted of a series of pamphlets and a translation of each of the fundamental Conventions. The pamphlets dealt with:

- The Experience in Indonesia and South East Asia and the need for ratification;
- Freedom of Association;
- Forced Labour;
- Discrimination;
- Child Labour;
- ILO Standards System;
- World Ratification Chart.

The publication has been widely disseminated and used in all the Awareness Raising activities in Indonesia (see Chart 8).

On 16-17 December 1998 a Seminar on the Fundamental Human Rights Conventions of the ILO was held in Jakarta. The Seminar was jointly run by the ILO and DEPNAKER.

The Seminar was opened by addresses from the Minister of Manpower, Fahmi Idris, and by K. Tapiola, Deputy Director General of the ILO, M. Horiuchi, the Assistant Director General with responsibility for Asia and the Pacific Region, and I. Ahmed, Director of ILO Jakarta Office. The Seminar had sessions on the Supervisory Machinery and the Indonesian National Action Plan on Human Rights; Freedom of Association; Discrimination and Equal Opportunity; Forced Labour; and Child Labour. Each session was addressed by an ILO expert together with invited national speakers from DEPNAKER or other ministries, NGOs or academia.

Keynote presentations from ILO officials at the Seminar included Tapiola’s address on the role of standards and the new Declaration of Fundamental Principles and Rights at Work; presentations on the Supervisory Machinery and on Freedom of Association; Conventions No. 100 and 111; Forced Labour; and Child Labour.

A number of matters about the Seminar should be noted:

- The Seminar was attended by some 100 participants, including senior officers of unions, government departments and employers’ organizations. There were also many participants from NGOs and the universities. The sessions provided much discussion and debate regarding the fundamental Conventions and, in particular, implementation measures in Indonesia.

- One matter which became clearer during the Seminar is that there is limited understanding about the Conventions and human rights issues generally and therefore there is still a need for ILO work/seminar/training in Indonesia to be directed primarily towards promoting an understanding and acceptance of basic principles embodied in the instruments.

9 See Annex 11 for the texts of the leaflets of an Information Package on the Fundamental Human Rights Conventions of the ILO.
Chapter 2. The Achievements: Proses, Methodology and Approach

Promotional activities (material in Bahasa) in Indonesian context

Understand obligations

Government

ITO

Programme of assistance and promotional activities

Chart 8
• The Seminar was a successful joint exercise between the ILO and DEPNAKER and was a further illustration of the very good working relationship built up with DEPNAKER by the ILO in Indonesia. Although this is a most positive development and will assist in future activities, there is a need for all the social partners to be involved in the planning of such general activities.

The conclusions of the Seminar were as follows:

1. Recognition of the significant role that international standards may perform in establishing fundamental labour rights in Indonesia by identifying standards which should be adopted in national law and practice and using these as a framework within which appropriate laws and policies for Indonesia might be developed.

2. The need for more information to be provided about international standards to the government, employers and workers and to the wider community. There should be further work by the ILO and the Department of Manpower towards promoting an understanding and awareness about international human rights standards and issues in the field of labour.

3. The need for further seminars of this kind, including specialized seminars on particular issues, such as discrimination and equal opportunity and the problems of women workers, to be held by the ILO in conjunction with government, employers' and workers' organizations.

4. Many basic principles in the ILO Conventions are already enshrined in the 1945 Constitution. Priority should be given to the ratification of the remaining three fundamental Conventions, namely the Conventions on Forced Labour, on Discrimination in Employment and Occupation, and on Child Labour. We welcome the Government's announcement that it is hoping to ratify these by the middle of next year. Ratification should lead to determined action towards the implementation in practice and reality of the newly ratified Conventions.

5. There must be renewed efforts to ensure that the principles and standards in the Conventions already ratified by Indonesia are applied in a meaningful and consistent way throughout the nation. Ratification is important but the problem in Indonesia has been implementation and law enforcement.

6. After the ratification of Convention No. 87, 1948, the Government is now open to Freedom of Association. Indonesia now has 14 registered trade unions at the national level. The Government is developing new legislation, through a process of tripartite plus consultation, to implement the obligations under the Convention.

7. The new Trade Union legislation should be enacted as soon as possible. Also, it is necessary to finalise the other labour reforms, namely the Labour Dispute Settlement Bill and the revision of Manpower Act, through a consultative approach involving tripartite-plus groups.

8. The Government should follow up Convention No. 100, 1951 so as to make regulations relating to Job Evaluation, Job Description and Job Analysis to ensure that there is no discrimination in employment between men and women.
9. There should be established a new Labour Consultative Forum comprising representatives of government, employers' and workers' organizations, NGOs and universities to provide a forum for consultation about labour issues, and laws and international labour standards.

Letter of Intent

During a meeting held on 17 December 1998 with President B.J. Habibie and the Minister of Manpower attended by Kari Tapiola, Miko Horiuchi and Iftikhar Ahmed for the ILO, the President announced that Indonesia would sign an agreement with the ILO regarding the ratification of the remaining core Conventions.

On 23 December 1998 Indonesia signed a Letter of Intent with the ILO regarding the ratification of all seven fundamental human rights Conventions. By this Letter, Indonesia reaffirmed its commitment to ratify the remaining three core Conventions (namely Conventions Nos. 105, 111 and 138) by June 1999. The ILO will provide technical assistance for the ratification and implementation of the Conventions and a Tripartite Indonesian Task Force has been established with the task of, together with the ILO, jointly following-up on the agreement.

The signing of the Letter of Intent was further positive development in the relations between Indonesia and the ILO and in the commitment of the Indonesian Government to proceed with reforms based on international labour standards refer to text of the Letter of Intent (Annex 5). The Letter of Intent has already led to a number of activities and achievements, including:

(a) the provision of technical assistance by the ILO to DEPNAKER in the consideration of issues relating to the ratification of the three Conventions (e.g. the exclusions and limitations available under Convention No.138; and the implications of the ratification of Convention No.105 on transmigration schemes and of Convention No.111 on recent laws regarding political party membership by civil servants) and in the drafting of the laws to be submitted to Parliament to ratify the Conventions;

(b) the conduct of a series of Awareness-raising Workshops throughout Indonesia by DEPNAKER (with tripartite involvement and ILO presentations) to promote a wider understanding and acceptance of the fundamental Conventions by employers, workers representatives and local government, military and police officials. There have been fifteen (15) workshops held with ILO funding assistance and a further eight (8) workshops funded by DEPNAKER, conducted in February to March, 1999. Workshops have been conducted in seventeen (17) Provinces. Eventually, workshops are to be held in all twenty-seven (27) Indonesian Provinces. In addition, one Evaluation Workshop to review the conduct of the Awareness-raising Workshops was held at the end of March. Upon request by DEPNAKER, one workshop on Reporting Obligations under the Constitution of the ILO was also held in April;

(c) with financial assistance from the Netherlands, another round of Awareness-raising Workshops were conducted. Since May up to date, four (4) more workshops on the Fundamental Human rights of the ILO and on the Reporting Obligations were already held in four (4)

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10 See Annex 12 for the Work Programme of the Awareness-raising Workshops funded by the ILO, DEPNAKER, and by the financial assistance received from the Government of the Netherlands.
different Provinces and another nine (9) will be organised around the country. Meanwhile
during the same period, three (3) other Workshops on issues ranging from trade union bill to
labour dispute settlement bill to the development of migrant workers bill were already con-
ducted. Eight (8) other similar workshops on these issues and on provisions regarding the
rights, benefits and protection of women workers and workers in informal sector as well as
on the revision of the Social Security Act will be conducted between July and December.
Two fellowship training programmes to South Korea and other countries on the subjects
concerning trade union, dispute settlement and labour administration will also be organised.11

The **Letter of Intent** provides for the establishment of a **Tripartite Task Force** to follow up on
the agreement jointly with the ILO.

The **Task Force** was established by Ministerial Decree No. 7 of 1999 of the Minister of Man-
power and is chaired by the Secretary General of the Ministry of Manpower, Suwarto. It has thirty
six (36) members, consisting of representatives from various Government Ministries (including
Manpower, Foreign Affairs, Home Affairs, Industry and Trade, Information, State/Cabinet Secre-
tariat, Women Affairs, Promotion of State Enterprises, Justice, Education and Culture, Defence
and Security, etc.), employers (APINDO) and the trade unions (FSPSI, SPSI Reformasi, SBSI,
PPMI, FSBDSI, SARBUMUSI, GASPERMINDO, KPNI and KBM).

The **role of the Task Force** is set out in the Decree as being to:

(c) Prepare the ratification of the three fundamental Conventions that have not been ratified;

(d) Socialize the seven fundamental Conventions;

(e) Inventory the regulations that are not in line with the seven fundamental Conventions; and

(f) Report the result of its task implementation in writing to the Minister of Manpower.

The Task Force held a number of meetings which have also been attended by ILO representa-
tives. The meetings have considered a variety of issues relating to the need to promote a wider
understanding of the Conventions and the principles upon which they are based.

As a result of its considerations, the Task Force decided, with ILO assistance, to conduct a series of
**Awareness-raising Workshops** in Jakarta and in all the provinces of Indonesia. This is a major
exercise which is being supported by the Ministry of Manpower and the ILO Jakarta Office.

**Awareness-raising Workshops**

**Training of Master Trainers (TOMT).** This training took place over two days on 4-5 February
1999 and was attended by most members of the Task Force as well as DEPNAKER officials
(approximately 50 persons). The TOMT was opened by the Chairman of the Task Force, Secre-
tary General Suwarto, and Chief of the Equality and Human Rights Coordination Branch
(EGALITE) of ILO Geneva.

EGALITE made presentations on international standards and their relevance to Indonesia, Equal-
ity of Opportunity and Treatment, and Forced Labour, and ILO/SEAPAT made presentations on
Freedom of Association and Child Labour (together with the National Programme Coordinator of

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11 See Annex 12 for the Work Programme of the Awareness-raising Workshops funded collectively by the ILO, DEPNAKER, and by the financial assistance received from the Government of the Netherlands.
IPEC Indonesia). The sessions provided an excellent opportunity not merely for explanations about the principles and application of the Conventions and the preparation for the training at the workshops but also allowed discussion with Task Force members about issues of concern relating to the implementation of the Conventions in Indonesia.

The preparation of a Training Manual on the fundamental Conventions and transparencies to be used in the Workshops was undertaken by a tripartite Drafting Group from the Task Force on 8 and 10 February 1999. The Drafting Group was established by the Decree of the Minister of Manpower No. 69 of 1999 and is chaired by the Secretary General of the Ministry of Manpower, Suwarto. The Group composed of most of the trainers who were to take part in and make presentations at the Workshops.

Awareness-raising Workshops. The programme of the Workshops is well underway with the completion of 15 Workshops sponsored by the ILO and another 7 with financial assistance from the Netherlands and the conduct of 8 additional Workshops funded by DEPNAKER.

The Workshops have been attended by local employers, unions and government officials (about 50-60 participants in each workshop) and have been very well received. They have provided an opportunity (not previously available in Indonesia) for the dissemination of information about international labour standards; and for the discussion of issues such as freedom of association, military and police intervention in industrial disputes, the role of DEPNAKER and criticisms of its inspection functions, the changing industrial relations scene and labour law reforms, the need for changed attitudes regarding the employment of women and children, etc.

Earlier, presentations at the workshops were given by ILO experts and by officials of DEPNAKER. Each workshop was conducted over 1-2 days and included presentations on each of the four (4) groups of the Fundamental Conventions: Freedom of Association, Forced Labour, Discrimination and Child Labour. The workshops have included presentations by APINDO, giving an employers' perspective on the Conventions and the implications for Indonesia of their ratification, and by a representative of unions, giving a workers' perspective. The union representative has delivered a presentation prepared jointly by the union members of the Task Force (see Chart 9).12

Highlights of the Awareness-raising Workshops

Some points to note about the Workshops may be listed as follows:

(1) The Workshops have provided a valuable opportunity for education and debate of the Fundamental Conventions and about labour rights and issues in general;

(2) They have allowed local government officials, employers and unions to be informed about labour law reforms in the context of international standards - and to raise issues about these and other matters (e.g. the need for reforms; criticisms regarding delays; problems with labour inspection, etc.);

(3) ILO involvement has been welcomed as providing an independent and objective view about developments in Indonesia, the relevance and application of international labour stan-

12 The composition and the particulars of the tripartite panel of resource persons made the overall presentations and answered questions from the floor is provided in Annex 13.
Chart 9

TRIPARTITE TASK FORCE
(social dialogue)

Awareness-raising Workshops
(Civil Society)

Development of materials by Tripartite Working Group

Training of Tripartite Master Trainers

- Tripartite (+ ILO) presentations
- 40 - 50 tripartite (+ military/police) participants
  - (to be) held in all provinces
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dards and the contents of those standards, and issues to be addressed in Indonesia regarding the implementation of the Conventions;

(4) The ILO presentations on Freedom of Association have been particularly important as they have allowed issues to be raised directly regarding the right of workers to establish and run their organizations without undue government interference; the registration process; the right to engage in political activities; the right to strike; the limitations on military or police interference; the need for protection against anti-union discrimination; and the need for the promotion of voluntary collective bargaining; and

(5) All participants at the Workshops have been given materials on the Fundamental Conventions (which include a copy of the seven Conventions and an explanation of each Convention) in Bahasa Indonesia prepared by the ILO Jakarta Office and SEAPAT and the presentations by the DEPNAKER, employer, worker and ILO presenters have been based on these materials and the Training Manual and transparencies.

Ratification of Three Remaining Fundamental Human Rights Conventions of the ILO

The nation-wide sensitisation campaign through Awareness-raising Workshops on fundamental Conventions eventually bore fruit with the passage by the Indonesian House of Representatives of the Bills on the ratification of three fundamental human rights Conventions of the ILO on 23 April, 1999. These are the Conventions on the Abolition of Forced Labour (No. 105), on the Minimum Age for Admission to Employment (No. 138) and on the Discrimination in Respect of Employment and Occupation (No. 111).

President B. J. Habibie signed into law these Bills on 7 May, 1999 while the Instruments of Ratification of these fundamental Conventions were submitted by the Indonesian Minister of Manpower, Fahmi Idris, to the Director General of the ILO, Juan Somavia in Geneva on 7 June, 1999. With these ratifications, Indonesia became the first country in the Asia Pacific region to have ratified all seven of the core Conventions on the fundamental principles and rights at work.

The passage of the new legislation set the minimum age for admission to employment at 15 years and committed Indonesia to eliminating forced labour and discrimination in employment and occupation. The ratifications also reflected Indonesia’s goals of ensuring that social progress goes together with economic growth and they took place against a backdrop of major labour law reform undertaken with a view to updating and modernizing Indonesia’s labour and social legislation.

The On-going Process towards the Ratification of the ILO Convention No. 182 on the Worst Forms of Child Labour

At the opening of the Workshop on Indonesian Experience with Child Labour: Looking for Best Practices on 22 July 1999 sponsored by IPEC Jakarta, the Minister of Manpower made a public statement indicating the intention of the Government to ratify Convention No. 182 - which became the eighth Fundamental Conventions - in 1999.

To immediately set in motion the process of social dialogue to prepare for the ratification, the Ministry of Manpower convened a meeting of the National Tripartite Task Force on 29 July, 1999.
The Task Force comprised representatives of various government agencies, employers’ and workers’ organizations, national experts on child labour and a number of non-governmental organizations concerned with the issue of child labour. Included in the membership of the Task Force was Dr. Nafsiah Mboi, Chairperson of the UN Committee on the Rights of the Child.

The ILO Jakarta Office, together with IPEC Jakarta, provided technical assistance to the Task Force through a general presentation on the provisions of the Convention. The Task Force was advised that the principles under Convention No. 182 on the Worst Forms of Child Labour were an extension of the provisions of Convention No. 138 on the Minimum Age for Admission to Employment which had been ratified earlier by Indonesia. Hence, the ratification of the former Convention should complement that of the latter.

The first meeting of the National Tripartite Task Force on 29 July came to the following decisions:

- to recommend to the Minister of Manpower to ensure immediate ratification of the Convention by way of a Presidential Decree. The meeting noted that although ratification through an act of the House of Representatives was preferable, this process would be long because the newly elected House of Representatives would not start the deliberation of any proposed bills until the year 2000;

- to immediately form and assign a working group to formulate the report and recommendations of the Task Force on the ratification of the Convention, including the development of a plan of action to implement the provisions of the Convention.

Immediately after the Meeting of the Task Force, three meetings of the working group set up by the Task Force were held subsequently on 29 July, 5 and 6 August. The working group agreed to recommend to the Task Force to adopt and endorse the following points:

- to recommend for the early ratification of the Convention by way of a Presidential Decree to avoid the derailment in the ratification process;

- to issue a separate Presidential Decree on a comprehensive inter-sectoral Plan of Action to implement the provisions and spirit of the Convention. The Plan of Action would include the harmonisation of various legislation relating to the elimination of the worst forms of child labour. The working group recommended that the proposed Plan of Action be discussed in a tripartite-plus consultation seminar to garner support from civil society.

- to gather international support for the implementation of the provisions of the Convention.

At its last meeting on 10 August 1999, the Task Force adopted and endorsed the draft recommendations prepared by the Working Group. With the exception of officials from the Ministry of Foreign Affairs and of the State/Cabinet Secretariat who insisted on ratification through Bill of the House of Representatives, all other members of the Task Force unanimously endorsed the draft recommendations.

Based on the recommendations of the Task Force, the Minister of Manpower advised President Habibie to issue a presidential decree to ratify the Convention. The President instructed on
19 August 1999 that such Decree be issued with effect from 17 August 1999 coinciding with the Independence Day Anniversary of Indonesia. However, the Decree of the People's Consultative Assembly No. XVII of 1998 on Human Rights stipulates that the ratification of international instruments on human rights be done by the Government and the House of Representatives. This provision bogged down the process of ratifying Convention No. 182 since it was not clear whether international human rights conventions could first be ratified by a Presidential Decree and subsequently enacted by a bill of the House of Representatives.

HUMAN RIGHTS TRAINING FOR THE INDONESIAN MILITARY (TNI) AND POLICE WITH SPECIAL REFERENCE TO THE FUNDAMENTAL HUMAN RIGHTS CONVENTIONS OF THE ILO

There have been a series of significant developments in Indonesia since 1998 which make the provision of human rights training for military and police, with international assistance, a timely exercise. These include:

- The transition Government has made the improvement of human rights in Indonesia a key focus of its policy and work;
- Indonesia ratified the ILO's Convention No. 87 on Freedom of Association and Protection of the Right to Organize in June 1998 and the Government has indicated its intention to ratify three other fundamental human rights Conventions of the ILO;

- In June 1998, the Government adopted the Indonesian National Plan of Action on Human Rights 1998-2003 which consists of four main pillars, including the "dissemination of information and education on human rights";

- The debate taking place in civil society and within the military about the armed forces' dual functions, and in particular about its socio-political role in Indonesian society, and the Decree passed by the Peoples' Consultative Assembly concerning the progressive phasing out of this role over a period of time.

Discussions with TNI Officers

During and after the direct contacts mission of August 1998, a number of meetings were held between the ILO and TNI. On 25 August 1998 the direct contacts mission met with Lt. General Fachrul Razi, Head of Staff of General Affairs, and other Senior Officers of the Indonesian Armed Forces. The meeting covered a range of issues relating to the involvement of the military in industrial matters. Of particular interest, General Razi referred to the new policy of TNI not to interfere in industrial disputes except for security (public order) reasons; the concern of the military about long disputes with potential adverse effects on investment; the possibility of serious damage to factories and property in the course of disputes; the 'expectation' within Indonesian society that the military would help to resolve industrial disputes; and the need for time for the new changes and 'reformation' ideas to work their way through the system. He also referred to the role of the police, as part of the Armed Forces, in dealing with public order issues and the need at times for the limited number of police available to deal with disturbances arising out of industrial disputes to be supplemented by TNI personnel. It was said that there has been a lot of improvement in recent years in the handling of industrial disputes and that there will be more improvements in the future. **It was suggested by TNI representatives at the meeting that it would be**
a good idea if training with respect to ILO Conventions No. 87 and 98 could be included as part of the human rights training already provided to TNI personnel.

As a follow-up to the meeting with General Razi, the ILO representatives held discussions on 2 September 1998 with Brigadier General Effendy Rangkuti, Deputy Assistant of Territory under the Head of Staff of General Affairs of TNI and other Senior Officers (including a representative of the National Police). The meeting was held the day after a significant speech was delivered by the Minister for Defence and Security / TNI Commander, General Wiranto, in which he acknowledged that “the social and political role of TNI will systematically and automatically decline, along with the growth in the strength of our civil society.”

Brigadier Rangkuti indicated that General Razi had recently sent an instruction to all military commands that matters arising in industrial disputes should be left to be dealt with by the police as much as possible. **The Brigadier also indicated that TNI would welcome assistance from the ILO through the provision of materials and training with respect to human rights and international labour standards and the handling of public and industrial demonstrations where public order might be threatened.** It was said that the training should be directed at TNI personnel in the field and not just at the Headquarters level. It was also suggested that the ILO should hold discussions with the police about these issues.

During a mission to East Java Province, officials from ILO/SEAPAT, Manila and the ILO Jakarta Office visited the East Java Regional Headquarters of the Indonesian Armed Forces and the Police on 13 October 1998. The visits took place after the announcement by the Government of the decision to separate the police from the military. At TNI Headquarters, they met with Brigadier General Sudibyo Tjiptonegoro, the Deputy Commander and other Senior Officers. The discussion covered a range of matters including TNI's involvement in labour disputes (some companies go to district military commands and seek TNI assistance as a mediator or to prevent property damage); the problems of labour disputes leading to riots, etc. and the need for TNI at times to give support to the police; the desire of TNI not to get involved in the issues in disputes but only to deal with public order matters; and the need for additional police to be recruited to perform their proper role of maintaining law. **The issue of possible ILO involvement in human rights training for TNI was also discussed.** The General was of the view that a Human Rights Workshop was a good idea as more and more officers in the field need an understanding of basic workers' rights and human rights. He suggested that the training should be targeted at the district level operations of TNI.

At Police Headquarters, the above ILO officials met with Brigadier General Sudirman, the Deputy Police Commander of East Java Province, and other senior police officers (including the Heads of all main operational divisions). The police officers were well informed about labour matters and commented upon a variety of matters including the role of unions in looking after the welfare of workers and properly representing their interests in negotiations; the need for police only to be involved with public order and law enforcement in the course of labour disputes; problems in the past caused by outside interference in labour disputes (by government officials, military, etc.); the potential for violence arising out of labour disputes; and the desire of the police not to be involved in the issues in labour disputes so long as workers pursue their demands peacefully.

From the discussions held between TNI and ILO representatives, there was considerable scope for the ILO to assist TNI in the provision of training for its personnel in the field of human rights with special reference to the fundamental human rights Conventions of the ILO. Given the important role of the military in Indonesian society, the involvement in industrial matters in the past,
and the invitation to the ILO to assist in the provision of human rights training for military personnel, there was a unique opportunity for TNI and the ILO, working together, to influence the development of a more favourable political and industrial environment in Indonesia which would include greater respect for international human rights and labour standards. It was therefore appropriate for the ILO to explore, in further discussions with TNI, the police and DEPNAKER

- the provision of training for military and police personnel relating to human rights developments with particular reference to the fundamental human rights Conventions of the ILO; and

- the principles of freedom of association and non-interference by military authorities in industrial negotiations/disputes.

On 20 August 1999, the Secretary General of the Department of Manpower (DEPNAKER), Suwarto, convened a meeting to discuss training for the military and the police concerning the fundamental human rights Conventions of the ILO. The meeting was attended by Major General Arsana of the Indonesian Armed Forces (TNI), Sunarto of the Defence and Security Department and a representative from the National Police; and by senior DEPNAKER officials including Payaman Simanjuntak, Syauffii Syamsuddin, Myra Hanartani and Sriharto Brodjodarono. Three representatives from ILO/SEAPAT, Manila and ILO Jakarta Office also attended.

The Secretary General explained that the purpose of the proposed workshop was to seek a common understanding between civil society and the military/police on the principles of the Conventions and the obligations which everyone is under in Indonesia (including the military and police) as a result of the ratification of the Conventions.

General Arsana referred to the respect of the Indonesian people for basic human rights and the embodiment of such rights in the Constitution and Pancasila. Under the Code of Ethics of the military/police, the respect of human rights is primary - although the General conceded that there can be problems because not all personnel may respect these principles. He said that the Workshop would be beneficial in providing basic information on the Conventions and that the military and police would welcome further assistance from the ILO on how to deal with the issue.

The Police representative referred to the need to train police officers in dealing with strikes etc. and said that the training sessions should include local DEPNAKER officials who need to develop skills in dealing with the issues in strikes and negotiations and deciding when to call the police in. He also emphasised the general need for workers’ education and training for employers about how to deal with industrial negotiations and disputes and the need to avoid violence. He said that the ILO should assist in the avoidance of violent strikes in Indonesia through such training.

There were variety of issues raised for discussion about the proposed training including: the number of workshops; target audience; the need to focus on special features of the work of the military and police in relation to industrial disputes (e.g. threats to law and order, violent behaviour and the regulation of demonstrations); who should conduct the training; and support from the ILO.

The ILO representatives responded to some of these issues. One of the ILO/SEAPAT representatives stressed the importance of the proposed training and the concerns raised about the mistreatment of workers at the hands of the military and police. He referred to the need to implement principles of ratified Conventions in national law and practice and indicated that the ILO would assist in the process of training/informing the military and police about the Conventions. He re-
ferred to the Philippines' experience and the formulation of guidelines on how to deal with disputes - e.g. when to call for military/police intervention, the respective role of the labour department officials and the military/police and how to deal with picket lines. The ILO/SEAPAT representative referred to the need to build upon the successful programme of Awareness-raising Seminars for civil society with special training for the military/police. He also referred to the discussions with senior ABRI officers during the direct contacts mission in August 1998 and to the proposals from ABRI for the ILO to assist with the inclusion of a labour rights segment in the human rights training for military/police personnel.

The outcome of the meeting may be summarised as follows:

- a workshop will be held on the fundamental human rights Conventions of the ILO, probably in mid September 1999 (now rescheduled to early November 1999);

- the workshop will be organised by DEPNAKER, Department of Defence and Security, HQ Military and HQ Police;

- the planning for the workshop will be undertaken by a joint working group (Myra Hanartani and Sriharto are the DEPNAKER representatives) which will discuss programme, topics, speakers etc.

- the ILO will be the resource body for the workshop; and

- further activities/training will be considered having regard to the outcome of the workshop.

This holding of an initial workshop is a most welcome development to the follow up work since the Direct Contacts Mission and is a further extension of the Awareness-raising Activities in Indonesia focussed on the core Conventions. It is particularly welcome because of the important role played by the military in Indonesian society and the complaints in the past about military/police intervention in industrial disputes (see Chapter 1, foot note 4).

Further activities will be planned having regard to the outcome and recommendations of the Workshop. These may include the conduct of such training at the level of Regional and District Headquarters; ILO involvement in the training of trainers and the preparation of relevant materials; the participation of other organizations (such as ICRC) which may have more direct experience in the training of military/police in the handling of demonstrations etc; and the preparation of guidelines between DEPNAKER and the military/police on the responsibilities of the various agencies concerning industrial disputes.

**IMPACT OF THE AWARENESS-RAISING WORKSHOPS**

The impact of the awareness-raising campaign has been assessed analytically first as a self-evaluation of its perceived contribution to the goal of respecting the fundamental principles and rights at work. The second evaluation consists of a Tripartite assessment of the methodology of the awareness-raising workshops. This section also describes the steps taken to take the evaluation into account in designing subsequent awareness-raising programmes.
Self-evaluation

The inclusion, as part of the role of the Tripartite Task Force, to socialize the fundamental Conventions was based on the consideration that the ratification of the Conventions would be facilitated by ensuring that the social partners had a better understanding of the content of the Conventions, and, perhaps more importantly, once the Conventions would be ratified, a basic level of knowledge by the social partners would be essential to ensure eventual implementation. Taking these considerations into account, the Task Force decided to conduct a series of awareness-raising workshops to promote a wider understanding and acceptance of the fundamental Conventions by employers’ and workers’ representatives, as well from other concerned social groups, and government officials, including military and police officials.

The Task Force, jointly with the ILO, considered that, in order to ensure optimal effect of the workshops, a strategy had to be developed that would maximize understanding between those conducting the workshops and those participating in the workshops, while ensuring technical correctness and consistency in substance. It was therefore decided to opt for a two-staged approach whereby initially a number of members of the Task Force would undergo a Training of Master Trainers programme who would subsequently function as trainers in the workshops. In addition, it was decided that the materials to be used by these trainers would be developed by a tripartite working group of the Task Force.

The successful completion of the above two-pronged approach was already described earlier in this chapter.

Based on the reactions of the participants, it can be said that the tripartite workshops were very well received. It is important to underline that for most of them it was the first time that they were able to talk about issues such as freedom of association and discrimination in employment openly and freely. The engagement of the participants, expressed through the questions asked (see Chapter 4 on frequently asked questions), illustrated the keen interest in the contents of the Conventions and the relationship with their day-to-day situation. As such, the workshops provided a valuable opportunity for education and debate of the fundamental Conventions, their practical application and labour issues in general. The frequent connection made between the principles of the Conventions and the effect they may have on the day-to-day situation of the participants was probably one of the most interesting features of the workshops. It illustrates the appropriateness of conducting the workshops and had as a side effect that it allowed the ILO representatives participating in the workshops to gain a deeper understanding of the (problems attached to the) practical application of the Conventions.

Part of the success of the workshops can be attributed to the approach adopted in the development phase of the programme. Opting for an approach whereby representatives from the Government, and employers’ and workers’ organizations function as trainers in the workshops ensured that the participants, also representing the tripartite structure, were able to relate to the trainers since both are faced with the same or similar problems. Thus, the trainers were, more or less naturally, endowed with a certain level of understanding of the source and context of certain issues raised by the participants that ILO representatives would not have. If one adds to that their ability to communicate with participants in their mother tongue and that they were not hindered by any cultural barriers ILO staff may have faced, the use of Indonesian trainers most certainly contributed to the success of the workshops. On the other hand, having an ILO representative present helped to ensure that the rapport between trainers and participants did not inhibit the provision of
technically correct and objective information, where the provision of such information may have been particularly sensitive. In this regard, the ILO presentations on freedom of association have been particularly important as they allowed issues to be raised directly regarding sensitive issues such as the right of workers to establish and run their organisations without undue government interference, the registration process, the right to engage in political activities, the right to strike, the limitations on military and police interference, the need for protection against anti-union discrimination, and the need for the promotion of voluntary collective bargaining.

Another effect of having presenters from the ILO’s tripartite constituents as trainers was that it added a flavour of diversity. It allowed participants to get a taste of how the different constituents approach the variety of issues arising from the Conventions and their implementation. At the same time, the fact that all trainers worked with the same materials ensured consistency in the presentations made. This consistency was further ensured through the presence of an ILO representative.

From a general point of view, the impact of the awareness-raising workshops can be viewed as positive. The most direct effect of the workshops was that a substantial number of representatives from the social partners and the police/military have a greater awareness of the ILO, the fundamental human rights Conventions, and the possible effect their implementation may have. In addition, they have allowed participants to be informed about the ongoing process of labour law reforms in the context of international standards—and to raise issues concerning these reforms, as well as other matters (e.g. the need for reforms, criticisms regarding delays, problems with labour inspection, etc.).

A more strategic conclusion that can be drawn from the experience of organizing the workshops is that adopting a, what could be called, ‘social dialogue approach’, i.e. an approach whereby full decision-making power on the activity to be undertaken, and the methodology and material to be used lies with the tripartite partners, greatly enhanced the impact of the workshops. The experience also brought to the fore that the institutions involved, lack, in a varying degree, a certain capacity to train or instruct their clients/members.

A spin-off of these last two conclusions, and a matter that can also be seen as part of the impact of the workshops, is that the International Training Centre of the ILO (Turin, Italy) is currently in the process of developing a project aimed at enhancing the existing training capacity of different institutions (tripartite plus) in the area of human rights. Based on the experience obtained with the organisation and execution of the workshops, an extra effort is being undertaken to ensure the involvement of the tripartite plus partners, partly through the organisation of a Preparatory Project Design Workshop, at the design stage of the project.

**Tripartite Evaluation**

A one day meeting was held (March, 1999) to evaluate the workshops and the materials used. The meetings provided DEPNAKER and the employer and union representatives, with ILO assistance, to revise the training materials and to plan further workshops and activities regarding the promotion of the fundamental Conventions. The main points of review were (a) to extend the duration of the workshops from one-and-a-half to two days; and (b) to allow the trainers representing the employers’ and workers’ organisations to make a presentation on the fundamental Conventions while combining the session on employers’ and workers’ perspectives on the fundamental Conventions with the question and answer sessions.
Following these recommendations made at the Evaluation Workshop, the structure of the workshops in the next round was slightly modified. Instead of 1 day, the duration of the workshops was extended to 2 days. The trainers representing the employers' organisation and unions were also given the opportunities to make a presentation on the fundamental Conventions. The session on employers' and workers' perspectives on the fundamental Conventions was dropped since it would be covered during the session on Question and Answers.

CONCLUDING REMARKS

For someone who has not been involved, either directly or indirectly, in the processes that have led to the ratification by Indonesia of the different Conventions, the drafting of labour legislation and conducting the awareness-raising workshops, often these are the only things they see or hear about; some of the activities undertaken or some of the results. They may read a press release stating that Indonesia has become the first country in the Asia and Pacific region that has ratified all fundamental human rights Conventions, or talk with an Indonesian workers' or employers' representative who mentions that he or she has participated in an awareness-raising workshop. What does not surface is the rationale and process behind these activities and their results. In this chapter, an attempt has been made to give an overview of this process; in order to show how the different decisions made, activities undertaken and results obtained, either by design or chance, relate to each other.
Chapter 3

CORE CONVENTIONS SIMPLIFIED THROUGH TRIPARTISM

COMMITMENT TO ACTION

In line with the provisions of the Letter of Intent (Annex 5) signed (23 December 1998) by the ILO and the Republic of Indonesia a Tripartite Task Force was established (18 January 1999) for the ratification of ILO Fundamental Conventions (Annex 6). The 36 member Tripartite Task Force consisted of representatives from key government Ministries, nine Trade Unions and the Employers' Organization (APINDO).¹

In order to mobilise Civil Society support for the ratification and acceptance of the ILO Fundamental Conventions, the Tripartite Task Force decided to launch a nation-wide awareness-raising campaign. A total of 66 such workshops were held all over Indonesia as described in Chapters 1 and 2.

A two pronged approach was adopted in preparation of these awareness-raising workshops: (a) Development of training materials and (b) Creation of tripartite capacity for the information campaign. The latter, the creation of tripartite capacity for the information campaign has been described in detail in Chapter 2 on how training was extended to create a tripartite panel of Master Trainers (resource persons) through ILO technical advisory assistance.

TRIPARTITE DEVELOPMENT OF TRAINING MATERIAL

The unwieldy Tripartite Task Force decided due to its unwieldy size (36 members), to constitute a Tripartite Team of Instructors drawn from the existing membership of the Task Force to prepare training materials for the awareness raising workshops (Annex 7).

The membership of the Tripartite Drafting Group for the preparation of the tripartite training material was drawn from this Tripartite Team of Instructors.

It was logical that the Tripartite Drafting Group was composed of Task Force members who had already received training on the core Conventions with the technical advisory assistance of the ILO and were to act as the Tripartite resource persons while making presentations subsequently at the workshops.

¹These were:


Trade unions: FSPSI, SPSI Reformasi, SBSI, PPMI, FSBDSI, SARBUMUSI, GASPERMINDO, KPNI and KBM

Employers' organization: APINDO
Essentially, the Tripartite Working Group attempted to simplify, package and project the central messages of the Core Conventions with their own interpretations. The simplified overhead projections were produced on the basis of the following material:

- texts of ILO Fundamental Conventions;
- an information package on the Fundamental Human Rights Conventions of the ILO (Annex 11);
- the lectures delivered by ILO experts to the sessions on Training of Master Trainers (TOMT) earlier (February 1999).

In addition an ILO expert closely monitored and guided the entire process of the production of the Tripartite Training Material which was used to sensitise the Civil Society and the Military.

**Explanatory Note**

The overhead material that follows are English translations from exclusively the Bahasa Indonesia drafts of the interpretation of the Tripartite Specialist Working Group of the ILO Core Conventions produced to project the simplified central message to the Civil Society audience.

**TRIPARTITE OVERHEAD PROJECTIONS OF THE CORE CONVENTIONS**

The overhead projections of the central message of the ILO Core Conventions as interpreted by the Tripartite Working Group are presented in four clusters.

- Abolition of Forced Labour (Convention Nos. 29 and 105)
- Freedom of Association and the Right to Organize (Convention Nos. 87 and 98)
- Prohibition of Discrimination (Convention Nos. 100 and 111)
- Elimination of Child Labour (Convention Nos. 138).
ABOLITION OF FORCED LABOUR

I. CONVENTION NO. 29, 1930:

- ABOUT FORCED LABOUR
- PROHIBITION OF FORCED LABOUR
- ERADICATE ALL FORMS OF FORCED LABOUR
- HAS BEEN RATIFIED

II. CONVENTION NO. 105, 1957:

- ABOLITION OF FORCED LABOUR
- HAS BEEN RATIFIED BY WAY OF LAW NO. 19 OF 1999

CONVENTION NO. 29, 1930 ON ABOLITION OF FORCED LABOUR

I. GENERAL OBJECTIVE

To abolish all forms of forced labour or compulsory labour

II. COVERAGE

- All work or service conducted involuntarily by any person under threat of a penalty.
- Every kind of work conducted by public authority, private institutions and individual.
- Excluded from the definition of forced or compulsory labour:
  a. compulsory military service based on law;
  b. any work or service conducted by citizens as part of their civic obligations to the society;
  c. any work or service that is a consequence of a conviction in a court of law and which is
     conducted under direct supervision of a public authority;
  d. any work or service rendered in cases of emergency, such as in the event of war, fire,
     flood, earthquake;
  e. minor communal services conducted in interests of community such as village mutual aid
     and neighbourhood security protection scheme.

III. GENERAL PROVISIONS

1. Every country undertakes to abolish all forms and practice of forced or compulsory labour
   within the shortest possible period.
2. Government shall not impose or permit forced or compulsory labour for the benefit of an
   individual, an enterprise or an organization.
3. Every country must ensure that the illegal execution of forced or compulsory labour is punished by adequate and strictly enforced penalties.

IV. MAIN PROBLEMS

1. Inmates who are employed by a private enterprise or individual as a third party;
2. Abusive use of community mutual aid programme for selfish interests of certain individual or groups;
3. Employing people by paying them in advance without informing them of the actual work to be done;
4. Employing children in a hazardous enterprise.

V. EFFORTS TO IMPLEMENT THE CONVENTION

1. Clear formulation of the definition of forced labour;
2. Socialisation of the definition and meaning of forced labour;
3. Intensify inspection.

CONVENTION NO. 105, 1957 ON ABOLITION OF FORCED LABOUR

I. OBJECTIVE

Effective abolition of forced labour for specific purposes.

II. COVERAGE

All forms of undertakings, organizations, individuals or institutions, be they government-owned or private-owned.

III. GENERAL PROVISIONS

Every country must take effective measures to abolish all forms of forced labour imposed:
1. as a means of political suppression or education or as punishment for political views or views ideologically opposed to the established political system and ideology;
2. as a method of mobilising labour for purposes of economic development;
3. as a means of labour discipline;
4. as a punishment for having participated in strikes;
5. as a means to implement racial, social, national and religious discrimination.

IV. MAIN PROBLEMS IN INDONESIA

1. Forced labour in transmigration programme.
2. Plantation-cum-transmigration programme.
3. Military village development programme which involves civilian villagers.

V. EFFORTS TO IMPLEMENT THE CONVENTION

1. Review of the transmigration programme
2. Review of regulations pertaining to participation in strikes so as to avoid forced labour as a means of punishment.
FREEDOM OF ASSOCIATION

I. CONVENTION NO. 87, 1948:

- FREEDOM OF ASSOCIATION AND THE RIGHT TO ORGANIZE
- RATIFIED BY WAY OF THE PRESIDENTIAL DECR EE NO. 83 DATED JUNE 5, 1998

II. CONVENTION NO. 98, 1949:

- RIGHT TO ORGANIZE AND COLLECTIVE BARGAINING
- RATIFIED BY WAY OF THE LAW NO. 18 OF 1956

CONVENTION NO. 87, 1948 ON FREEDOM OF ASSOCIATION

I. GENERAL OBJECTIVE

To protect the right of workers and employers to establish and to join organizations of their choosing in order to collectively pursue or defend their interests and welfare.

II. COVERAGE

- All workers and employers of all enterprises, whether they are privately-owned or state-owned, in formal and informal sectors.
- The military and police can be excluded from the application of this Convention if the government so desires.

III. GENERAL PROVISIONS

Convention No. 87 was ratified by way of Presidential Decree No. 83, 1998 and, among others, contains the following provisions:

1. Workers and employers, without distinction whatsoever, shall have the right to establish and to join organizations of their own choosing, subject to the rules of the organization concerned or based on government regulation concerned with the establishment of trade union;
2. Workers and employers organizations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programmes; the public authorities shall not intervene to restrict the lawful exercise of this right;
3. In exercising their rights provided by the Convention, workers and employers and their respective organizations will respect law of land, however the law of land shall not be such as to impair guarantees provided by Convention;
4. The public authorities may not dissolve or suspend workers and employers organizations;
5. National legislation can stipulate the extent to which the principles of the Convention are applied to members of the military and police of the country.
National legislation concerned with freedom of association and the right to organize:

1. Law No. 14 of 1969 on the Main Provisions on Manpower;
2. Law No. 21 of 1954 on Labour Agreement between Labour Union and Employer;
3. Law No. 8, 1985 on Public Organization;
4. Law No. 25 of 1997 on Manpower;
5. Ministerial Regulation No. 5 of 1998 on Registration of Workers’ Organization;

IV. MAIN PROBLEMS IN INDONESIA

1. A lot of employers have not yet fully understood the roles of workers’ organization and are apprehensive of their existence.
2. For the last 25 years, employers were accustomed to only one workers’ organization. Hence, it will take quite a long time for them to appreciate the establishment of more than 10 unions at present.
3. The capabilities of the leaders of workers’ organizations to offer the benefits of having their representative units formed and established at an enterprise are in question.
4. Workers at state-owned enterprises and public servants are used to joining only KORPRI.
5. The question of representation in collective bargaining negotiation (e.g. should there be more than one union at an enterprise) has not been addressed.
6. Because of the financial crisis, a large number of employers may not be able to meet workers’ demands.

V. EFFORTS TO IMPLEMENT THE CONVENTION

1. Promotion of the principles of the Convention on freedom of association to employers and their associations and to workers and the leaders of workers’ organizations in order to reach common understanding and perception.
2. Empowerment of workers’ organizations through leadership development of the organizations’ management from central level down to enterprise level.
3. Expansion of effective bipartite institution at all enterprises as a forum of dialogue between employers and worker representatives.
CONVENTION NO. 98, 1949 ON THE RIGHT TO ORGANIZE AND
COLLECTIVE BARGAINING

I. GENERAL OBJECTIVES

1. To protect workers against acts of anti union discrimination.
2. To protect workers organization and employers organization against acts of interference from each other.
3. To encourage and promote collective bargaining.

II. COVERAGE

• All workers and employers.
• All enterprises, privately and state-owned.
• The military and police can be excluded from the application of this Convention if the government so desires.

III. GENERAL PROVISIONS

1. Workers must be protected against acts of anti union discrimination by employers. Employers, in the recruitment of workers, are prohibited from:
   a. making the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;
   b. dismissing or otherwise prejudicing a worker by reason of union membership or because of participation in union activities outside working hours or with the consent of his superior within working hours;
2. Unions and employers organizations shall enjoy adequate protection against any acts of interference by other parties in their establishment and functioning or administration.
3. Acts of interference include employers facilitating the establishment of unions, or supporting unions by financial or other means, with the object of placing unions under the control of employers or employers organizations.
4. Measures shall be taken to encourage and promote voluntary negotiation between employers and unions to reach collective labour agreements.
5. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.

IV. MAIN PROBLEMS IN INDONESIA

1. There are a number of dismissal cases by reason of union membership because of participation in union activities.
2. Voluntary negotiation between employer and union has not yet been effective, resulting in frequent disputes and strikes.
V. EFFORTS TO IMPLEMENT THE CONVENTION

1. Socialization and promotion of the Convention to employers and union leaders.
2. Promotion of dialogue between employers and unions through bipartite institution in the framework of Pancasila industrial relations.
3. Improvement of the capabilities of union leaders and employers in negotiation.
PROHIBITION AGAINST DISCRIMINATION

I. CONVENTION NO. 100, 1951:

- Equal remuneration for men and women workers for work of equal value
- Ratified by way of the Law No. 83 of 1957

II. CONVENTION NO. 111 OF 1958:

- Discrimination in employment and occupation on the basis of race, colour, sex, religion, political opinion, national extraction or social origin
- Ratified by way of Law No. 21 of 1999

CONVENTION NO. 100, 1951 ON EQUAL REMUNERATION FOR MEN AND WOMEN WORKERS

I. GENERAL OBJECTIVE

To prohibit discrimination in remuneration and social security for men and women workers.

II. COVERAGE

This Convention is applicable in all enterprises whether they are owned privately or by the local governments and the state and it is applied to civil servants.

Remuneration includes the ordinary, basic or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind, by the employer to the worker and arising out of the worker’s employment. Equal remuneration for men and women workers for work of equal value refers to rates of remuneration established without discrimination based on sex.

III. GENERAL PROVISIONS

1. covers wage or salary.
2. including the ordinary, basic or minimum wage and all emoluments.
3. payable directly or indirectly by the employer.
4. in cash or in kind.
5. arising out of the worker’s employment.
6. equal remuneration for men and women workers for work of equal value.
7. without discrimination based on sex.
IV. MAIN PROBLEMS IN INDONESIA

1. Remuneration for women workers is often lower than that received by men workers for work of equal value;
2. Married women workers and women workers with dependents are treated as single workers;

V. EFFORTS TO IMPLEMENT THE CONVENTION

1. Prepare a wage system and scale based on objective criteria: education, work experience, competency, etc.
2. Working women who have families can be regarded as the family heads and, therefore, are entitled to family allowances if their husbands do not receive such allowances.
3. These efforts can be implemented through:
   a. laws and government regulations;
   b. provisions/mechanism regarding wage setting;
   c. collective labour agreement mechanism;
   d. combination of a, b and c.

CONVENTION NO. 111, 1958 ON DISCRIMINATION IN EMPLOYMENT AND OCCUPATION

I. GENERAL OBJECTIVE

To provide equal opportunity and treatment in employment and occupation to all citizens without discrimination in race, colour, sex, religion, political opinion, nationality or ethnicity.

II. COVERAGE

Applicable to all citizens at private and government-owned enterprises and civil servants.

III. GENERAL PROVISIONS

1. Prohibition against discrimination, not only based on sex but also based on:
   - race
   - colour
   - religion
   - political opinion
   - nationality
   - ethnicity

2. Prohibition against discrimination not only in remuneration but also in:
   - recruitment
   - filling up of an occupation
   - access to vocational training and to job vacancy
   - working conditions including job assignment, remuneration and social protection, rewards and disciplinary action
IV. MAIN PROBLEMS IN INDONESIA

1. Recruitment based on nepotism (ethnicity, religion, political opinion)
2. Discrimination in job placement and promotion.
3. Discrimination in access to education and training.
4. Discrimination in remuneration.
5. Discrimination in disciplinary action.
6. In the case of a husband and a wife working together at an enterprise, usually either one of them has to resign and, oftentimes, it is the wife;
7. Employment/occupation is often specified for women only or men only;
8. Compared to men, women have less access and opportunity to education, vocational training, job continuity and promotion.

V. EFFORTS TO IMPLEMENT THE CONVENTION

1. Prepare recruitment criteria
2. Prepare job requirement for each position or occupation
3. Prepare rank system and job structure
4. Prepare wage system
5. Prepare criteria of disciplinary action.
6. Husband and wife are equally entitled to work at the same enterprise.
7. There should be no distinction whatsoever between the jobs for women and those for men.
8. There should be more access and opportunities for women workers to education, training programmes, on-the-job training, employment and promotion.
ELIMINATION OF CHILD LABOUR

CONVENTION NO. 138, 1976:

- MINIMUM AGE FOR ADMISSION TO EMPLOYMENT
- RATIFIED BY WAY OF THE LAW NO. 20 OF 1999

CONVENTION NO 138, 1973 ON MINIMUM AGE OF CHILD LABOUR

I. GENERAL OBJECTIVES

1. To eradicate child labour;
2. To improve quality of education for children;
3. To protect children from obstruction of their mental, physical, education and social development in the process of upbringing due to their employment;
4. To abolish all forms of the most intolerable type of child labour.

II. COVERAGE

Working children and employers in formal and informal sectors.

III. GENERAL PROVISIONS

1. The minimum age should not be less than the age of completion of compulsory schooling when higher than 15 years or should not be less than 15 years of age - Article 2 (3).
2. Developing countries whose economies and education facilities are not sufficiently developed may specify a minimum age of 14 years - Article 2 (4).
3. For the type of work which jeopardises the health, safety and moral of children, the minimum age is specified as 18 years of age - Article 3 (1). Minimum age of 16 years is permissible on the condition that safety, health and moral of labour are fully protected and that they have been provided with proper instruction or training - Article 3 (3).
4. For light work which does not jeopardise the health and development of the children and does not impair their schooling, the minimum age for admission to employment is specified 13 years of age (or 12 years of age for developing countries) - Article 7 (1).

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<tr>
<th>General minimum age</th>
<th>Light work</th>
<th>Dangerous work</th>
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5. This Convention does not apply to work done by children and young persons in schools for general, vocational or technical education or in their training institutions, or to work done by young persons at least 14 years of age in undertakings (Article 6).

6. Prohibition of child labour does not apply to work of artistic performance on the condition that there is a permit from public authority and there is a limitation of working hours (Article 8).

7. National legislation concerned with child labour:

   (1) Law No. 2/1989 on National Education
   (2) Law No. 1/1974 on Marriage
   (3) Law No. 23/1992
   (4) Law on Population of 1992
   (5) Presidential Decree No. 44/1984 on National Children Day
   (6) Presidential Decree No. 36/1990 on Convention of the Rights of Children
   (7) Presidential Instruction No. 2/1989 on Provision of Welfare to Children
   (8) Law No. 3/1997 on Children Justice
   (9) Manpower Ministerial Decree No. 1/1997 on Protection of Working Children
   (10) Presidential Instruction No. 3/1997 on Development of the Quality of Children

8. A number of definitions:

   a. Child Labour:
      A person aged 14 years or below who does full-time work.

   b. Light work:
      Any kinds of work which, if conducted, will not jeopardise the mental, physical, education and social development of the children's upbringing.

   c. Dangerous work:
      Any kinds of work which, if conducted, will jeopardise the mental, physical, education and social development of the children's upbringing.

   d. Work of artistic performance:
      Any kinds of work conducted in order to develop talents and interests.

IV. MAIN PROBLEMS IN INDONESIA

1. Working children in jermal fishing
2. Child prostitution
3. Drug trafficking
4. Child trafficking
5. Street children

V. EFFORTS TO IMPLEMENT THE CONVENTION

1. Implement IPEC programme.
2. Operationalise instruction on the elimination of child labour
3. Increase community participation to monitor and report to manpower authorities if they see any forms of child labour.
5. Family welfare programme.
7. Increase community awareness through social mobilisation of the community members.
8. Poverty eradication programme (social safety net)
9. Empower women to become family earner and to participate in economic activities.
10. Increase attention on the aspect of social, gender and ethnicity in child labour problems.
Chapter 4

DEMYSTIFICATION OF THE CONVENTIONS THROUGH SOCIAL DIALOGUE

ILO TECHNICAL ASSISTANCE TO SOCIAL DIALOGUE

As described in Chapter 2, a Tripartite Panel of resource persons (Annexes 7, 12 and 13) with the technical advisory assistance of ILO presented its own simplified interpretation of the core Conventions to Civil Society groups all over Indonesia in 65 awareness-raising workshops during 1998-1999. The methodology of the preparation of the training material presented has been described in Chapter 3.

The local representatives of the Civil Society groups and of the Security Services who participated in these awareness-raising workshops sought clarifications to these overhead presentations, which were verbally responded to immediately by the Tripartite Panel, often assisted by ILO specialists present on the spot.

The questions posed and clarifications provided were then reviewed by Technical Units at ILO Headquarters in Geneva (International Labour Standards Department) and revised accordingly to ensure a legally more complete and accurate response to the questions raised by the Civil Society groups were available.

The questions and their clarifications obtained through the above process are presented by the four clusters (Freedom of Association, Forced Labour, Discrimination and Child Labour). However, the presentation of the responses begin by first dealing with questions which address concerns common to all of the seven Core Conventions followed by those specific to each Convention.

OVERALL CONCERNS ON THE CONVENTIONS EMERGING FROM THE SOCIAL DIALOGUE

1. What does the ILO do to supervise the implementation of the Conventions?

The ILO has established a supervisory procedure to ensure application of the Conventions in law and practice which is the most advanced of all such international procedures. It consists mainly of a system under which Governments report on the status of application in law and practice of ratified Conventions and is based on the objective evaluation by independent experts of the manner in which obligations are complied with and on examination of cases by the Organization's tripartite bodies. There is also a special procedure to investigate complaints of infringements of freedom of association. This special procedure is an innovative concept in international law that was developed by the Governing Body of the ILO in order to protect workers' rights; it is innovative in that a complaint may be presented against a member State of the ILO for violations of

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1 Fax of 26 August 1999 (B. Gemigon, Freedom of Association Branch), e-mail of 27 August 1999 (Y. Noguchi, Application of Standards Branch), e-mails of 26 August and 2 September 1999 (C. Thomas, Equality and Human Rights Coordination Branch).
freedom of association whether or not the member State in question has ratified the freedom of association Conventions.

2. What can unions do to ensure the application of the Conventions in law and practice?

Under the ILO Constitution, copies of all reports submitted to the ILO by Governments on the status of application in law and practice of ratified Conventions (see question above) must be communicated to the most representative organisations of employers and workers (see question no. 1 under Conventions No. 87 and 98) so as to give them the opportunity to make their own comments on the application of ratified Conventions. These observations may be made to the Government for transmission to the ILO, or they may be sent directly to the Office. In addition, States which have ratified the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144) are required to carry out consultations with the most representative organisations of employers and workers concerning questions which may arise in the reports. Indonesia ratified Convention No. 144 on 18 June 1990.

3. Can the ILO impose sanctions when a Government does not implement a ratified Convention?

No, it cannot. The ILO’s supervisory procedures are based upon dialogue between the Government and the supervisory bodies of the ILO. In principle, the functions of the supervisory bodies of the ILO are technical and not judgmental and they do not have a mandate to impose sanctions. The International Labour Office (the secretariat of the ILO) offers assistance to Government to help them meet their obligations in connection with ratified Conventions, or to attain the conditions under which Conventions can be ratified and applied.

4. Does a ratified Convention have higher standing than national legislation?

That depends on the national (Constitutional) arrangements applicable in this regard. In some countries, there is a very clear difference between the effects of a treaty in international law and the effects of a treaty in national law. Under their systems a treaty becomes effective in international law once it is ratified, but requires enactment through the national competent authority before it becomes effective in national law. Under this system a ratified Convention does not have higher standing than national legislation. By virtue of its Constitution, Indonesia has such a dual-istic system. In other countries, a treaty becomes effective both in international law and national law upon ratification. Under this system ratified Conventions do have higher standing than national legislation.

CONCERNS ABOUT SPECIFIC CONVENTIONS EMERGING FROM THE SOCIAL DIALOGUE

Conventions Nos. 29 and 105 Concerning Forced Labour

1. Is a requirement to work overtime forced labour and thus prohibited by Convention No. 29?

No, as long as the requirement stays within the limits permitted by national legislation, or collective agreements (e.g. as regards duration of overtime, frequency of overtime, overtime pay
supplements, etc.) A requirement to work overtime becomes exploitation if the duration is excessive, the extra hours performed are not properly remunerated, the worker has not offered himself or herself voluntarily and risks penalties (e.g. termination of employment) if he or she refuses.

2. Are obligations of service imposed on (young) persons who have completed certain kinds of studies (e.g. doctors, engineers) forced labour, if non-compliance is punishable by imprisonment or fine?

No, but only if a number of conditions are fulfilled; (a) the training or technical skills acquired must be of special value to the community for its development; (b) the compulsory service scheme must be temporary to meet current and pressing needs; (c) the duration of the services should not normally exceed two years; (d) the young persons must have previously accepted the compulsory service as a condition to receive the education; (e) the young persons must be given a free choice among different available forms of activity and different regions, and; (f) the services should not be used for the advantage of private persons or undertakings.

3. Is a requirement to perform some work in exchange for benefits granted to unemployed persons on purely social grounds forced labour?

No, unless the benefit is so low compared to the work involved that, in practice, the scheme exploits constraints by offering people who have no other options employment on terms that would not normally be acceptable.

4. Does a transfer against a worker's will constitute forced labour?

No. In principle, any normal employment relationship freely agreed upon may include the possibility of a transfer to a different department or location within an undertaking. As long as the sanction (menace of a penalty) connected to a refusal of being transferred does not go beyond the normal elements of an employment relationship, a transfer does not constitute forced labour.

5. Does the use of the military for work of national development or public utility, as is the case in Indonesia, constitute forced labour?

No, because Indonesia's armed forces consists of volunteers. Paragraph 2.2(a) of Convention No. 29 only applies to members of the armed services recruited under compulsory military service laws. It does not apply to career military personnel, nor to soldiers who have enlisted voluntarily.

6. What is meant by the term "work or service" in paragraph 2.1 of Convention No. 29?

It is a general reference to the human activities that may be carried out in the service of another party. No limitation is expressed concerning relationship between the provider of the work or service and the person who imposes it; it may be de facto or de jure, permanent or temporary, accepted explicitly or tacitly, paid or unpaid.

7. Is child labour covered by Convention No. 29?

Yes, but only in cases where consent to the work can not be considered as having been validly given.
8. Are migrants workers covered by Convention No. 29?

Yes, they are, but only in countries which have ratified the Convention. In such countries, the Convention applies to “any person” (Art. 2.1.), which includes migrant workers. Thus, Indonesian migrant workers are only covered by Convention No. 29 when they work in a country that has ratified the Convention.

Conventions Nos. 87 and 98 Concerning Freedom of Association

1. What is the principle of “most representative organisations”?

It is the recognition of certain exclusive or preferential rights, for instance with regard to collective bargaining, for majority organizations, on the basis that they represent the largest number of people in a particular category of people (workers, employers). However, the distinction between most representative and minority unions should generally be limited to the recognition of certain preferential rights - for example for such purposes as collective bargaining, consultation by the authorities or the designation of delegates to international organizations.

2. How are “most representative organizations” recognised for collective bargaining purposes?

Usually, voting is used to determine which is the most representative organization, followed by certification under the relevant national legislation. However, a certain number of safeguards should be put into place when such certification takes place, including (a) certification must be made by an independent body; (b) the representative organization must be chosen by a majority vote of employees in the unit concerned; (c) the right of an organization other than the certificated ones to demand a new election after a fixed period, often 12 months, has elapsed since the previous election must be recognised.

3. What is the role of minority organizations?

Although minority organizations may not have the exclusive or preferential rights that majority organizations have, they should still be allowed to develop their activities and programmes aimed at furthering the interest of workers or employers. They should have the essential means for defending the occupational interests of their members (for example, making representations on their behalf, including representing them in case of individual grievances), for organizing their administration and activities, and formulating their programmes, as provided for in Convention No. 87.

4. Can workers’ organizations engage in political activity?

The development of the trade union movement and the increasing recognition of its role as a social partner in its own right mean that workers’ organizations must be able to voice their opinions on political issues in the broad sense of the term, and in particular, to express their views publicly on a government's economic and social policy. However, trade union organizations should not engage in political activities in an abusive manner and to beyond their true functions by promoting essentially political interests.
5. **Is the right to strike part of the right of freedom of association?**

Yes, it is an intrinsic corollary of the right to organize protected by Convention No. 87. It is an essential element of trade union rights and recognised in most countries as one of the essential means through which workers and their organizations may defend their economic and social interests.

6. **Is the right to strike an absolute right? When is a strike illegal?**

Certain limitations can apply to the right to strike, depending on national legislation. The right to strike may be restricted or prohibited: (1) in the public service only for public servants exercising authority in the name of the State; or (2) in essential services in the strict sense of the term (that is, services the interruption of which would endanger the life, personal safety or health of the whole or part of the population). These include the hospital sector, electricity and water supply services, the telephone service, air traffic control, prison and fire-fighting services.

In addition, certain conditions can be laid down in national legislation which must be met before the right to strike can be exercised. These may include, for example, the exhaustion of conciliation or mediation procedures, a waiting period and advance notice; compliance with a collective agreement; and prior approval by a certain percentage of workers in a secret ballot to strike. In principle, the conditions that have to be fulfilled under the law in order to render a strike lawful should be reasonable and in any event not such as to place a substantial limitation on the means of action open to trade union organizations. Thus, not meeting reasonable conditions laid down in national law would make a strike unlawful.

7. **Must an employer recognise a trade union?**

The general principle is that employers, including governmental authorities in their capacity as employers, should recognise for collective bargaining purposes the organisations that represent the workers employed by them. Failure by an employer to recognise such unions for bargaining purposes may give rise to the intervention of the authorities in the form provided for in national legislation, which may include the imposition of sanctions against unfair labour practices.

8. **What constitutes anti-union discrimination?**

Discrimination based on union membership or participation in union activities in access to employment or during employment. Of all forms of anti-union discrimination, dismissal is both the most obvious and the one with the most serious consequences. However, other measures may also cause serious prejudice to the workers concerned; transfer, relocation, demotion or denial of promotion, compulsory retirement, deprivation or restrictions of all kinds of remuneration, social benefits, vocational training.

9. **Is the right to bargain freely with employers in respect of conditions of work part of the right of freedom of association?**

Yes, trade unions should have the right, through collective bargaining and other lawful means, to seek to improve the living and working conditions of those whom they represent. The public authorities should refrain from any interference which would restrict this right or impede the lawful exercise thereof, since this would infringe the principle that worker and employers' organisations should have the right to organise their activities and to formulate their programmes.
10. Do managerial and supervisory staff have the right of freedom of association?

Yes. Although such staff may be barred from joining trade unions which represent other workers, such restrictions should be limited to senior managerial and supervisory staff only and they should be entitled to establish their own organizations.

11. Is it possible to have only one union at the enterprise level?

Yes, it is. Workers and employers can voluntarily choose to have a single organization to represent them, for instance, to avoid the problem of having parallel organizations at the general, sectoral or enterprise levels. However, a provision of the law which does not authorise the establishment of a second union in an enterprise, trade or occupation are not in accordance with Article 2 of Convention No. 87. It is important to realise though that there is a fundamental difference between imposed trade union monopoly and situations where workers or their unions voluntarily combine into one organization. In such cases, laws should not institutionalise a factual monopoly; workers and employers should remain free to choose to set up organizations outside existing structures if they so wish.

Conventions Nos. 100 and 111 Concerning Discrimination

1. What falls under the term “remuneration”?

The ordinary, basic, or minimum wage or salary and any additional emoluments whatsoever payable directly or indirectly, whether in cash or in kind. The phrase “any additional emoluments” includes seniority raises, marriage benefits, cost of living raises, use of a dwelling and family subsidies paid by employers, as well as payments in kind such as cleaning work clothing.

2. What is meant by the term “equal remuneration for work of equal value”?

It means that remuneration rates should be established on basis of job content, with no discrimination on the basis of the sex of the worker. In this respect, the term "work of equal value" has a wider meaning than "the same work" or "similar work". It implies that a technique of objective appraisal is adopted to determine whether jobs involving different work may none the less have the same value for the purposes of remuneration.

3. Does Convention No. 100 cover implicit discrimination?

Yes, Convention No. 100 also covers cases where apparently objective criteria such as performance or job difficulty are explicitly or implicitly defined or applied with reference to the workers' sex.

4. Does Convention No. 100 allow for differences in the general level of wages between regions and/or sectors?

Yes, so long as these differences apply equally to men and women.
5. What is covered under the term “employment and occupation in paragraph 1.1.(a) of Convention No. 111? 

It includes access to vocational training, access to employment and to particular occupations, and terms and conditions of employment (Paragraph 1.3. of the Convention). The protection provided for in the Convention is therefore not only applicable to the treatment accorded to a person who has already gained access to employment but it is also extended expressly to cover the possibility of gaining access to employment, and access to vocational training, without which any real possibility of admission would be meaningless, as training is the key to the promotion of equality of opportunities.

6. Does Convention No. 111 prohibit companies from only employing expatriate workers at senior management positions?

In principle, the phrase “national extraction”, which is one of the grounds for discrimination in Article 1(a) of the Convention, does not cover distinctions made between the citizens of one country and those of another country, i.e. it does not refer to nationality, but rather distinctions made between citizens of the same country on the basis of a person’s place of birth, ancestry or foreign origin. Making distinctions between two persons based solely on their citizenship is therefore not covered by the Convention.

7. Does Convention No. 111 allow for the treatment of married women workers as single women workers?

Under Convention No. 111, distinctions based on sex include those which are made explicitly or implicitly, to the disadvantage of one sex or the other. Distinctions based on civil status (like being married) may become discriminatory when they require of persons of one sex something not required of the other sex. Thus, treating married women workers as single women workers is only discriminatory when married male workers are not treated as single male workers.

Conventions Nos. 138 and 182 Concerning Child Labour

1. Is it allowed to lower the minimum age for admission to employment or work once Convention No. 138 has been ratified and a minimum age has been specified in the required declaration?

No, the lowering of the existing minimum age is contrary to the principle of Convention No. 138, which is to raise progressively the minimum age as provided by Articles 1 and 2(2) of the Convention. (see, for example, CEACR, 97, Russian Federation and 98, Tajikistan)

2. What kind of “employment and work” is covered by Convention No. 138?

The Convention covers all employment and work, irrespective, for example, of the existence of wage payment or a formal employment contract. (see, for example, CEACR, 99, Romania)
3. Under certain conditions, Article 8 of Convention No. 138 allows for exceptions to the prohibition of employment or work below the specified minimum age(s), for such purposes as participation in artistic performances. Are there any other exceptions allowed under this Article?

Yes, artistic performances are only mentioned as an example in this Article. Other possible exceptions can be found in areas such as modelling and publicity, provided that such exceptions are allowed only after consultation with the organizations of employers and workers concerned and permits for such activity are granted in individual cases. (see, for example, CEACR, 97, Belgium and France)

4. Does Convention No. 138 take into account the development of the economy and educational facilities in developing countries?

Yes, it does. Convention No. 138 has built-in flexibility clauses which allow countries whose economy and educational facilities are insufficiently developed to specify 14 years for admission to employment and work rather than 15 years (Art. 2), and the ages 12-14 years for admission to light work rather than 13-15 years (Art. 7). No such flexibility exists with regard to any type of employment or work which by its nature or the circumstances in which it is carried out is likely to jeopardise the health, safety and morals of young persons. For this type of work the minimum age of admission is 18 years, regardless of the development of the economy and educational facilities in a country (Art. 3 and Convention No. 182).

It also possible for developing countries to limit the scope of application initially (Art. 5), although some economic sectors must be obligatorily covered: mining and quarrying; manufacturing; construction; electricity; gas and water; sanitary services; transport, storage and communication; and plantation and other agricultural undertakings mainly producing for commercial purposes, but excluding family and small-scale holdings producing for local consumption and not regularly employing hired workers.

5. What can be considered hazardous work? Is hazardous work a worst form of child labour?

According to Article 3(1) of Convention No. 138 and Article 3(d) of Convention No. 182, hazardous work is work which, by its nature or the circumstances in which it is carried out, is likely to jeopardize or harm the health, safety or morals of children. The exact types of work to be prohibited are determined by each country (see 6 below). According to paragraph 3 of Recommendation No. 190, which supplements Convention No. 182, consideration should be given to the following elements when determining the types of work which can be considered hazardous: (a) work which exposes children to physical, psychological or sexual abuse; (b) work underground, under water, at dangerous heights or in confined spaces; (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy tools; (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging their health, and; (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer. According to Article 3 of Convention No. 182, hazardous work falls within the category of being a worst form of child labour.
6. Do employers and workers' organizations have a role to play in determining what kind of work should be considered hazardous for children?

Yes, they do. Under Article 3(2) of Convention No. 138, and Article 4(1) of Convention No. 182, the types of work considered to be hazardous, shall be determined by national laws or regulations or by the competent authority, after consultation with organizations of employers' and workers' concerned. Under Article 4(3) of Convention No. 182, they should also be consulted when the list of the types of work considered to be hazardous is examined and revised, and when the competent authority identifies where such types of work exist.

7. What can be considered light work under Article 7 of Convention No. 138?

In principle, this is a question to be regulated by national laws. The conditions that must be met for such light work are that it is not likely to be harmful to the health or development of the children engaged in such work, and that is not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the instruction received (Article 7). Elements that may be taken into account when determining light work include that the hours worked should not exceed a specifically prescribed number, that the hours worked do not coincide with school hours, that the work is undertaken under appropriate supervision, and that the work undertaken allows children to return home in the evening. Such work may include working as shop assistants, packing and sorting light articles, newspaper sales and delivery, and light agricultural work. Ultimately though, it will depend on the conditions of the work undertaken whether or not it can be considered to be light work.
Chapter 5

THE WAY FORWARD

THE YEAR PAST

The past period of a little over a year starting in May, 1998, has been quite remarkable if not historic in terms of progress in human rights and democratization for the biggest archipelago with the fourth largest population in the world -- Indonesia. The political, economic and social changes brought about mainly by the challenges of globalization and the Asian financial crisis of 1997, have been most far-reaching and profound. For a country which has been often described as multi-lingual, multi-religious, multi-cultural and multi-racial, the effects and implications as well as the challenges which have centred on human rights, basic freedoms and democratic practices, can be highly complex not to say daunting.

In a rapid succession of events during the period, Indonesia had the unique experience of having a change in the country’s leadership in May, 1998, after 32 years; opening up democratic space particularly on the exercise of freedom of speech and of the press; reacting to popular calls for change and Reformasi; successfully holding the country’s first democratic national elections in June 1999, after decades of repressive rule; and followed by the formation of its first popular and democratic government.

In the labour field and human rights at work, the events have been equally significant and dramatic. Indonesia ratified ILO Convention No. 87 on freedom of association and protection of the right to organize in June 1998. Then there was the ratification of the three remaining ILO core Conventions in June 1999, namely, Convention No. 105 on the abolition of forced labour, Convention No. 138 on the minimum age for admission to employment, and Convention No. 111 on discrimination in respect of employment and occupation. An ILO Direct Contacts Mission was received in August, 1998. The trade union monopoly was broken with the issuance of a new Ministerial Regulation providing for a new system of trade union registration. More than ten free and independent labour federations immediately emerged and have more grown to twentyone registered trade unions. Imprisoned trade union activists were released from detention. The implementation of the controversial Manpower Act 1997 was deferred to take into account the various concerns raised by the ILO, the social partners and other Civil Society groups. A general consensus has also been reached by the government and the social partners for the early ratification of Convention No. 182 on the elimination of the worst forms of child labour which was adopted by the International Labour Conference in 1999.

A labour law reform programme was also carried out by the government immediately following the ratification of ILO Convention No. 87 and the fielding of the ILO Direct Contacts Mission in 1998, through a transparent process based on social dialogue and in close collaboration and active partnership with the ILO. A draft of a new trade union law has been forwarded to the State/Cabinet Secretariat ready for submission to the Parliament. The drafting of a dispute settlement law was in its final stages to take into account in particular the demands from some trade unions and employers’ representatives for the establishment of labour courts. The revised Manpower Act was also undergoing some finishing touches specially on its provisions on gender equality and women’s rights and benefits, child labour, collective bargaining and the right to strike. The aim...
was to be able to submit the final drafts of the dispute settlement law and the Manpower Act to the State/Cabinet Secretariat sometime in October, 1999 in order that they will be ready, together with the proposed trade union law, for consideration of the new government once it is formed. Additionally, a number of activities are planned for the formulation of a draft migrant workers legislation and a new social security act before the end of 1999 with the objective of submitting a final draft or recommendation for the consideration of the new government.

The momentum in the active promotion of the ILO Declaration on the Fundamental Principles and Rights at Work and international labour standards in general which built up after the signing (December 1998) of the Letter of Intent for the ratification of ILO core Conventions, was also maintained during the period by the government and the social partners in collaboration with the ILO as reinforced by the financial support of the Dutch government. Awareness-raising tripartite-plus or individual group workshops continued to be held in various provinces and regions with alternating focus on each of the subjects covered by the core Conventions. Similar workshops covering all ratified Conventions and reporting obligation were also conducted.

THE NEXT PHASE

The opening of the General Session of the country’s most supreme lawmaking body, the People’s Consultative Assembly (MPR) on 1 October 1999 and the oath-taking by its members of Parliament who were elected in the last general elections and ultimately to elect the incoming president and vice president of Indonesia, marks what may be considered as the ending of the first phase and the beginning of the next phase in the implementation of labour law reforms and the promotion of the fundamental principles and rights at work.

Moving to another phase is a time for stocktaking and of anticipating what comes next. For example, will the present draft of the new trade union law with all its new features guaranteeing freedom of association despite certain reservations by some trade unions that their views were not fully considered, be adopted in toto by the new government? Will the draft labour dispute settlement law inspire confidence that an entirely new system for the prevention and settlement of labour dispute which is effective, accessible, fair and expeditious, is being put in place? Has the Manpower Act been thoroughly reviewed and revised to take into account the various concerns raised by the social partners and the ILO particularly its provisions on women’s rights and gender equality, child labour, collective bargaining and the exercise of the right to strike? Will new legislation on migrant workers and social security be accorded high priority?

The transitional (“reformasi”) government has been criticized by some quarters for failing to uphold the supremacy of the law in general as an integral part of the reform movement and for not addressing the urgent need of reforming the “culture of law enforcers”. It was claimed that while the government has proposed quite a number of new legislation, the principle is that it should not be just for the sake of making laws, adding that the contents of some bills were far from serving the need to protect the public or to guarantee human rights. Another complaint referred to the “stagnant law enforcement” or the ineffective implementation of laws. In some of the tripartite awareness-raising activities and dialogues on the ILO core Conventions, questions have been raised as to whether the government has been pressured into ratifying the Conventions and whether, in fact, Indonesia and its people, given its level of development and the dire political and economic situation it is in, is in fact able and ready, at this stage, to comply with the provisions of these Conventions. Another often asked question is whether it was appropriate to put the ratification of
Conventions ahead of compliance, given the country's track record on the quality of current labour legislation and their implementation. Yet, despite all these reservations, the Indonesians been able to demonstrate with pride, on many occasions in the past, that they can rise, even at great odds, above some of the most difficult and challenging political and economic situations they had to face. Are we therefore witnessing on the subject of the fundamental principles and rights at work, what may be called an "Indonesian way" of doing things which deserve encouragement, understanding and support more than anything else?

In light of all these developments, it may be important and crucial to anticipate how the new leadership of the incoming government including that of the Ministry of Manpower and the Parliament, will view the work accomplished to-date and the position taken by the previous government and the social partners on labour law reforms and the fundamental principles and rights at work under the first phase? Will the work and activities be continued and even improved upon until completion? Will a new programme or a reoriented strategy be adopted? Will the priorities remain the same? A crucial question is whether the new dispensation will have the required political will to introduce and implement genuine reforms in labour and social issues? What will be the eventual role of the ILO in any future undertaking in this field?

THE OUTLOOK

In looking back at what has been achieved in the labour field during the first phase, a number of accomplishments can be clearly cited - the ratification of four ILO core Conventions, the release from arbitrary detention of labour activists, the setting in motion of a legislative process based on the tripartite-plus approach to develop the draft texts of various labour legislation, and the continuing awareness-raising activities and social dialogue on the fundamental principles and rights at work and international labour standards in general, all in close collaboration with the ILO.

Other positive points may be added in that the government of Indonesia have been able to use the ratification of the core Conventions as a way of bringing about domestic labour reforms since the obligations flowing from ratification do provide the necessary impetus and direction for legislative reforms. The special circumstances in the country have also provided the ILO with the opportunity to assist in the reform process particularly in the development of new labour laws which is instructive in itself as to the range of assistance that the ILO is capable of providing and the effective approach to be adopted in such cases. It may be important to remember, however, that the dimension of political, economic and social change in Indonesia over the past year has been enormous and that the impact of these changes will undoubtedly take time to work through the system.

The way forward is without doubt filled with both challenges and opportunities. For the government, the social partners and other concerned social or civil society groups in Indonesia, certain considerations stand out:

- The continuation of the labour law reform programme leading to the promulgation and implementation of the new labour laws and the promotion and realization of the fundamental principles and rights at work will need the full support and blessings of the new leadership of Indonesia including the members of the new Parliament and the People's Consultative Assembly.

- The commitment and leading role of the incoming Minister of Manpower and all senior officials of the Ministry and other relevant Ministries and agencies of the government will be
required to maintain the momentum for change and Reformasi through the programmes of reform in the field of labour law and human rights at work.

- The continued full and active involvement and participation of workers’ and employers’ organizations and other civil society groups in all activities and at every stage of the labour law reform process and the promotion and realization of the fundamental principles and rights at work should be maintained and guaranteed.

In the case of the ILO, a number of options and goals are clear:

- It is essential for the ILO to follow through with its work and assistance to Indonesia in the labour law reform process mainly by helping maintain the high interest and momentum for change through the difficult period ahead with emphasis on the need for putting into place an appropriate and practical legislative framework.

- The range of ILO work will include technical assistance in the drafting of new legislation which will additionally need to address issues such as the implementation of such legislation, the strengthening of labour administration, the establishment of new institutions or the reinvigoration or renewal of existing ones such as those dealing with the prevention and settlement of labour disputes, the registration of trade unions, the labour inspectorate, tripartite consultative bodies, strengthening the capabilities of employers’ and workers’ organizations, and education and training on the new laws and their implementation.

- The ILO programme to promote the Declaration on Fundamental Principles and Rights at Work is quite relevant and apropos to the Indonesian situation, with the three-fold purpose to raise awareness within the country, to deepen understanding of how these fundamental principles and rights reinforce development democracy and equity and help empower all women and men, and to promote policies that implement these principles and rights in practice in the development conditions in Indonesia.

- The main elements of the programme to promote the Declaration consisting of media and educational campaigns, research, social reviews, policy advice, legal support, widening support with the social partners and other civil society groups, and permeating the ILO by refining the ways in which respect for these principles and rights can be woven into ILO work across the board, are of particular relevance to the Indonesian situation.

- The ILO has shown during the first phase its capability to respond and to provide effectively the necessary technical assistance to all its constituents in Indonesia in the fields of labour law and the fundamental principles and rights at work. This was accomplished through the ILO Office in Jakarta and SEAPAT with the complete support from the regional office based in Bangkok and the various technical departments and the leadership at the ILO headquarters in Geneva. The ILO has to strive to maintain and sustain with added vigour the same level of technical assistance and support it has provided to Indonesia during the past year which can be greatly reinforced by donor support and contributions similar to that which was generously provided by the Dutch government during the first phase.

- The Indonesian case provides the ILO with the unique opportunity of achieving its principal goal of improving or helping improve the situation of all, in this case, the Indonesian people, in the world of work: to find sustainable opportunities for Decent Work.
ANNEXES
Annex 1

PRESIDEN
REPUlik INDONESIA

PRESIDENTIAL DECREE NO. 83 OF 1998 OF
THE REPUBLIC OF INDONESIA ON
THE RATIFICATION OF CONVENTION NO. 87 CONCERNING
FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO
ORGANIZE

(State Gazette No. 98 of 1998)

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering:

a. that Convention No. 87 of the International Labour Organization concerning Freedom of Association and Protection of the Right to Organize has been adopted by the Governing Body of the International Labour Office at San Francisco, United States of America, on 17 June 1948.

b. that in relation thereof and in accordance with the Message of the President of the Republic of Indonesia addressed to the Chairman of the Gotong Royong House of Representative No. 2826/HK/1960 on 22 August 1960 on the Signing of International Agreement with Other Countries, it is deemed necessary to ratify that Convention by a Presidential Decree.

In view of: Articles 4 paragraph (1) and Article 11 of the 1945 Constitution;

RESOLVES

To enact: PRESIDENTIAL DECREE ON THE RATIFICATION OF CONVENTION NO. 87 CONCERNING FREEDOM OF ASSOCIATION AND PROTECTION OF THE RIGHT TO ORGANIZE

Article 1

Convention No. 87 of the International Labour Organization concerning Freedom of Association and Protection of the Right to Organise which has been adopted by the Governing Body of the International Labour Office at San Francisco, United States of America, on 17 June 1948 and which reads as in the text enclosed to this Presidential Decree, is herewith ratified.
Article 2

In case of any different interpretation between the Indonesian language translation text and the copy of authentic text of Convention as meant in Article 1, shall it be referred to its authentic text.

Article 3

This Presidential Decree shall come into force on the day of its promulgation. In order that everyone shall take cognisance of this, the promulgation of this Decree is herewith ordered by publication in the State Gazette of the Republic of Indonesia.

Legalised in Jakarta on 5 June 1998
THE PRESIDENT OF THE REPUBLIC OF INDONESIA
signed
BACHARUDDIN JUSUF HABIBIE

Promulgated in Jakarta on 5 June 1998
THE STATE MINISTER/STATE SECRETARY
signed
AKBAR TANJUNG
Annex 2

GOVERNMENT REGULATIONS

REGISTRATION OF WORKERS ORGANIZATIONS
(Regulation of the Manpower Minister No. PER-05/MEN/1998 dated May 27, 1998)

THE MANPOWER MINISTER

Considering:

a. that the registration of workers organizations in the framework of the development of workers organizations in Indonesia must be adjusted to the present circumstances;
b. that with the present condition of development, the registration of workers organizations as regulated in Regulation of the Manpower Minister No. PER/03/MEN/1993, is no longer compatible with the circumstances and must therefore be improved;
c. that this must be stipulated by virtue of a ministerial regulation.

In view of:

1. Law No. 18/1956 on the approval of the International Labour Organization convention No. 98/1949 on the enforcement of the foundations for the right to establish organizations and hold joint negotiation;
2. Law No. 22/1958 on the settlement of labour disputes;

DECIDES

To stipulate: THE REGULATION OF THE MANPOWER MINISTER ON THE REGISTRATION OF WORKERS ORGANIZATIONS.

Article 1

Referred to in this regulation as:

a. A workers organization shall be an organization set up voluntarily and democratically by and for workers in the form of a workers association, a union of workers association, a federation and a confederation;
b. A workers association shall be an independent, democratic, free and responsible workers organization based on a field of work and set up by and for workers to fight for the rights and interests of workers and families;
c. A union of workers associations shall be a number of workers association forming a union on the basis of a field of work;
d. A federation shall be a union of unions of workers associations;
e. A confederation shall be a union of federations.

Article 2

(1) A workers association shall be a union of workers association registered at the manpower ministry;
A workers association shall be a union of workers association as meant in subarticle (1) and must not be based on political schools, religions, ethnicity and gender.

(3) The registration of a workers association or a union of workers association as meant in subarticle (1) shall be implemented as follows:

a. a workers associations at the corporate level shall register itself at the local office of the manpower ministry/manpower service;
b. a union of workers associations in a second-level region shall register itself at the local regional office of the manpower ministry/manpower service;
c. a union of workers associations in a first-level region shall register itself at the local office of the manpower ministry;
d. a union of workers associations at the national level shall register itself at the manpower ministry.

(4) In the event that unions of workers association unite in a federation, the said federation shall notify the manpower ministry in writing in accordance with its level.

(5) In the event that federations unite in a confederation, the said confederation shall notify in writing the office of the manpower ministry in the central government.

**Article 3**

(1) Workers associations and unions of workers associations as meant in Article 2 subarticle (1) must file an application for registration with the following being attached:

a. the statutes and internal regulations containing:
   - Principle: Pancasila and the Constitution of 1945;
   - Objective: - improving the welfare of workers and their families;
     - improving skills, knowledge and productivity;
     - improvement of protection of members.

b. the composition and names of the executive board;
c. the names of members in the case of a workers association at a corporate level;
d. the names of registered workers associations at a corporate level in the case of a union of workers associations.

(2) In the case of the federations and confederations as meant in Article 2 subarticle (4) and (5), the notification must have the following as attachments:

a. the statutes and internal regulations containing:
   - Principle: Pancasila and the Constitution of 1945;
   - Objective: - improvement of the welfare of workers and their families;
     - improvement of skills, knowledge and productivity;
     - improvement of protection of members.

b. the composition and names of the executive board;
c. the names of registered unions of workers associations as members.

**Article 4**

(1) If an application for registration already fulfilling the requirements as meant in Article 3 subarticle (1), the heads of the government agencies as meant in Article 2 subarticle (3) shall give a registration number in the form of a decision/decree within at the latest 14 (fourteen) working days as from the receipt of the application.

(2) If the application for registration fails to fulfill the requirements as meant in Article 3 subarticle (1), the heads of the government agencies as meant in Article 2 subarticle (3) shall issue a letter of rejection along with the reasons at the latest 14 (fourteen) working days as from the receipt of the application.
Article 5

(1) In the event that there is an amendment in the statutes and the internal regulations, workers associations, unions of workers associations, federations and confederations and their membership must notify the government agencies as meant in Article 2 subarticles (3), (4) and (5).
(2) In the event that the executive boards of the workers associations, unions of workers associations, federations and confederations fail to notify the amendment to the statutes and the internal regulations as meant in subarticle (1), the registration/notification shall be declared to be automatically null and void.

Article 6

Workers associations and unions of workers associations already registered and obtaining a registration number as meant in Article 4 subarticle (1) shall be entitled to represent the workers who are their members in industrial relationship and other activities in the manpower area.

Article 7

(1) With the enforcement of this ministerial regulation, workers associations already registered pursuant to Regulation of the Manpower Minister No. PER-01/MEN/1994 and workers organizations already registered pursuant to Regulation of the Manpower Minister No. PER-03/MEN/1993 may continue to perform their function and tasks.
(2) Within a maximum period of 90 (ninety) days as from the issuance of this regulations, workers associations at a corporate level and workers organizations as meant in subarticle (1) must already re-register themselves pursuant to the provision in this regulation.
(3) Workers associations at a corporate level and workers organizations as meant in subarticle (1) already signing a collective labor agreement (KKB) prior to the issuance of this regulation, the said collective labor agreement shall remain valid until it expires.

Article 8

With the stipulation of this ministerial regulation, Regulation of the Manpower Minister No. PER-03/MEN/1993 on the registration of workers organizations shall be declared null and void.

Article 9

This regulation shall take effect as from the date of stipulation.

Stipulated in Jakarta
On May 27, 1998
THE MANPOWER MINISTER
Signed
FAHMI IDRIS
### Annex 3

**DIRECT CONTACTS MISSION: INDONESIA**  
**(24 - 28 August 1998)**  
**IMPLEMENTATION OF RECOMMENDATIONS**

<table>
<thead>
<tr>
<th>Sub-para No.</th>
<th>RECOMMENDATIONS (Paragraph 49)</th>
<th>ACTION AND RESULTS (as of October 1999)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i)</td>
<td>Provide ILO with copies of revised or draft of relevant labour legislations (for ensuring conformity with Conventions 87 and 98).</td>
<td>The Ministry of Manpower has provided the ILO with the draft of Trade Union Bill (completed on 5 July 1999) that was submitted to the State/Cabinet Secretariat. Initial drafts of the Dispute Settlement Bill and the revised Manpower Act were also given to the ILO. The drafting of new laws on migrant labour and social security are being given priority consideration. All draft legislations are expected to be submitted to the House of Representatives under the new government for consideration.</td>
</tr>
<tr>
<td>(ii)</td>
<td>Set-up tripartite consultative body for preparation and implementation of labour legislation.</td>
<td>The Ministry of Manpower implemented the labour law reform programme through a process based on social dialogue involving the social partners and other concerned social groups. This process, known as tripartite-plus consultation, was used in the formulation and drafting of all labour legislation. Furthermore, the Ministry with the technical assistance from the ILO, conducted initial workshops in April 1999 and September 1999 on reporting obligations of ILO ratified Conventions to promote national tripartite consultation mechanism based on the concept of the most representative organizations as envisaged under ILO Convention 144.</td>
</tr>
<tr>
<td>(iii)</td>
<td>Continue pursuing measures for civil servants and workers in state-owned enterprises to have the right to form and join organizations of their own choosing.</td>
<td>Under Article 3 of the draft Bill on Trade Union, the right to form and to join organization of their own choosing is granted to all workers including civil servants and workers in state-owned enterprises. Details on the application of this right to civil servants and state-owned enterprises will, however, be stipulated in a separate regulation.</td>
</tr>
<tr>
<td>(iv)</td>
<td>Remove requirements from Regulation no. PER-05/MiN 1998 provision of names of members at the company level trade union registration; enact right of appeal in court regarding registration</td>
<td>Under the draft Bill on Trade Union (Article 21), the requirement for enterprise labour unions to provide names of members is still stipulated. Under Article 25, the union whose registration is refused can lodge its appeal to an administrative body which is ranked higher than the registrar’s office.</td>
</tr>
<tr>
<td>Sub-para No.</td>
<td>RECOMMENDATIONS (Paragraph 49)</td>
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<tr>
<td>(v)</td>
<td>Issue instructions to competent authorities and employers to refrain from discrimination between trade unions</td>
<td>While no such instructions have been issued, the question has been properly addressed or covered under the provisions of the draft Trade Union Bill under Article 15 and Chapter 5 on the rights and obligations of trade unions.</td>
</tr>
<tr>
<td>(vi)</td>
<td>Take measures for approval of trade union rules in full freedom (Article 3 of Convention 87)</td>
<td>The right of trade unions to draw up their constitution and rules in full freedom is granted under Article 17 of the draft Trade Union Bill.</td>
</tr>
<tr>
<td>(vii)</td>
<td>Take step to ensure legislation on right to strike is in conformity with principles in the conclusions</td>
<td>The provision on the right to strike is stipulated in the current draft Bill (dated August 1999) on the Revision of Manpower Act no. 25, 1997. It grants all workers the right to strike.</td>
</tr>
<tr>
<td>(viii)</td>
<td>Establish effective and impartial dispute settlement mechanism</td>
<td>Under the draft Bill on Settlement of Labour Dispute formulated by the Ministry of Manpower, in consultation with employers’ and workers’ organizations, one of the main options being considered, is the establishment of independent and impartial mediation service, tripartite industrial tribunals and labour court.</td>
</tr>
<tr>
<td>(ix)</td>
<td>Take measure to enact provisions for protection against anti-union discrimination (dismissal, prejudice) due to participation/membership in union activities</td>
<td>Provisions for protection against acts of anti-union discrimination are reflected for under Article 15 of the draft Bill on Trade Union while Article 50 of the same draft Bill stipulates the penal sanctions.</td>
</tr>
<tr>
<td>(x)</td>
<td>Ensure enactment of provisions for protection of workers' organizations against employers interference</td>
<td>Article 15 of the draft Trade Union Bill implicitly provides such protection</td>
</tr>
<tr>
<td>(xi)</td>
<td>Adopt legislative provisions determining representative status of trade union for collective bargaining</td>
<td>Chapter 5, Articles 30 through 36, of the draft Trade Union Bill provides detailed procedures for determining the representative status of trade unions for collective bargaining purposes</td>
</tr>
<tr>
<td>Sub-para No.</td>
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</tr>
<tr>
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</tr>
<tr>
<td>(xii)</td>
<td>Continue to ensure security forces refrain from intervening in industrial disputes</td>
<td>To respond to the recommendations of the Direct Contacts Mission, the Manpower Minister has written to the Coordinating Body for National Stability on 3 September 1998, to seek the issuance of guidelines according to which the military including army personnel in the field will not get involved directly in labour dispute settlement. The Ministry of Manpower with the assistance of the ILO has also organized dialogue and training workshops for military and police personnel on the fundamental principles and rights at work.</td>
</tr>
<tr>
<td>(xiii)</td>
<td>Take measures to repeal Government Regulation in lieu of Law no. 2/98 (Freedom to express opinions publicly)</td>
<td>The Government repealed the government regulation in lieu of Law no. 2 of 1998. A draft bill on Freedom of Expression in Public was passed in October 1998 by the House of Representatives and became law. Under the law, every citizen has been given the right to express their opinion in public in full freedom.</td>
</tr>
<tr>
<td>(xiv)</td>
<td>Take immediate measures to ensure the release of Ms. Dita Sari</td>
<td>The Manpower Minister had taken concrete steps to secure the early release of Ms. Dita Sari. He sent several communications to the relevant authorities, including the President of Indonesia, the Justice Minister (through whom to the Supreme Court), the Attorney General and the Minister of Defence and Security/Chief Commander of the Armed Forces, for her release. Ms. Dita Sari was finally released unconditionally on 5 July 1999 after an earlier Presidential Decree (no. 23) granting her release was revoked (March 1999).</td>
</tr>
</tbody>
</table>
The President of the Republic of Indonesia

ACT OF THE REPUBLIC OF INDONESIA
NUMBER 11 YEAR 1998 ON
AMENDMENT TO THE APPLICATION OF
ACT NUMBER 25 YEAR 1997 ON MANPOWER
WITH THE BLESSING OF THE ONE AND ONLY GOD
THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

Considering that:

a. Article 199 of Act Number 25 Year 1997 on Manpower states that the said Act is effective as of October 1, 1998.

b. Today’s political, economical, social developments and situations have given birth to new values and aspirations within society. These new values and aspirations, especially those concerned with manpower, need to be accommodated in the Act through an amendment, that is, by formally altering and revising it.

c. Because formal alteration, revision and reformulation of the regulations stipulated in the articles of Act Number 25 Year 1997 would take time, it is therefore deemed necessary to change the applicability of Act Number 25 Year 1997.

d. For this purpose, that is, for promulgating this amendment, an Act is required.

In view of: Article 5 Subsection (1) and Article 20 Subsection (1) of the 1945 Basic Constitution;

With the approval of
THE HOUSE OF REPRESENTATIVES OF
THE REPUBLIC OF INDONESIA

DECIDES TO:

stipulate

THE AMENDMENT ON THE APPLICABILITY OF ACT NO. 25 YEAR 1997 ON MANPOWER
Article I

1. The content of Article 199 of Act Number 25 Year 1997 on Manpower is herewith changed into the following:

Article 199

Act Number 25 Year 1997 on Manpower is effective starting October 1, 2000.

2. With the application of the Amendment on the Applicability of Act Number 25 Year 1997 on Manpower, all legal rules and regulations which Article 198 of Act Number 25 Year 1997 declares null and void remain effective.

Article II

This amendment is effective starting on the date it is promulgated.

For the knowledge of everyone, [the president] orders the promulgation of this amendment by having it recorded in the State Gazette of the Republic of Indonesia.

Ratified in Jakarta
on November 10, 1998
PRESIDENT OF THE REPUBLIC OF INDONESIA
signed
BACHARUDDIN JUSUF HABIBIE

Promulgated in Jakarta
on November 10, 1998
STATE MINISTER FOR STATE SECRETARY OF THE REPUBLIC OF INDONESIA signed
AKBAR TANDJUNG

STATE GAZETTE OF THE REPUBLIC OF INDONESIA YEAR 1998 NUMBER 184

This copy agrees with the original
SECRETARIAT OF THE CABINET OF THE REPUBLIC OF INDONESIA
The Head of the Bureau for Legal Affairs and Acts signed
Lambock V. Nahattands
GENERAL

After the promulgation of Act Number 25 Year 1997 on Manpower on October 3, 1997, swift and fundamental changes have taken place within society, along with the ongoing era of reformation. These changes, brought about by developments in political, economic and social situations, have given rise to new values and aspirations among the people.

Especially as far as manpower is concerned, such developments, which have engendered new values and aspirations within society, need to be accommodated through revision of, and amendment to Act Number 25 Year 1997 on Manpower.

Given that people’s demands for change are so numerous and diverse, a sufficient amount of time would be needed to alter, revise and reformulate the rules and regulations stipulated by Act Number 25 Year 1997 on Manpower. Hence, it is necessary to change the applicability of Act Number 25 Year 1997 on Manpower. This means that the Act should be effective as of October 1, 2000 instead of October 1, 1998.

However, Act Number 25 Year 1997 on Manpower have been effective since October 1, 1998, in a juridical sense. Therefore, in order to provide legal certainty to the community and civil servants whose job is to uphold Act and justice, it is necessary to assert here that after the promulgation of the Amendment on the Applicability of Act Number 25 Year 1997 on Manpower, all rules and regulations that have been declared null and void by Act Number 25 Year 1997 on Manpower, as stipulated in Chapter 198, remain effective.

ARTICLE BY ARTICLE

Article I

Subsection 1

Sufficiently clear
Subsection 2

What is meant by rules and regulations that remain effective refers to the following:

a. Ordinance on the mobilization of Indonesians to work outside of Indonesia (Dutch East Indies State Gazette Year 1887 Number 8);

b. Ordinance dated December 17, 1925 on the regulation aimed at restricting child labor and evening work for women (Dutch East Indies State Gazette Year 1925 Number 647);

c. Ordinance issued in 1926 on the regulation on the recruitment of children and youths for labor on board a ship (Dutch East Indies State Gazette Year 1926 Number 87);

d. Ordinance dated May 4, 1936 on the ordinance to regulate recruitment activities (Dutch East Indies State Gazette Year 1936 Number 208);

e. Ordinance on the repatriation of labors employed or mobilized from outside Indonesia (Dutch East Indies State Gazette Year 1939 Number 545);

f. Ordinance Number 9 Year 1949 on the restriction of child labor (Dutch East Indies Year 1949 Number 8);

g. Act Number 1 Year 1951 on the declaration of the nationwide application of Manpower Act Year 1948 Number 12 of the Republic of Indonesia (State Gazette Year 1951 Number 2 of the Republic of Indonesia);

h. Act Number 21 Year 1954 on the labor agreement between the labor union and the management (State Gazette Year 1954 Number 69, Supplement to State Gazette Number 598);

i. Act Number 3 Year 1958 on the placement and employment of foreign workers (State Gazette Year 1958 Number 8);

j. Act Number 7 [Pnps] Year 1963 on the prevention of strike and/or lock-out at companies, government agencies and other bodies whose service [to the community or the public] is indispensable (State Gazette Year 1963 Number 67); and

k. Act Number 14 Year 1969 on key regulations on manpower (State Gazette 1969 Year 55, Supplement to State Gazette Number 2912).

Article II

Sufficiently clear

SUPPLEMENT TO STATE GAZETTE 3791 OF THE REPUBLIC OF INDONESIA
LETTER OF INTENT  
BETWEEN  
THE GOVERNMENT OF THE REPUBLIC OF INDONESIA  
AND  
THE INTERNATIONAL LABOUR OFFICE  

In the meeting with the President of the Republic of Indonesia, HE Prof. Dr. Ing. B.J. Habibie, attended by the Minister of Manpower, Mr. Fahmi Idris; Deputy Director-General of ILO, Mr. Kari Tapiola; Assistant Director-General of ILO, Mrs. Mitsuko Horiuchi; and Director of ILO Jakarta Office, Mr. Iftikhar Ahmed, on Thursday, 17 December 1998, at the State Palace, the following principles were agreed upon:

1. The Government of Indonesia reaffirms its commitment to ratify the remaining three core Coventions of the ILO, so that all seven fundamental human rights Conventions of the ILO are ratified possibly by June 1999;
2. The ILO will provide technical assistance for the ratification and for the implementation of these Conventions;
3. The ILO and the Tripartite Indonesian Task Force established to jointly follow-up on this agreement. 

This agreement has been reached with a view to contributing to Indonesia's economic recovery and revival of growth, enhancing productivity and promoting equity and social justice and with reference to the ILO Declaration on Fundamental Principles and Rights at Work. 

Jakarta, 23 December 1998

On behalf of the  
Government of the Republic of Indonesia  
Minister of Manpower

On behalf of the  
International Labour Office,  
Director of ILO Jakarta Office

Witnessed by  
The President of the Republic of Indonesia

Prof. Dr. Ing. B.J. Habibie
MINISTER OF MANPOWER
REPUBLIC OF INDONESIA

DECREES OF THE MINISTER OF MANPOWER
NUMBER: KEP-07/MEN/1999 CONCERNING
FORMATION OF TASK FORCE FOR RATIFICATION OF ILO
FUNDAMENTAL CONVENTIONS
THE MINISTER OF MANPOWER

Considering:

a. that in order to follow up the Letter of Intent between the Government of Indonesia and International Labour Organization (ILO) dated the 23rd of December 1998 on Ratification of ILO Fundamental Conventions, it is necessary to form a Task Force comprising Tripartite elements;
b. that this require stipulation of a Ministerial decree.

In view of:

1. RI’s Presidential Decree Number 122/M year 1998 concerning the Formation of Reformation Development Cabinet;

HAS DECIDED:

To stipulate:

First : Formation of Task Force for Ratification of ILO Fundamental Conventions hereinafter referred to as the Team with membership as in the annex to this decree.

Second : The team as referred to in the First Dictum shall have the tasks:

a. prepare the Ratification of 3 (three) ILO Fundamental Conventions that have not been ratified, they are: Convention No.105, Convention No.111, and Convention No.138;
b. socialize 7 (seven) ILO Fundamental Conventions;
c. inventory the regulations that are not in line with the 7 (seven) ILO Fundamental Conventions;
d. report the result of its task implementation in writing to the Minister of Manpower.

Third : In carrying out its task, the Team may ask for input from other agencies.

Fourth : For a smooth implementation of its tasks as referred to in the Second Dictum, the Team shall be assisted by a Secretariat.

Fifth : Any costs incurred in the carrying out of this Decree shall be charged to the budget of the Ministry of Manpower.
Sixth: This Decree shall began to take effect as from the date of stipulation, on condition that in the event of any mistake being found in this Decree, appropriate correction shall be made.

Stipulated in: Jakarta
On: 18-1-99
THE MINISTER OF MANPOWER OF THE REPUBLIC OF INDONESIA.
[signed over seal]
FAHMI IDRIS
TEAM MEMBERSHIP OF TASK FORCE
FOR RATIFICATION OF ILO FUNDAMENTAL CONVENTIONS

CHAIRPERSON : Drs. Suwarto - Secretary General

VICE CHAIRPERSON : Drs. Moh. Syaufii Syamsuddin, SH - Director General of Binawas

SECRETARY : Myra M.Hanartani, SH, MA - Head of Legal Bureau of the Ministry of Manpower

MEMBERS :
1. DR. Din Syamsuddin - Director General of Binapenta, the Ministry of Manpower
2. DR. Payaman Simanjuntak - Expert Staff Member of the Minister of Manpower
3. Sriharto Brodjodarono, SH - Head of Public Relations Bureau and KLN of the Ministry of Manpower
4. Mrs. Basani, SH - Chief Registrar of P4P of the Ministry of Manpower
5. Harry P. Haryono, SH - Director of International Agreement, the Ministry of Foreign Affairs
6. Makmur Widodo - Director of International Organization, the Ministry of Foreign Affairs
7. Ir. Mulyadi Widodo - Expert Staff Member of the Minister of Home Affairs for the Sector of Development, the Ministry of Home Affairs
8. Badia Sibuea, SH - Head of PUU Section of the Ministry of Agriculture
9. H. Simanjuntak, BSc. SH, MSc. - Director of Production Development, the Ministry of Forestry and Estate Crops
10. Sudarmasto, S. Teks. - Head of Planning Bureau, the Ministry of Industry and Trade
11. Drs. Semyon Sinulingga - Director of People’s Information, the Ministry of Information
12. Lambock V Nahattands, SH - Head of Legal and PUU Bureau of the Cabinet Secretariat
13. Wisnu Setiawan, SH, MA - Head of Ratification Subsection, Cabinet Secretariat
Annex 6: Decree of the Minister of Manpower No. 07 of 1999

14. Lies S. Siregar, SH - The Affairs of Expanded Work Opportunities for Women Workers, Minister of Women's Role
15. Soedirman, SH - Head of KLN Head and Session Bureau, Coordinating Minister of People's Welfare and Poverty Alleviation
16. Sofian Djalil - Assistant to the State Minister of BUMN Reform
17. Marsono, Bc, IP, SH - Secretary of Directorate General of Correctional Institution, the Ministry of Justice
18. Machmud Azis, SH - Head of Preparatory Kasie, Directorate General of Kumdang, the Ministry of Justice
19. Drs. Badhowi - Secretary of Directorate General of Primary and Secondary Education, the Ministry of Education & Culture
20. Drs. Sutarso, Msws - Lecturer, the Ministry of Social Affairs
21. Titale, SH - Head of Personnel Bureau, the Ministry of Tourism, Art & Culture
23. Joko Daulat, SH - Chairperson of FSPSI
24. Dra. H. Sofiaty Mukadi - Chairperson of Central Managing Board of Worker's Union of Kahutindo, Reform Presidium of FSPSI
25. Abdi Kusumanegara, SH - General Chairperson of Central Managing Board of SARBUMUSI
26. Saut Pangaribuan, SH - Legal Department of SBSI
27. Abdul Azis R. SH - General Chairperson of FSBDSI
28. Nurdin, R - PPMI
29. Sucipto - Depenas GASPERMINDO
30. Ir. Suhardi, MSc - Secretary General of KBM
31. H. Purbadi Hardjoprajitno, SH - Secretary General of APINDO
32. Herman S Indro, SJ - Chairperson of APINDO Foreign Relations and Foreign Cooperation
33. Drs. R. Moedjianto, SH - Chairperson of APINDO Industrial Relations and Members’ Advocacy
34. Mustafa Badaruddin, SH - APINDO Representative, Member of Central P4
35. Hning W. Wicaksono, ST - APINDO’s ILO Aid Staff Member
36. (1 person) - The Ministry of Transmigration

SECRETARIAT
1. Suko Mulyono, SH - Legal Bureau
2. Sabeni Endik, SH - Legal Bureau
3. Drs. Soejanto W - Legal & KLN Bureau
4. Yanuzar Nasution, BcHk - Legal Bureau
5. Sumondang, SH - Legal Bureau
6. Hari Suriatna, BA - Public Relations and KLN Bureau

ASSISTANTS TO SECRETARIAT:
1. Paksi Seto, SH - Legal Bureau
2. A. Indriati Arif, SH - Legal Bureau
3. Marintje Manalu - Legal Bureau

Stipulated in: Jakarta
On: 18-1-99
THE MINISTER OF MANPOWER OF THE REPUBLIC OF INDONESIA.
[signed over seal]
FAHMI IDRIS
MINISTER OF MANPOWER
REPUBLIC OF INDONESIA

DECREE
MINISTER OF MANPOWER
REPUBLIC OF INDONESIA
NUMBER: KEP-69/MEN/1999
CONCERNING
FORMULATION OF TEAM OF INSTRUCTORS
ON SEVEN FUNDAMENTAL CONVENTIONS OF THE ILO

MINISTER OF MANPOWER

Considering: a. that in order to socialize seven Fundamental Conventions of the ILO it is necessary to set-up a Team of Instructors
b. that therefore a Ministerial decree is issued.

In view of: 1. Decree of President of Republic of Indonesia Number 122/M of 1998 concerning the setting-up of Reformation-Development Cabinet;

STIPULATES

First: (1) The setting up of a Team of Instructors on Seven Fundamental Conventions of the ILO which are:

1. ILO Convention No. 29/1930 concerning Forced Labour;
2. ILO Convention No. 87/1948 concerning Freedom of Association and Protection of the Right to Organize;
3. ILO Convention No. 100/1951 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value;
4. ILO Convention No. 98/1949 concerning Right to Organize and Collective Bargaining;
5. ILO Convention No. 105/1957 concerning Abolition of Forced Labour;
6. ILO Convention No. 111/1950 concerning Discrimination (Employment and Occupation);

(2) Composition of its membership is attached herewith.

Second: The Team as referred to in Section First will function:

a. to provide training on seven Fundamental Conventions of the ILO as referred to as Section First;
b. to evaluate the implementation of the training;
c. to report outcome of the task to the Minister of Manpower.

Third: All costs needed for implementation of this task will be born by the Ministry of Manpower.

Fourth: This Decree is effective from the date of its promulgation with circumstances that in case of error it will be amended accordingly.

Stipulated in Jakarta
On date: 15-01-1999
ON BEHALF OF MINISTER OF MANPOWER,
REPUBLIC OF INDONESIA,
SECRETARY GENERAL
SUWARTO
COMPOSITION OF MEMBERSHIP
TEAM OF INSTRUCTORS
SEVEN FUNDAMENTAL CONVENTIONS OF THE ILO

CHAIRPERSON : Drs. Suwarto - Secretary General, Ministry of Manpower (Depnaker)

SECRETARY : Sriharto Brodjodarono, SH. - Head of Public Relations and Foreign Cooperation Bureau, Depnaker

MEMBERS : 1. Drs. Moh. Syaufii Syamsuddin, SH - Director General of Industrial Relations and Labour Standards, Depnaker

2. DR. Payaman Simanjuntak - Special Adviser to the Minister of Manpower

3. I Wayan Nedeng, SH. - Director of Supervision of Working Conditions, Depnaker

4. Drs. Samidi A.M. - Director of Industrial Relations, Depnaker

5. Dr. Tjepy F.A., MSc. - Director of Labour Standards, Depnaker

6. Drs. Amrinal B., MM. - Director of Wage and Social Security, Depnaker

7. Drs. T.S. Panggabean - Secretary to Directorate General of Manpower Placement Development, Depnaker

8. Basani S., SH. - Head of National Labour Dispute Settlement Council, Depnaker

9. Myra M. Hanartani, SH., M.A. - Head of Legal Bureau, Depnaker

10. Drs. Semyon Sinulingga - Director of Community Information, Ministry of Information

11. H. Purbadi Hardjoprajitno, SH. - Secretary General of APINDO (Employers’ Organization)

12. Herman S. Endro - Head of Foreign Relations and International Cooperation, APINDO

13. Drs. R. Moedjianto - Head of Industrial Relations and Members Advocacy, APINDO

14. Mustafa Badaruddin, SH. - Representative of
Demystifying The Core Conventions of The ILO Through Social Dialogue The Indonesian Experience

15. Hning W. Wicaksono, ST.
   - Staff of APINDO/ILO
16. Joko Daulat
   - Chairman of FSPSI (Trade Union)
17. Dra. H. Sofiaty Mukadi
   - General Chairman of KAHUTINDO FSPSI Reformasi (Trade Union)
18. Abdi Kusumanegara, SH.
   - General Chairman of SARBUMUSI (Trade Union)
19. Saut Pangaribuan, SH.
   - Legal Department of SBSI (Trade Union)
20. Abdul Azis Riambo, SH.
   - General Chairman of FSBDSI (Trade Union)
21. Nurdin R.
   - PPMI (Trade Union)
22. Sucipto
   - GASPERMINDO (Trade Union)
23. Ir. Suhardi, MSc.
   - Secretary General of KBM (Trade Union)
24. Oktavianto Pasaribu
   - ILO Jakarta

SECRETARIAT

1. Sabeni Endik, SH.
   - Legal Bureau, Depnaker
2. Sumondang, SH.
   - Legal Bureau, Depnaker
3. Hariadi Agah, B.A.
   - Public Relations and Foreign Cooperation Bureau, Depnaker
4. Brasti Rahayu
   - Public Relations and Foreign Cooperation Bureau, Depnaker
5. Purwati Utami
   - Public Relations and Foreign Cooperation Bureau, Depnaker

Stipulated in Jakarta
On date: 15 January 1999
ON BEHALF OF MINISTER OF MANPOWER,
REPUBLIC OF INDONESIA,
SECRETARY GENERAL
Drs. SUWARTO
ACT NO. 19 OF 1999
ON THE RATIFICATION OF CONVENTION NO. 105 OF THE
INTERNATIONAL LABOUR ORGANIZATION CONCERNING THE
ABOLITION OF FORCED LABOUR

WITH THE BLESSING OF ALMIGHTY GOD
THE PRESIDENT OF REPUBLIC OF INDONESIA

Considering:
a. that the State of the Republic of Indonesia, which is based on the Pancasila State
   Ideology and the 1945 Constitution, is a state based on the rule of law which up
   hold human dignity and values and guarantees all of its citizens equal position
   within the law, and therefore, all forms of forced labour must be abolished;

b. that Indonesians as a nation and as part of the international community honour,
   respect and uphold the principles and objectives of the United Nations Charter,
   the 1948 Universal Declaration of Human Rights, the 1944 Declaration of
   Philadelphia, and the International Labour Organization Constitution;

c. that the Fortieth Session of International Labour Conference on June 25, 1957 in
   Geneva, Switzerland, adopted the ILO Convention No. 105 concerning the Aboli-
   tion of Forced Labour;

d. that the determination of the Convention accords with the will of Indonesian as
   a nation to continuously uphold and advance the implementation of workers’
   rights in the life of the nation and state;

e. that based on the considerations mentioned in paragraphs a., b., c., and d., it is
   deemed necessary to ratify the ILO Convention No. 105 concerning the Aboli-
   tion of Forced Labour;

In view of:
1. Article 5, Paragraph (1); Article 11, Article 20, Paragraph (1), and Article 27 of
   the 1945 Constitution;

   2. The Decree of the People's Consultative Assembly of the Republic of Indonesia
WITH THE APPROVAL OF THE HOUSE OF REPRESENTATIVES OF
THE REPUBLIC OF INDONESIA
RESOLVES

To enact: ACT CONCERNING THE RATIFICATION OF THE ILO CONVENTION
NO. 105 CONCERNING THE ABOLITION OF FORCED LABOUR

Article 1

Ratifies the ILO Convention No. 105 concerning the Abolition of Forced Labour whose copy of the
authentic English text and its Indonesian translation are appended as an inseparable part of this Act.

Article 2

This Act shall come into force on the day of its promulgation. In order that everyone take
cognisance of this, the promulgation of this Act is herewith ordered by publication in the State
Gazette of the Republic of Indonesia.

Enacted in Jakarta on May 7, 1999
THE PRESIDENT OF THE REPUBLIC OF
INDONESIA
signed
BACHARUDDIN JUSUF HABIBIE

Promulgated in Jakarta on May, 1999
STATE MINISTER/STATE SECRETARY OF
THE REPUBLIC OF INDONESIA
signed
AKBAR TANJUNG

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NO. 55, 1999
ELUCIDATION OF ACT NO. 19 OF 1999 ON THE RATIFICATION OF CONVENTION NO. 105 OF THE INTERNATIONAL LABOUR ORGANIZATION CONCERNING THE ABOLITION OF FORCED LABOUR

I. GENERAL

Human being as a creation of God are endowed with human rights. These rights are inherent in every human being since his/her birth. So, no other human being or parties can deprive these rights. Human rights are universally acknowledged as stated in the United Nations Charter, the 1948 Universal Declaration of Human Rights, the 1944 International Labour Organization (ILO) Declaration of Philadelphia and the ILO Constitution. Hence, every country in the world is morally demanded that they hold and protect these rights. One aspect of human rights concerns freedom to willingly do a job. This freedom guarantee accords with the principles of Pancasila. This freedom guarantee has also been implied in Article 27, Paragraph (2) of the 1945 Constitution which says that “Every citizen shall have the right to work and to a living, befitting for human beings”. Such provision has also been stipulated in the Decision of the People’s Consultative Assembly No. XVI/MPR/1998 concerning Human Rights.

As a Member of the United Nations and the International Labour Organization (ILO), Indonesia respects, upholds and makes efforts to implement decisions made by these two international bodies. The ILO Convention No. 105 concerning the Abolition of Forced Labour, which the fortieth International Labour Conference of June 25, 1957 in Geneva adopted, is part of the protection of workers’ rights. This Convention requires every ILO Member Country to abolish and prohibit forced labour used:

a. as a means of political coercion or education or as a punishment for holding or expressing political view or views ideologically opposed to the established political, social and economic system;
b. as method of mobilising and using labour for purposes of economic development;
c. as a means of labour discipline;
d. as a punishment for having participated in strikes;
e. as a means of racial, social, national or religious discrimination.

II. UNDERLYING IDEAS OF THE ADOPTION OF CONVENTION

1. Convention ILO No. 29 of 1930 concerning The Abolition of Forced Labour requires every member of the International Labour Organization to suppress all forms of forced or compulsory labour, except those work or service which is purely military character, work or service which forms part of the civil obligations of the citizens, work or service exacted from any person as a consequence of convention in a court of law, work or service exacted in case of emergency or minor communal service.
2. However, when the ILO Convention No. 29 was implemented, various forms of violations had been found. Therefore it was deemed necessary to formulate and ratify a new Convention that does not permit any one to suppress and not to make use of any form or compulsory labour to anybody else such as forcing political prisoners to work, as a method of mobilising and using labour for purposes of economic development; a means of labour discipline; a punishment for having participated in strikes; a means or racial, social, national or religious discrimination.

III. REASON WHY INDONESIA RATIFIES THE CONVENTION

1. The Pancasila (which literally means the Five Moral Principles) is the philosophy of the nation and is the way through which Indonesian as a nation sees life. The 1945 Constitution, as the source and basis/foundation of national laws, upholds human dignity and values as reflected in one of the five principles of Pancasila, which advocates the principle of “just and civilised humanity”. This principle constitutes as constitutional message that implies that Indonesian as a nation has pledged to prevent and prohibit any forms of forced labour, in accordance with the determination of this Convention.

2. In order to practice the Pancasila’s principles and to implement the 1945 Constitution, Indonesia has established statutory and legislative rules and regulations that directly prevent and prohibit any forms of forced labour, which is inhumane and insults the dignity of the worker.

3. The People’s Consultative Assembly of the Republic of Indonesia, by the issuance of Decree Number XVII/MPR/1998, appoints the President and the House of Representatives to ratify various United Nations instruments which concern human rights. In addition, the President of the Republic of Indonesia co-signed the decisions of the Social Development Summit in Copenhagen in 1995. The decisions included, among others, a decision to urge United Nations Members to ratify the seven ILO Core Conventions, which advocate workers’ rights, including Convention No. 105 of the Year 1957 concerning the Abolition of Forced Labour.

4. The International Labour Organization, in its 86th Session of International Labour Conference in Geneva on June 1998, has adopted the ILO Declaration concerning the Fundamental Principles and Rights at Work and its follow-up. The Declaration states that every country is obliged to honour and realise the principles of the seven ILO Core Conventions.

5. In the implementation of the Pancasila and of legislative rules and regulations, violations in respect of the protection of workers’ rights are still felt. Therefore, the ratification of this Convention is aimed at enhancing legal protection effectively which in turn will guarantee more protection to worker’s rights from any forms of forced labour.

6. The ratification of this Convention demonstrates the seriousness of Indonesia in furthering and protecting workers’ rights, particularly the right to be free from forced labour. This will enhance the positive age of Indonesia and strengthen the confidence of international community in Indonesia.

IV. THE FUNDAMENTALS OF THE CONVENTION

1. The ILO member countries that ratify this Convention must prohibit and are not allowed to use any forms of forced labour as a means of political repression, as a method of mobilising and using labour for purposes of economic development, as a means of labour discipline, as a punishment for having participated in strikes and as a means of discrimination.
2. The ILO member countries that ratify this Convention must take action to guarantee immediate and total abolition of forced labour.

3. The ILO member countries that ratify this Convention must report its implementation.

V. ARTICLE BY ARTICLE

Article 1

Should differences in interpretation of the Indonesian translation of this Convention arise, the authentic English text or the Convention applies.

Article 2

Sufficiently clear.

SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA NO. 3834.
ACT OF REPUBLIC OF INDONESIA NO. 20 OF 1999 ON
RATIFICATION ILO CONVENTION NO.138 CONCERNING MINIMUM AGE FOR ADMISSION TO EMPLOYMENT

WITH THE BLESSING OF GOD

THE PRESIDENT OF REPUBLIC OF INDONESIA

Considering:

a. that the State of the Republic of Indonesia, which is based on the Pancasila State Ideology and the 1945 Constitution, is a State based on the rule of law which upholds human dignity and values. Hence, it is compulsory that children as the continuing generation of the nation are entitled to receive a protection guarantee. Such a guarantee is necessary to enable children to grow up and develop in a healthy and normal way, physically, spiritually, socially and intellectually;

b. that Indonesian as a nation and as part of the international community honours, respects and upholds the principles and the objectives of the Charter of the United Nations and the 1948 Universal Declaration of Human Rights, the 1944 Declaration of Philadelphia, the Constitution of the International Labour Organization (ILO) and the 1989 Children’s Rights Convention;

c. that the 58th Session of International Labour Conference on June 26, 1973 adopted the ILO Convention No. 138 concerning Minimum Age for Admission to Employment;

d. that the Convention accords with the will of Indonesian as a nation to continuously uphold and make better efforts to enable children to enjoy their rights and to ensure that their rights are respected in the life of the society, nation and state;

e. that based on the considerations mentioned in paragraphs a., b., c., and d., it is deemed necessary to ratify the ILO Convention No. 138 concerning Minimum Age for Admission to Employment by the issuance of a law;

In view of:

1. Article 5, Paragraph (1); Article 11, Article 20, Paragraph (1); Article 27, Article 31; and Article 34 of the 1945 Constitution;

2. The Decree of the People’s Consultative Assembly Number XVII/MPR/1998 concerning Human Rights;
WITH THE APPROVAL OF THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA

RESOLVES

To enact: ACT ON THE RATIFICATION OF THE ILO CONVENTION NO. 138 CONCERNING MINIMUM AGE FOR ADMISSION TO EMPLOYMENT.

Article 1

Ratifies the ILO Convention No. 138 concerning Minimum Age for Admission to Employment by making a declaration in accordance with what is stipulated in the Convention’s Article 2 Paragraph (1) whose authentic English text and its Indonesian translation are appended to this ratification as an inseparable part of this Act.

Article 2

This Act shall come into force on the day of its promulgation. In order that everyone take cognisance of this, the promulgation of this Act is herewith ordered by publication in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta on May 7, 1999
THE PRESIDENT OF THE REPUBLIC OF INDONESIA
signed
BACHARUDDIN JUSUF HABIBIE

Promulgated in Jakarta
on May, 1999
STATE MINISTER/STATE SECRETARY OF THE REPUBLIC OF INDONESIA
signed
AKBAR TANJUNG

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NO. 56, 1999
I. GENERAL

Children as human beings created by God are endowed with fundamental rights since their birth. No other human beings or parties can deprive these rights.

Children’s rights have been universally acknowledged as stated in the United Nations Charter, the 1948 Universal Declaration of Human Rights, the 1944 International Labour Organization (ILO) Declaration of Philadelphia and the 1959 United Nations Declaration of Children’s Rights.


Hence, every country in the world is morally demanded that they honour, uphold and protect children’s rights.

A particular form of children’s rights is a protection guarantee for children to grow up and develop in whole, physically and mentally. The protection guarantee of children’s rights is in harmony with the Principles of the Pancasila State Ideology and the objectives of the State as stated in the Preamble of the 1945 Constitution.

As a member of the United Nations and the International Labour Organization (ILO), Indonesia respects, upholds and makes efforts to implement the decisions made by these international organizations.

The 58th Session of International Labour Conference in Geneva on June 26, 1973 adopted ILO Convention No. 138 of the Year 1973 concerning Minimum Age for Admission to Employment, which is one of the Conventions for protecting children’s rights. This Convention requires each Member country of the ILO that ratifies it to specify the minimum age for admission to employment.

In accordance with what is required in Article 2 Paragraph (1) of the Convention, to this ratification Indonesia attaches a Declaration stating that the minimum age for admission to employment within the territory of the Republic of Indonesia is 15 (fifteen) years.

II. UNDERLYING IDEAS OF THE ADOPTION OF CONVENTION

1. A minimum age of 14 (fourteen) years is specified in the following Conventions:
   - Convention No. 5 of 1919 concerning the Minimum Age (Industry),
   - Convention No. 7 of 1920 concerning the Minimum Age (Sea),
   - Convention No. 10 of 1921 concerning the Minimum Age (Agriculture) and
   - Convention No. 33 of 1932 concerning the Minimum Age (Non-Industrial Employment).
Furthermore, the following Conventions change the specification of the minimum age to 15 years:
- Convention (Revised) No. 58 of 1936 concerning the Minimum Age (Sea),
- Convention (Revised) No. 59 of 1937 concerning the Minimum Age (Industry),
- Convention (Revised) No. 60 of 1937 concerning the Minimum Age (Non-Industrial Employment),
- Convention No. 112 of 1959 concerning the Minimum Age (Fisherman).

2. In practice, however, when the above-mentioned Conventions are implemented, various forms of violations against the specified minimum age for admission to employment have been found in many countries. Therefore, the ILO finds it necessary to prepare and ratify another Convention that specifies firmly a minimum age of 15 (fifteen) years for all economic sectors.

III. REASONS WHY INDONESIA RATIFIES THE CONVENTION

1. The Pancasila (which literally means the Five Principles) is the philosophy of the nation and the way through which Indonesian as a nation see life. The 1945 Constitution, as the source and basis of national laws, upholds human dignity and values as implied in the Five Principles of Pancasila, particularly, in the principle of "just and civilised humanity". Therefore, the Indonesian Nation pledges to protect children’s fundamental rights in accordance with the provisions of this Convention.

2. In order to practice the Principles of the Pancasila and to implement the 1945 Constitution, Indonesia has established various laws that govern the protection of children.

3. The People’s Consultative Assembly of the Republic of Indonesia by the issuance of Decree No. XVII/MPR/1998 concerning Human Rights has appointed the President and the House of Representatives to ratify various United Nations instrument related to human rights. Indonesia has ratified the United Nations Convention on Children’s Rights on September 30, 1990. In addition, the President of the Republic of Indonesia has co-signed the decisions of the Social Development Summit in Copenhagen in 1995. The decisions of the summit include a decision to push United Nations Members to ratify the seven ILO Conventions concerning workers’ rights, including Convention No. 138 of 1973 concerning the Minimum Age for Admission to Employment.

4. The International Labour Organization in its 86th Session of International Labour Conference in Geneva in June 1998 has approved and adopted the ILO Declaration concerning the Fundamental Principles and Rights at Work and its follow-up. This Declaration states that every country is required to honour and realise the principles of the seven ILO Core Conventions.

5. While practising the Principles of the Pancasila and implementing legislative rules and regulations, however, violations against the protection of children are still felt. Therefore, the ratification of the Convention is aimed at eradicating any forms of child labour practices. The ratification is also aimed at improving protection and effective legal enforcement to ensure that children are safe from economic exploitation and jobs that are detrimental to their safety and health, to their education and to their physical and mental development.

6. By ratifying this Convention, Indonesia demonstrates its seriousness in furthering the protection of children’s rights as mentioned in the above mentioned paragraph 5. This will enhance Indonesia’s image in international forums and strengthen the confidence of the international community towards Indonesia.
IV. THE FUNDAMENTALS OF THE CONVENTION

1. The ILO member countries, which ratify this Convention, are obliged to establish a national policy that eradicates child labour practices and increases the minimum age for admission to employment.

2. A minimum age of no less than 18 (eighteen) years must be specified for admission to any type of employment or work which is likely to jeopardise the health, safety or morals of the young persons who carry it out. Whereas for light work, a minimum age of no less than 16 (sixteen) years must be specified.

3. The ILO member countries which ratify this Convention shall specify a minimum age for admission to employment, a regulation concerning working hours and specify a penalty to ensure its enforcement.

4. The ILO member countries that ratify this Convention are obliged to report its implementation.

V. ARTICLE BY ARTICLE

Article 1

Should differences in interpreting the Indonesian translation of this Convention arise, the authentic text of the English version of this Convention applies.

Article 2

Sufficiently clear.
ANNEX TO THE ACT OF
THE REPUBLIC OF INDONESIA NO. 20 OF 1999 ON RATIFICATION
OF
ILO CONVENTION NO. 138
CONCERNING MINIMUM AGE FOR ADMISSION TO
EMPLOYMENT

DECLARATION

CONCERNING
MINIMUM AGE FOR ADMISSION TO
EMPLOYMENT

In accordance with Article 2 paragraph (1) of the Convention, the Government of the Republic of Indonesia, hereby, declares that the minimum age for admission to employment is 15 (fifteen) years old.

PRESIDENT, REPUBLIC OF INDONESIA
signed
BACHARUDDIN JUSUF HABIBIE
Annex 10

ACT NO. 21 OF 1999 OF
THE REPUBLIC OF INDONESIA ON
THE RATIFICATION OF CONVENTION NO. 111 OF THE
INTERNATIONAL LABOUR ORGANIZATION CONCERNING
DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION

WITH THE BLESSING OF GOD

THE PRESIDENT OF REPUBLIC OF INDONESIA

Considering:

a. that the State of the Republic of Indonesia, based on the Pancasila State Ideology and the 1945 Constitution, is a state based on the rule of law. It upholds human dignity and values. It ensures that every citizen is equal in the eyes of the law. Hence, any forms of discrimination to workers on grounds of race, colour, sex, religion, political orientation, nationality or creed must be abolished;

b. that Indonesians as a nation and as part of the international community honours, respect and upholds the principles and the objective of the Charter of the United Nations, the 1948 Universal Declaration of Human Rights, Declaration of Philadelphia of the Year 1944 and the Constitutions of the International Labour Organization;

c. that the Conference of the International Labour Organization in its 42nd Session on June 25, 1958 has adopted the ILO Convention No. 111 concerning Discrimination in respect of Employment and Occupation.

d. that the provisions of the Convention accords with the will of Indonesian people who continuously seek to uphold and promote the implementation of fundamental rights of workers’ in the life of the State and the Nation.

e. that based on the considerations mentioned in paragraphs a., b., c., and d., it is deemed necessary to ratify the ILO Convention No. 111 concerning Discrimination in respect of Employment and Occupation.

In view of:

1. Article 5 Paragraph (1), Article 11, Article 20 Paragraph (1), Article 27, Article 31 and Article 34 of the 1945 Constitution;

2. The Decree of the People’s Consultative Assembly Number XVII/MPR/1998 concerning Human Rights;
WITH THE APPROVAL OF THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA RESOLVES

To enact: ACT ON THE RATIFICATION OF THE ILO CONVENTION NO. 138 CONCERNING MINIMUM AGE FOR ADMISSION TO EMPLOYMENT.

Article 1

Ratifies the ILO Convention No. 111 concerning Discrimination in respect of Employment and Occupation whose the authentic text in English and its translation in Indonesia are herewith appended as an inseparable part of this Act.

Article 2

This Act shall come into force on the day of its promulgation. In order that everyone take cognisance of this, the promulgation of this Act is herewith ordered by publication in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta on May 7, 1999
THE PRESIDENT OF THE REPUBLIC OF INDONESIA
signed
BACHARUDDIN JUSUF HABIBIE

Promulgated in Jakarta on May, 1999
STATE MINISTER/STATE SECRETARY OF THE REPUBLIC OF INDONESIA
signed
AKBAR TANJUNG

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NO. 57, 1999
ELUCIDATION OF ACT NO. 21 OF 1999 OF THE REPUBLIC OF INDONESIA ON THE RATIFICATION OF THE ILO CONVENTION NO. 111 CONCERNING DISCRIMINATION IN RESPECT OF EMPLOYMENT AND OCCUPATION

I. GENERAL

Human being as a creation of God are endowed with human rights. These rights are inherent in every human being right from birth. No other human being or parties can seize these rights. Human rights are universally acknowledged as stated in the United Nations Charter, the 1948 Universal Declaration of Human Rights, the 1944 International Labour Organization (ILO) Declaration of Philadelphia and the ILO Constitution. Hence, every country in the world is morally demanded that they uphold and protect these rights.

One aspect of human rights concerns equal opportunity and equal treatment with respect to employment and occupation. This equity accords with the Principles of the Pancasila and has been foreshadowed within Article 27 of the 1945 Constitution. The provisions of such equity have also been stipulated in the Decree of the People’s Consultative Assembly of the Republic of Indonesia No. XVII/MPR/1998 concerning Human Rights and in other legislative rules and regulations. As a Member of the United Nations and the International Labour Organization (ILO), Indonesia respects, upholds and make efforts to implement decisions made by these two international bodies.

The ILO Convention No. 111 concerning Discrimination in respect of Employment and Occupation was adopted at the forty-second International Labour Conference on June 25, 1958 in Geneva, which is part of the protection of workers’ rights. This Convention obliges every ILO Member which has ratified it to eradicate any forms of discrimination in respect of employment and occupation made on the basis of race, colour, sex, religion, political view/orientation, national extraction or creed.

II. UNDERLYING IDEAS OF THE ADOPTION OF CONVENTION

1. ILO Convention No. 100 of 1951 concerning Remuneration for Men and Women for Work of Equal Value requires ILO member countries, which have ratified this Convention, undertake to ensure the principles of equal remuneration for men and women for work of equal value.

2. Facts have shown that discriminatory practices not only happened in case of principles of remuneration for men and women for work of equal value, but also in the treatment and opportunity in respect of employment and occupation. Therefore it was deemed necessary to ratify a Convention which specifically prohibits discrimination in respect of employment and occupation made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin.
III. UNDERLYING IDEAS OF THE ADOPTION OF CONVENTION

1. The Pancasila is the philosophy of the nation and is the way through which Indonesians as a nation sees life. The 1945 Constitution, as the source and basis of national laws, upholds human dignity and values as implied in the Five Principles of Pancasila particularly in the Principle of Just and Civilised Society (literally: Humanity). Therefore, the Indonesian Nation pledges to protect children’s fundamental rights in accordance with the provisions of this Convention.

2. In order to practice the Principles of the Pancasila and to implement the 1945 Constitution, Indonesia has established various laws that govern the protection of children.

3. The People’s Consultative Assembly of the Republic of Indonesia by the issuance of Decree No. XVII/MPR/1998 concerning Human Rights has appointed the President and the House of Representatives to ratify various United Nations Convention on Children’s Rights on September 30, 1990. In addition, the President of the Republic of Indonesia has co-signed the decisions of the Social Development Summit in Copenhagen in 1995. The decisions of the Summit include a decision to push United Nations Members to ratify the seven ILO Conventions concerning workers’ rights, including Convention No. 138 of the Year 1973 concerning the Minimum Age for Admission to Employment.

4. The International Labour Organization in its 86th Session of International Labour Conference in Geneva in June 1998 has approved and adopted the ILO Declaration concerning the Fundamental Principles and Rights at Work and its follow-up. This Declaration states that every country is required to honour and realise the principles of the seven ILO Core Conventions.

5. While practising the Principles of Pancasila and implementing legislative rules and regulations, however, violations against the protection of children are still felt. Therefore, the ratification of the Convention is aimed at eradicating any forms of child labour practices. The ratification is also aimed at improving protection and effective legal enforcement to ensure that children are safe from economic exploitation and jobs that are detrimental to their safety and health, to their education and to their physical and mental development.

6. The ratification this Convention by Indonesia demonstrates its seriousness in furthering and protecting workers’ rights, particularly the right to have equal opportunity and treatment in respect of employment and occupation. This will enhance the positive image of Indonesia and strengthen the confidence of international community.

IV. THE FUNDAMENTALS OF THE CONVENTION

1. Each member of International Labour Organization which ratifies this Convention is obliged to suppress and not to make use any form of discrimination in respect of employment and occupation including access to training and skill development based on colour, sex, religion, political opinion, national extraction or social origin.

2. Each member of International Labour Organization which ratifies this Convention is obliged to take cooperative steps in order to improve the implementation of and adherence to this Convention with regard to legislative rules and regulations, administration, policy adjustments, control, education and training.

3. Each member of International Labour Organization which ratifies this Convention is obliged to report its implementation.
V. ARTICLE BY ARTICLE

Article 1

Should differences in the interpretation of the Indonesian translation of this Convention arise, the authentic English text of the Convention applies.

Article 2

Sufficiently clear.

SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA NO. 3836
Annex 11

THE STANDARDS SYSTEM OF THE ILO

International labour standards are adopted by governments, workers and employers at the International Labour Conference of the ILO, after written consultations with them. Standards take the form of Conventions or Recommendations. The former are binding on a member State upon ratification.

THE REGULAR SUPERVISORY SYSTEM

States which have ratified a Convention are bound by article 22 of the ILO Constitution to submit regular reports on their law and practice in the field covered by the Convention. For the fundamental human rights Conventions, the regular reporting period is every two years (every five years for most other Conventions). If necessary, reports can also be requested outside the regular cycle. Governments must communicate their reports to the most representative organizations of workers and employers in the country, which may provide their own comments on the application of the Convention.

Government reports and comments from employers' and workers' organizations are examined by the Committee of Experts on the Application of Conventions and Recommendations (see box to the right), which provides individual comments to governments on their efforts in applying ratified Conventions. The Committee's general comments and its individual observations to countries are published every year in a report which is reviewed by the Committee on the Application of Standards of the International Labour Conference (see box in the next page).

The system creates a dialogue between the country and the ILO supervisory bodies which, in the vast majority of cases, leads to step-by-step improvements in the area covered by a Convention.

SPECIAL COMPLAINTS PROCEDURES

In addition to these regular supervisory procedures, complaints may be lodged under several special procedures regarding the failure of individual States to observe ratified Conventions or freedom of association principles.

Representations (art. 24 of the Constitution) - may be filed by employers' or workers' organizations alleging that a country which has ratified a Convention is not "securing its effective observance". The Governing Body determines whether it is receivable and, if so, sets up a tripartite committee of its members to examine the matter.

Complaints (art. 26 of the Constitution) - may be filed by a country which has ratified the same Convention, or by a delegate to the International Labour Conference, or the procedure may be adopted by the Governing Body of its own motion. The Governing Body of the ILO may, if it sees fit, appoint a Commission of Inquiry to consider the complaint.

Committee on Freedom of Association - this is a tripartite organ of the Governing Body. Com-
plaints to the Committee must be made by organizations of workers or employers or by governments, alleging infringement of freedom of association. They may be entertained regardless of whether a country has ratified any of the Conventions related to freedom of association.

**The Committee of Experts on the Application of Conventions and Recommendations**

The Committee of Experts is made up of 20 independent experts in law and social policy from different regions of the world. It meets every year in December for the purpose of reviewing and commenting on Government reports in relation to ratified Conventions. The Committee of Experts makes its comments to individual countries in the form of observations or direct requests.

**The Conference Committee on the Application of Standards**

This is a standing Committee of the International Labour Conference, which takes place in June each year. The Committee, which consists of governments, workers and employers, reviews the Committee of Experts annual report. Further, the Committee discusses in detail a number of cases of particular concern, often those which concern serious failures to apply one of the fundamental human rights Conventions. In such case, the Government concerned is given the opportunity to provide new information and explanations. All members of the Committee may participate in the discussion on the basis of which the Committee formulates its own conclusions.

**Observations**

are generally used in more serious or long-standing cases of failure to fulfill obligations, or for noting cases of progress. They are published every year.

**Direct Requests**

are generally used for matters of secondary importance or to seek clarification to enable a more full assessment of a country's efforts. They, too, are made public at a later date, but are not published in the same way as observations.

For a complete description of these procedures, please refer to the Handbook of Procedures relating to International Labour Conventions and Recommendations (ILO, 1998).
FREEDOM OF ASSOCIATION, THE RIGHT TO ORGANIZE AND COLLECTIVE BARGAINING

Freedom of association is central to the functioning of the ILO, and the lifeblood of strong, independent and representative organizations of employers and workers. Violations of this right, where they occur, threaten the functioning of these social partners, and thus not only the very structure of this tripartite Organization but also the democratic participation by the social partners in the forging of economic and social policies.

In the Preamble to the 1919 Constitution of the ILO, the "recognition of the principle of freedom of association" is mentioned among the objectives of the Organization. Further, the Declaration of Philadelphia of 1944, which is annexed to the Constitution, states as follows:

"The Conference reaffirms the fundamental principles on which the Organization is based and, in particular, that [...] freedom of expression and of association are essential to sustained progress; [...]"

When they join the ILO, member States subscribe unreservedly to this basic principle.

The two central Conventions related to the promotion of freedom of association and collective bargaining are:

<table>
<thead>
<tr>
<th>The Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Right to Organize and Collective Bargaining Convention, 1949 (No. 98)</td>
</tr>
</tbody>
</table>

These Conventions are two of eight ILO Conventions on fundamental human rights at work which the international community expects every country to ratify. As of 11 October 1999, Convention No. 87 has been ratified by 126 countries and Convention No. 98 by 143 countries.

The main features of each of these two Conventions are summarized in the boxes in the next page.
Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)

Convention No. 87 provides for the right of workers and employers, without any distinction, to establish and join organizations of their own choosing without previous authorization. Their organizations have the right to form or join federations and confederations, including on the international level. These organizations or federations may not be liable to arbitrary dissolution or suspension by an administrative authority. Workers’ and employers’ organizations have the right to draw up their own constitutions and rules, elect their representatives and organize their activities, without any interference which would restrict this right or prevent its lawful exercise. Rules for the acquisition of legal personality of workers’ and employers’ organizations may not be of such a character as to restrict the application of the right to organize.

In exercising the rights provided by the Convention, workers and employers and their organizations must respect the laws of the land applicable to all persons and organizations. However, these laws must not be such as to impair the guarantees provided for in the Convention, nor may they be applied in such a way.

The only exception to the cardinal principle of the right to organize “without distinction whatsoever” are the armed forces and the police, to whom special rules and regulations may apply.

The Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

This Convention aims to protect the exercise of the right to organize and to promote voluntary collective bargaining.

Workers must be adequately protected against acts of anti-union discrimination, in particular acts calculated to -

- make the employment of a worker subject to conditions that he or she does not join a union, or gives up trade union membership;
- cause the dismissal or otherwise prejudice a worker because of trade union membership or participation in trade union activities.

Both workers’ and employers’ organizations shall enjoy adequate protection against acts of interference by each other or each others’ agents or members, including in particular

- acts designed to promote the establishment of workers’ organizations under the domination of employers’ organizations;
- the provision of financial or other support to workers’ organizations for the purpose of placing them under the control of employers or employers’ organizations.

Ratifying States must take measures to encourage and promote the full development and use of machinery for voluntary collective bargaining as regards terms and conditions of employment.

As in Convention No. 87, special provisions may be made for the armed forces and the police. However, unlike Convention No. 87, Convention No. 98 allows for the exclusion from its scope of public servants engaged in the administration of the State.
DISCRIMINATION

The Declaration of Philadelphia of 1944 which is annexed to the ILO Constitution, states in Part II:

A[...] (a) all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity;
(b) the attainment of the conditions in which this shall be possible must constitute the central aim of national and international policy;
(c) all national and international policies and measures, in particular those of an economic and financial character, should be judged in this light and accepted only in so far as they may be held to promote and not to hinder the achievement of this fundamental objective; [...] 

The two central Conventions related to the promotion of non-discrimination and equality of opportunity and treatment in employment and occupation are:

<table>
<thead>
<tr>
<th>The Equal Remuneration Convention, 1951 (No. 100)</th>
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<tbody>
<tr>
<td>The Discrimination (Employment and Occupation) Convention, 1958 (No. 111)</td>
</tr>
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</table>

These Conventions are two of eight ILO Conventions on fundamental human rights at work which the international community expects every country to ratify. As of 11 October 1999, Convention No. 100 had been ratified by 140 countries and Convention No. 111 by 137 countries. The main features of each of these two Conventions are summarized in the boxes in the next page.
Demystifying The Core Conventions of The ILO Through Social Dialogue The Indonesian Experience

Equal Remuneration Convention, 1951 (No. 100)

The Equal Remuneration Convention requires a ratifying State to take steps to promote and - where this is consistent with established methods for wage determination - to ensure the application of the principle of equal remuneration for men and women workers for work of equal value. The requirement goes beyond equal treatment for the Asame@ or Asimilar@ work in that the value of different kinds of work must be compared without discrimination based on sex.

The principle applies to the basic, ordinary wage as well as any additional emoluments, in cash or in kind, paid by the employer.

The Convention offers a choice of methods for applying the principle, including:

• national laws and regulations;
• legally established or recognized machinery for wage determination;
• collective agreements between employers and workers; or
• a combination of these means.

The Government must ensure the application of the principle wherever it is in a position to exert direct or indirect influence on the level of wages (for example, where the State is the employer or where rates of remuneration are subject to statutory control). Where this is not the case, it is to promote the principle.

Although the Convention does not create an unconditional obligation to carry out an objective appraisal of jobs, the ILO Committee of Experts has pointed out that adoption of the principle of work of equal value necessarily implies a certain degree of comparison between jobs.

Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

A ratifying State undertakes to promote equality of opportunity and treatment by means of a national policy which aims to end all forms of discrimination in employment and occupation. ADiscrimination@ is any distinction, exclusion or preference on the basis of race, colour, sex, religion, political opinion, national extraction or social origin which negatively affects equality of opportunity and treatment in employment and occupation.

Discrimination should be ended as regards access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

The Convention sets out means of action which the national policy aimed at promoting equality of opportunity and treatment in employment and occupation without discrimination must cover:

• discriminatory legislation and of discriminatory practices must be repealed;
• legislation to promote the policy must be adopted and educational programmes created;
• the policy must be pursued in respect of employment under direct control of a national authority;
• the policy must be observed in vocational guidance and training and in placement services under the direction of a national authority;
• the Government must cooperate, in all measures promoting the acceptance and observance of the policy, with employers' and workers' organizations.
CHILD LABOUR

The most vulnerable members of the global workforce are those who should not yet have had to join its ranks, namely today's children. It is estimated that some 250 million children 5-14 years old are toiling in economic activity in developing countries, 120 million of them full time. Asia has over 60% of the world's child workers.

Many children work in hazardous occupations and industries, or labour in conditions which put their mental and physical well-being at risk. They are even more vulnerable than are adults to negative effects of dangerous substances such as asbestos and pesticides used in agriculture. Moreover, they have few means to protect themselves against abusive situations in domestic work, or in the sex trade, which by definition is abusive to children engaged in it.

Poverty forces many children to become engaged in the struggle to support themselves and their families. But child labour also serves to perpetuate poverty, since working children who have not been able to attend school - in many cases not even at the primary level - have very limited prospects of finding well-paid and rewarding jobs as adults. The search for ways and means to break this cycle of poverty is a core concern of the ILO.

Since its very inception the ILO has been setting standards on the minimum age for admission to employment in various economic sectors (e.g. industry, agriculture, etc.) or under various conditions (e.g. underground or night work). To date, the two central Conventions related to child labour are:

<table>
<thead>
<tr>
<th>The Minimum Age Convention, 1973 (No. 138)</th>
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</thead>
<tbody>
<tr>
<td>The Worst Forms of Child Labour Convention, 1999 (No. 182)</td>
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</tbody>
</table>

These Conventions are two of eight ILO Conventions on fundamental human rights at work which the international community expects every country to ratify. As of 11 October 1999, Convention No. 138 had been ratified by 78 countries.

The main features of these Conventions are summarized in the boxes in the next page.
The Minimum Age Convention, 1973 (No. 138)

Ratifying States must pursue a national policy with a double aim: effectively abolishing child labour, and raising progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

A ratifying State must append to its ratification a declaration specifying a basic minimum age. The age specified must not be less than the age of completion of compulsory schooling and, in any case, not less than 15 years. A different age is admissible for developing countries or certain types of employment. The options are set out in the following table:

<table>
<thead>
<tr>
<th>C. 138</th>
<th>General</th>
<th>Exceptions for Developing Countries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Basic Minimum Age</td>
<td>15</td>
<td>14</td>
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<tr>
<td>Dangerous work</td>
<td>Normally : 18</td>
<td>NO EXCEPTIONS</td>
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<td></td>
<td>Under certain conditions : 16</td>
<td></td>
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<tr>
<td>Light work</td>
<td>13 - 15</td>
<td>12 - 14</td>
</tr>
</tbody>
</table>

Under certain specified conditions, these minimum age standards will not apply to:

- work done by children and young persons in schools for general, vocational or technical education or in other training institutions, or work done by apprentices of at least 14 years of age;
- children participating in artistic performances.

Consultation with the organizations of employers and workers concerned is one such condition. Subject to the same kind of consultation:

- limited categories of employment or work may be excluded from application of the Convention, where special and substantial problems exist;
- economic sectors or types of undertaking may be excluded from application of the Convention, where economy and administrative facilities are insufficiently developed, but the Convention must always apply to: mining and quarrying; manufacturing; construction; electricity, gas and water; sanitary services; transport, storage and communication; plantations and other agricultural undertakings mainly producing for commercial purposes (but not family and small-scale holdings)

In view of the flexibility the Convention provides, Governments may wish to seek the assistance of the ILO in assessing national conditions in this before registering their ratification.
The Worst Forms of Child Labour Convention, 1999 (No. 182)

Ratifying States must take immediate and effective measures to secure, as a matter of urgency, the prohibition and elimination of the worst forms of labour carried out by all persons under the age of 18.

The worst forms of child labour comprise: (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict; (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances; (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties; (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

Effective and time-bound measures to eliminate the worst forms of child labour include preventive measures, removal from work, rehabilitation and social reintegration through, among others, access to free basic education and reaching out to children at special risk and taking account of the special situation of girls.

Employers' and workers' organizations have a key role in determining the worst forms of child labour, designing and implementing programmes of action, and designating monitoring mechanisms. The views of other concerned groups, such as non-governmental organizations, child rights advocates and various professionals may be taken into consideration while designing and implementing programmes of action.

ILO member States are called upon to provide support for social and economic development, poverty eradication and universal education.
**FORCED LABOUR**

Forced labour has taken on many forms throughout history. Slavery resulting from defeat in war was followed by slavery based on skin color and fuelled by economic interest. International consensus to do away with these forms of slavery had barely emerged, when subjugation of the spirit rather than the body by political regimes started taking shape. Bonded labour, trafficking and sale of women and children, and exploitation under slave-like conditions of children or other workers are some of the contemporary forms of forced labour.

The ILO has fought against forced labour ever since its earliest days. The practice of forced labour runs contrary to the very idea of social justice underlying the Organization. Forced labour serves to perpetuate poverty, and prevent the exercise of other fundamental human rights such as freedom of association and freedom from discrimination.

Children are particularly vulnerable to forced labour, since a minor is even less likely than an adult to have the means to break out of a situation of bondage. They are also more likely to suffer permanent damage by the exploitative conditions generally associated with forced and bonded labour.

The two central Conventions aiming at the abolition of forced or compulsory labour are:

<table>
<thead>
<tr>
<th>The Forced Labour Convention, 1930 (No. 29)</th>
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</thead>
<tbody>
<tr>
<td>The Abolition of Forced Labour Convention, 1957 (No. 105)</td>
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</tbody>
</table>

These Conventions are two of the eight ILO Conventions on fundamental human rights at work which the international community expects every ILO member State to ratify. As of 11 October 1999, Convention No. 29 had been ratified by 150 countries and Convention No. 105 by 144 countries.

The main features of each of these two Conventions are summarized in the boxes in the next page.
**Forced Labour Convention, 1930 (No. 29)**

The Forced Labour Convention requires ratifying States to suppress the use of forced or compulsory labour in all its forms within the shortest possible period. Forced or compulsory labour is comprehensively defined as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily." Some forms of compulsory service are excluded from the provisions of the Convention. These include:

- compulsory military service for work of a purely military character;
- any work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;
- prison labour following a conviction in a court of law, provided that it is carried out under the control of a public authority, and not placed at the disposal of private individuals, companies or associations;
- any work or service carried out in situations of emergency that would endanger the whole or part of the population, i.e. fire, flood, famine, earthquake, violent epidemics or invasion by pests;
- minor communal services carried out by members of a community for the benefit of that same community and in consultation with its members.

Provisions allowing for any form of forced labour which is not exempted must be repealed. Ratifying States must also make the illegal use of forced or compulsory labour punishable as a penal offence, and ensure that punishments are adequate and strictly enforced. In order to achieve this, the Convention suggests that States extend the powers of the labour inspectorate to cover the use of forced or compulsory labour.

**Abolition of Forced Labour Convention, 1957 (No. 105)**

The Abolition of Forced Labour Convention supplements the earlier Forced Labour Convention. While Convention No. 29 provides for the general abolition of forced labour with the exception of certain kinds of compulsory service, Convention No. 105 imposes the abolition of forced labour in five specified situations relating to political suppression. These are forced or compulsory labour:

- as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system;
- as a means of economic development;
- as a means of labour discipline;
- as a punishment for having participated in strikes;
- as a means of racial, social, national or religious discrimination.

States which ratify this Convention undertake to take effective measures to secure the immediate and complete abolition of forced and compulsory labour exacted for any of the above purposes.
Indonesia made important progress in 1998-1999 on the ratification and observance of ILO core Conventions.

On 9 June, 1998 Indonesia ratified Convention No. 87 on Freedom of Association and Protection of the Right to Organize. In May 1999, the three remaining fundamental human rights Conventions were also ratified, making Indonesia the first country in Asia to ratify all seven core Conventions.

Indonesia is additionally poised to ratify the new ILO core Convention No. 182 on the worst forms of child labour which was adopted by the International Labour Conference in June 1999.

The present position as regards the fundamental human rights Conventions ratified by Indonesia and its neighbouring countries emerges from the chart below:

<table>
<thead>
<tr>
<th>Country</th>
<th>C. 29</th>
<th>C. 105</th>
<th>C. 87</th>
<th>C. 98</th>
<th>C. 100</th>
<th>C. 111</th>
<th>C. 138</th>
<th>C. 182</th>
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<tr>
<td>Singapore</td>
<td>1965</td>
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<td>Thailand</td>
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19XX = year of ratification

* Convention ratified but later denounced

**Forced Labour:**
Forced Labour Convention, 1930 (No. 29)
Abolition of Forced Labour Convention, 1957 (No. 105)

**Freedom of Association:**
Freedom of Association and Protection of the Right to Organize Convention, 1948 (No. 87)
Right to Organize and Collective Bargaining Convention, 1949 (No. 98)

**Discrimination:**
Equal Remuneration Convention, 1951 (No. 100)
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

**Child Labour:**
Minimum Age Convention, 1973 (No. 138)
Worst Forms of Child Labour Convention, 1999 (No. 182)

It is important to remember that ratification is only the first step in the implementation of an ILO Convention: the essential part of the process is the application of the provisions of the ratified Convention in national law and practice.
CAMPAIGN FOR RATIFICATION

The World Summit for Social Development, held in Copenhagen in March 1995, called on governments to safeguard and respect “basic workers’ rights, including the prohibition of forced and child labour, freedom of association and the rights to bargain collectively, equal remuneration for men and women for work of equal value, and non-discrimination in employment”. This conclusion echoed a consensus among ILO constituents, illustrated by the 1994 Conference resolution concerning the 75th anniversary of the ILO and its future orientation, that more should be done to promote the ratification and implementation of the ILO’s fundamental Conventions.

In May 1995, the ILO started an intensive campaign aimed at promoting the ratification of seven fundamental human rights Conventions among its 174 member States. Since then, more than 80 new ratifications have been registered. Moreover, a number of countries, including Indonesia, are in the process of considering one or more of the Conventions for ratification.

The campaign has a special significance in Asia. This is because of difficulties experienced in some countries in the Region, such as the following:

**Freedom of Association**

Allegations have been made about denial of union recognition, government interference in trade union activities, undue restrictions on the right to strike, harassment and detention of trade unionists and the exclusion of some categories of workers (e.g. public servants) from the right to organize.

**Forced Labour**

The recent Commission of Inquiry into forced labour in Myanmar (Burma) found that forced labour was imposed on the civilian population by the authorities and the military for portering, construction and maintenance of military camps, work on agriculture, logging and other production projects and construction and maintenance of roads, railways and bridges. In some other countries, there is also recourse to forced or compulsory labour for development purposes. There are also problems with bonded labour, sometimes involving children, and with the imposition of prison labour on persons convicted for offences of a non-violent political nature.

**Discrimination**

Equality of opportunity and treatment for women needs to be strengthened in all countries. Several countries have informed the ILO about the boosting of programmes and units aimed at improving this situation. More efforts will be required to improve implementation of the principle of equal remuneration for work of equal value and to promote equality in employment and occupation for the Region’s indigenous and tribal peoples.
Child Labour

Child labour affects millions of children in the Region. They often work in deplorable conditions that exploit them, prevent their education and/or jeopardize their health and safety. The ILO has a major programme known as IPEC (the International Programme on the Elimination of Child Labour) which assists member States to solve child labour problems. In June 1999, the International Labour Conference adopted a new ILO core Convention (No. 182) to attack “the worst forms of child labour”: slavery and debt bondage, prostitution, drugs trafficking and other types of work which jeopardize the health, safety or morals of children.

ILO Declaration on Fundamental Principles and Rights at Work

The ILO Declaration on Fundamental Principles and Rights at Work, adopted in 1998, reaffirms the commitment of member States “to respect, to promote and to realize in good faith” the right of workers and employers to freedom of association and the effective right to collective bargaining, and to work toward the elimination of all forms of forced or compulsory labour, the effective abolition of child labour and the elimination of discrimination in respect of employment and occupation.

The Declaration underlines that all member countries have an obligation to respect the fundamental principles involved, whether or not they have ratified the relevant Conventions. The follow-up to the Declaration has the ultimate objective to encourage member States to ratify fundamental Conventions.
### Seven Ratifications (54 Countries)

<table>
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<tr>
<th>Conventions</th>
<th>C9</th>
<th>C10</th>
<th>C37</th>
<th>C98</th>
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<th>C138</th>
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### Six Ratifications (48 Countries)

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### Additional Conventions

- Antig/Barbuda
- Australia
- Austria
- Azerbaijan
- Bangladesh
- Barbados
- Belize
- Benin
- Bolivia
- Bosnia/Herzegov
- Burundi
- Cambodia
- Cameroon
- Cape Verde
- Cent Afric Rep
- Chad
- Colombia
- Cote d'Ivoire
- Czech Rep.
- Ecuador
- Ethiopia
- Gabon
- Ghana
- Guinea
- Haiti
- Iceland
- Iraq
- Jamaica
- Jordan
- Libya
- Luxemburg
- Mali
- Panama
- Paraguay
- Peru
- Philippines
- Rwanda
- Saint Lucia
- Senegal
- Sierra Leone
Demystifying The Core Conventions of The ILO Through Social Dialogue The Indonesian Experience

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Five Ratifications (24 Countries)

| Angola   | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Brazil   | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Comoros  | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Djibouti | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Estonia  | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Grenada  | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Guinea-Bissau | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Hongkong (SAR) | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Latvia   | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Lebanon  | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Lesotho  | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Liberia  | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Madagascar | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Malaysia | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Mexico   | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Morocco  | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Mozambique | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Nigeria  | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Pakistan | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| South Africa | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Sri Lanka | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Sudan    | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Uzbekistan | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Zimbabwe | ●   | ●    | ●   | ●   | ●    | ●   | ●    |

Four Ratifications (17 Countries)

| Canada    | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| El Salvador | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Iran      | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Japan     | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Kenya     | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Kuwait    | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Mauritania | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Mauritius | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Moldova   | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Mongolia  | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Nepal     | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| New Zealand | ●   | ●    | ●   | ●   | ●    | ●   | ●    |

| Sao Tome/Prin. | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Saudi Arabia   | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Suriname       | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Tanzania, United Rep. | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| UAE            | ●   | ●    | ●   | ●   | ●    | ●   | ●    |

Three Ratifications (15 Countries)

| Afghanistan | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Bahamas     | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Fiji        | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| India       | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Korea Rep.  | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Malawi      | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Papua N. Guinea | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Seychelles  | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Singapore   | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Somalia     | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| St. Vincent & Gre. | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Thailand    | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Uganda      | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Zaire       | ●   | ●    | ●   | ●   | ●    | ●   | ●    |

Two Ratifications (9 Countries)

| Armenia   | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Bahrain   | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| China     | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Congo     | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Equat. Guinea | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Myanmar   | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Namibia   | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Qatar     | ●   | ●    | ●   | ●   | ●    | ●   | ●    |
| Viet Nam  | ●   | ●    | ●   | ●   | ●    | ●   | ●    |

One Ratifications (4 Countries)

| Oman                  | ●   |
| Solomon Islands       | ●   |
| United States         | ●   |

No Ratifications (4 Countries)

| Eritrea | ●   |
| Gambia  | ●   |
| Kazakhstan | ●   |
| St. Kitts & Nevis | ●   |
KEY TO THE CHART:

No. 29 : Forced Labour Convention, 1930
No. 105 : Abolition of Forced Labour Convention, 1957
No. 87 : Freedom of Association and Protection of the Right to Organize Convention, 1948
No. 98 : Right to Organize and Collective Bargaining Convention, 1949
No. 100 : Equal Remuneration Convention, 1951
No. 111 : Discrimination (Employment and Occupation) Convention, 1958
No. 138 : Minimum Age Convention, 1973

• The Chart feature ratifications as of 11 October 1999.
## Annex 12

**CIVIL SOCIETY AND SECURITY SERVICES PARTICIPATION**

**IN NATION-WIDE AWARENESS-RAISING CAMPAIGN ON THE FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK INDONESIA, 1998 - 1999**

**(BY REGION)**

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<td><strong>Government:</strong> LOCAL GOVERNMENT: DKI: 1&lt;br&gt;<strong>Workers:</strong> FEDERATION FSPSI: 6 SP PAR: 4&lt;br&gt;<strong>Employers:</strong> ENTERPRISES: 38 ILO/SEAPAT: 1 ILO JKT: 2&lt;br&gt;<strong>ILO:</strong> ILO JKT: 2&lt;br&gt;<strong>Academics/Embassy/Media/NGOs:</strong> MEDIA JAKARTA POST: 1&lt;br&gt;<strong>Security:</strong> POLICE: 1</td>
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<td>7. 19 - 20 February 1999</td>
<td>Semarang</td>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td><strong>Government:</strong> DEPKEH: 2 DEPNAKER: 7 KEJATI: 1&lt;br&gt;<strong>Workers:</strong> FEDERATION FSPSI: 3 PPMI: 1&lt;br&gt;<strong>SECTORAL UNION:</strong> SP KAHUT: 1 SP KEP: 3 SP LEM: 1 SP PAR: 1 SP RTMM: 1 SP TSK: 1 SP PARKES: 2&lt;br&gt;<strong>Employers:</strong> ASSOCIATION APINDO: 5 IKAPI: 1 ORGANDA: 1&lt;br&gt;<strong>Academics/Embassy/Media/NGOs:</strong> ENTERPRISES: 22 ILO/SEAPAT: 1 ILO JKT: 1&lt;br&gt;<strong>Security:</strong> POLICE: 1</td>
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<td>8. 22 - 23 February 1999</td>
<td>Yogyakarta</td>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td><strong>Government:</strong> DEPKEH: 1 DEPNAKER: 1 KEJATI: 1&lt;br&gt;<strong>Workers:</strong> FEDERATION FSPSI: 9&lt;br&gt;<strong>SECTORAL UNION:</strong> SP TSK: 1&lt;br&gt;<strong>Employers:</strong> ASSOCIATION APINDO: 1 GAPENSI: 1 GKB: 1&lt;br&gt;<strong>Academics/Embassy/Media/NGOs:</strong> ENTERPRISES: 30 ILO/SEAPAT: 1 ILO JKT: 1&lt;br&gt;<strong>Security:</strong> MILITARY: 1&lt;br&gt;<strong>Security:</strong> POLICE: 1</td>
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<td>9. 25-26 February 1999</td>
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<td>10. 1-2 March 1999</td>
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<td>11. 2-3 March 1999</td>
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| 13.| 5 - 6 March 1999 | Surabaya | Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO | DEPNAKER: 12  
FEDERATION  
PSPSI: 5  
PPM: 4  
SARBUMUSI: 3  
SBSI: 3  
SECTORAL UNION  
SP PARKES: 1  
SP LEM: 1  
SP TSK: 1  
ASSOCIATION  
APINDO: 3  
KADIN: 2  
ENTERPRISES: 22 | POLICE: 1 |
PLANT LEVEL UNION  
BMI UNION: 1  
MUAMALAT BANK UNION: 1  
ASSOCIATION  
APINDO: 1  
ENTERPRISES: 25 | ILO/SAAT: 1  
ILO JKT: 1  
MEDIA ANTEVE: 2 |
| 15.| 11 - 12 March 1999 | Jakarta | Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO | DEPNAKER: 1  
FEDERATION  
PSPSI: 4  
ENTERPRISES: 43 | ILO/SAAT: 1  
ILO JKT: 1  
MILITARY: 1  
POLICE: 2 |
| 16.| 13 March 1999 | Ujung Pandang | Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO | DEPTAMBEN: 1  
DEPNAKER: 10  
LOCAL GOVERNMENT UJUNG PANDANG: 1  
FEDERATION  
PSPSI: 1  
GASPERMINDO: 1  
KPI: 1  
SECTORAL UNION  
SP LEM: 1  
SP NIBA: 1  
SP PAR: 1  
SP PERCETAKAN: 1  
SP RTMM: 1  
SP PARKES: 1  
SP KAHUTINDO: 2  
SPTI: 1  
PLANT LEVEL UNION  
KATINGAN TIMBER UNION: 1  
ASSOCIATION  
APINDO: 6  
KADIN: 1  
ENTERPRISES: 15 | ILO/SAAT: 1  
ILO JKT: 1  
POLICE: 2 |
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FSPSI: 1  
GASPERMINDO: 1  
SECTORAL UNION  
KPNI: 1  
PPI: 1  
SARBUMSI: 1  
SPSI REFORMASI: 1  
ASSOCIATION  
APINDO: 5  
ILO/SEAPAT: 1  
ILO JKT: 2 |  

FEDERATION  
ASOKADIKTA: 1  
ASPEN: 1  
BUMN: 1  
FOKUBA: 1  
FSBDSI: 1  
FSPSI: 1  
FSPSI REFORMASI: 1  
SPSI: 1  
GASBIINDO: 1  
GASPERMINDO: 1  
GSBI: 1  
KBM: 1  
KPNI: 1  
PPI: 1  
SARBUMSI: 1  
SBM: 1  
SBSI: 1  
SPK: 1  
PLANT LEVEL UNION  
NUSA MANDERI: 1  
SUMITOMO  
INDONESIA: 1  
ASSOCIATION  
APINDO: 1  
KADIN: 2  
ILO/SEAPAT: 3  
ILO JKT: 1 |  

| 19.        | Anyer     | Two-Day ILO/DEPNAKER Workshop on Ratified ILO Conventions and Reporting Obligation | DEPDAGRI: 1  
DEPPK: 1  
DEPLU: 1  
DEPNAKER: 6  
SETKAB: 1  
FEDERATION  
ASOKADIKTA: 1  
ASPEN: 1  
BUMN: 1  
FOKUBA: 1  
FSBDSI: 1  
FSPSI: 1  
FSPSI REFORMASI: 1  
SPSI: 1  
GASBIINDO: 1  
GASPERMINDO: 1  
GSBI: 1  
KBM: 1  
KPNI: 1  
PPI: 1  
SARBUMSI: 1  
SBM: 1  
SBSI: 1  
SPK: 1  
PLANT LEVEL UNION  
NUSA MANDERI: 1  
SUMITOMO  
INDONESIA: 1  
ASSOCIATION  
APINDO: 1  
KADIN: 2  
ILO/SEAPAT: 1  
ACADEMICS  
TRISAKTI: 1  
NGOS  
KAMIL: 1 |  

IV. Topic: Compliance: Reporting Procedures
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<th>Date</th>
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<th>Activity</th>
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<tr>
<td>20. 19-20 October 1999</td>
<td>Bandung</td>
<td>Two-Day ILO/DEPNAKER Workshop on Ratified ILO Conventions and Reporting Obligation</td>
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<tr>
<td>B. Matching Labour Law Reforms with Ratification: Dual Approach</td>
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<td>I. Topic: Fundamental Human Rights Conventions of the ILO</td>
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<td>FEDERATION&lt;br&gt;FSPSI: 2&lt;br&gt;SECTORAL UNION&lt;br&gt;SP KAHUT: 2&lt;br&gt;SP KEP: 1&lt;br&gt;SP LEM: 1&lt;br&gt;SP NIBA: 1&lt;br&gt;SPTI: 1&lt;br&gt;ASSOCIATION&lt;br&gt;APINDO: 2&lt;br&gt;GPPD: 1&lt;br&gt;MPI: 1&lt;br&gt;ENTERPRISES: 8</td>
</tr>
<tr>
<td>24. 6-7 August 1999</td>
<td>Lampung</td>
<td>Awareness-raising Workshop for Government Officials on the Fundamental Human Rights Conventions of the ILO</td>
<td>DEPKEH: 1&lt;br&gt;DEPNAKER: 17&lt;br&gt;LOCAL GOVERNMENT: LAMPUNG: 1</td>
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## Annex 12: Civil Society and Security Services Participation in Nation-Wide Awareness-raising Campaign

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<tr>
<th>Activity</th>
<th>Place</th>
<th>Date</th>
<th>Participants</th>
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<tr>
<td>Awareness-raising Workshop for Government Officials on the Fundamental Human Rights Conventions of the ILO</td>
<td>Ujung Pandang</td>
<td>24-25 September 1999</td>
<td>DEPR PU 1, DEPR MAKER 28</td>
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<tr>
<td>Awareness-raising Workshop on Fundamental Human Rights Conventions of the ILO</td>
<td>Solo</td>
<td>15-16 October 1999</td>
<td>ASSOCIATION APINDO 1, BEI 1</td>
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<tr>
<td>Awareness-raising Workshop on Fundamental Human Rights Conventions of the ILO</td>
<td>Malang</td>
<td>15-16 October 1999</td>
<td>PLANT LEVEL UNION, SPATIUN, MARETEX 1, SP ICL 1</td>
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<tr>
<td>Two-Day National Awareness-raising Workshop for Chief of Local Governments on Ratified ILO Conventions &amp; their Implementation (participants from 4 selected provinces)</td>
<td>Palembang</td>
<td>29 - 30 October 1999</td>
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<tr>
<td><strong>Date</strong></td>
<td><strong>Place</strong></td>
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<td>FSPSI: 10</td>
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<td>30.</td>
<td>9 - 10 July 1999*</td>
<td>Medan</td>
<td>Awareness-raising Workshop on the Regulations and Proposed Legislation on Trade Unions</td>
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2. Topic: Freedom of Association

3. Topic: Labour Dispute Settlement
### 4. Topic: Revision of Manpower Act

<table>
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### 5. Topic: Migrant Workers

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| 34. 27 - 28 October 1999 | Mataram | Two-Day Tripartite-Plus Consultation Workshop on the Drafting & Contents of New Migrant Workers Bill with Emphasis on the Protection of Migrant Workers | Government: 1  
Workers: 1  
Employers: 1  
ILO: 1  
Academics/Embassy/Media/NGOs: 1  
Security: 1 |

C. Exclusively Drafting of Legislation


<table>
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<th>Date</th>
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| 35. 5 October 1998 | Jakarta | Consultation Forum with the Drafting Team of Depnaker on the Revision of Manpower Act. No. 25, 1997                                                                                 | ILO/SEAPAT: 1  
ILO JKT: 1 |
ILO JKT: 1 |

2. Topic: Drafting on Labour Dispute Settlement Bill

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| 37. 14 October 1998 | Jakarta | Consultation Forum with the Drafting Team of Depnaker on Labour Dispute Settlement Bill                                                                 | ILO/SEAPAT: 1  
ILO JKT: 1 |
| 38. 15 - 16 October 1998 | Jakarta | Tripartite Consultation Forum on Labour Dispute Settlement Bill                                                                                                               | ILO/SEAPAT: 1  
ILO JKT: 1 |
| 39. 20 October 1998 | Jakarta | Consultation Forum with the Drafting Team of Depnaker on Labour Dispute Settlement Bill                                                                 | ILO/SEAPAT: 1  
ILO JKT: 1 |
| 40. 21 - 22 October 1998 | Jakarta | Tripartite Consultation Forum on Labour Dispute Settlement Bill                                                                                                               | ILO GENEVA: 2  
ILO/SEAPAT: 1  
ILO JKT: 1 |
### Annex 12: Civil Society and Security Services Participation in Nation-Wide Awareness-Raising Campaign

<table>
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<td>41.</td>
<td>30 June 1999</td>
<td>Academic Workshop on Trade Union Bill</td>
<td>The Forum was participated by tripartite organizations and other social partners.</td>
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<tr>
<td>42.</td>
<td>2 July 1999</td>
<td>Working Group Meeting on Trade Union Bill</td>
<td>The Forum was participated by tripartite organizations.</td>
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<td>43.</td>
<td>20 October 1998</td>
<td>Consultation Forum with the Drafting Team of Depmaker on Trade Union Bill</td>
<td>DEPNAKER: 15</td>
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<td>44.</td>
<td>21-22 October 1998</td>
<td>Tripartite Consultation Forum on Trade Union Bill</td>
<td>The Forum was participated by tripartite organizations and other social partners.</td>
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<td>26 May 1999</td>
<td>Tripartite Roundtable Meeting on the Revision of the Ministerial Regulation No. 5/MEN/1998 on the Registration of Union</td>
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<td>46.</td>
<td>27 &amp; 31 May 1999</td>
<td>Roundtable Meeting on the Formulation of the Workers Organization (PERMEN 05/MEN/1998)</td>
<td>DEPNAKER: 20</td>
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<td>D. Forthcoming Awareness Raising</td>
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<td>1. Topic: Fundamental Human Rights Conventions of the ILO</td>
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<td>47.</td>
<td>3-4 December 1999</td>
<td>Two-Day ILO/DOM Workshop on Fundamental Human Rights Conventions</td>
<td>ILO/SEAPAT: 1</td>
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<td>Banjarmasin</td>
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### Demystifying The Core Conventions of The ILO Through Social Dialogue The Indonesian Experience

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<th>Employers</th>
<th>Workers</th>
<th>Government</th>
<th>Academics/Embassy/NGOs</th>
<th>Security</th>
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<tr>
<td>6-7 December</td>
<td>Jakarta</td>
<td>National Symposium on the Implementation of the Fundamental Human Rights Conventions &amp; Social Dialogues</td>
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<td>2. Topic: Discrimination in Employment</td>
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<tr>
<td>4-5 November</td>
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<td>Begor Two-Day ILO/DOM Workshop on Fundamental Human Rights Conventions &amp; Discrimination in Employment</td>
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<td>16-17 November</td>
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<td>Begor Two-Day ILO/DOM Workshop on Fundamental Human Rights Conventions &amp; Child Labour</td>
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<tr>
<td>1-2 December</td>
<td>Bandung</td>
<td>Capability Building Training Workshop on the Draft Legislation on Trade Unions</td>
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<tr>
<td>1-2 December</td>
<td>Bandung</td>
<td>Two-Day Consultation Workshop on the Protection of the Rights of Workers in the Formal Sector</td>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td>Government</td>
</tr>
<tr>
<td>6. Topic: Migrant Workers</td>
<td></td>
<td></td>
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<tr>
<td>53. 9 - 10 November 1999</td>
<td>Anyer</td>
<td>Drafting on the Implementation of the New/Proposed Migrant Workers Activity</td>
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<tr>
<td>54. 25 - 26 November 1999</td>
<td>Jakarta</td>
<td>National Seminar on the Proposed Migrant Workers Bill</td>
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<tr>
<td>7. Topic: Social Security</td>
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<tr>
<td>55. 2-3 November 1999</td>
<td>Jakarta</td>
<td>National Tripartite-Plus Consultation Workshop on the Future of Social Security in Indonesia</td>
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</tr>
<tr>
<td>E. Awareness-raising Exclusively Organized by the Ministry of Manpower</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>56. 5 - 8 March 1999</td>
<td>Banjarmasin</td>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>The workshop was participated by tripartite organization and other social partners. The Ministry of Manpower organized the workshop without ILO's funding resources and resource persons.</td>
<td></td>
</tr>
<tr>
<td>57. 5 - 8 March 1999</td>
<td>Pekanbaru</td>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
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<td></td>
<td></td>
<td>The workshop was participated by tripartite organization and other social partners. The Ministry of Manpower organized the workshop without ILO's funding resources and resource persons.</td>
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<tr>
<td>58. 8 - 11 March 1999</td>
<td>Padang</td>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
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<tr>
<td></td>
<td></td>
<td>The workshop was participated by tripartite organization and other social partners. The Ministry of Manpower organized the workshop without ILO's funding resources and resource persons.</td>
<td></td>
</tr>
<tr>
<td>Date</td>
<td>Place</td>
<td>Activity</td>
<td>PARTICIPANTS</td>
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</tr>
<tr>
<td>59. 12-15 March 1999</td>
<td>Palembang</td>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td>The workshop was participated by tripartite organization and other social partners. The Ministry of Manpower organized the workshop without ILO’s funding resources and resource persons.</td>
</tr>
<tr>
<td>60. 12-15 March 1999</td>
<td>Jambi</td>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td>The workshop was participated by tripartite organization and other social partners. The Ministry of Manpower organized the workshop without ILO’s funding resources and resource persons.</td>
</tr>
<tr>
<td>61. 16-19 March 1999</td>
<td>Lampung</td>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td>The workshop was participated by tripartite organization and other social partners. The Ministry of Manpower organized the workshop without ILO’s funding resources and resource persons.</td>
</tr>
<tr>
<td>62. 16-19 March 1999</td>
<td>Bengkulu</td>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td>The workshop was participated by tripartite organization and other social partners. The Ministry of Manpower organized the workshop without ILO’s funding resources and resource persons.</td>
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<tr>
<td>63. 25-25 March 1999</td>
<td>Palu</td>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td>The workshop was participated by tripartite organization and other social partners. The Ministry of Manpower organized the workshop without ILO’s funding resources and resource persons.</td>
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<tr>
<td>64. July 1999</td>
<td>Ujung Pandang</td>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td>The workshop was participated by tripartite organization and other social partners. The Ministry of Manpower organized the workshop without ILO’s funding resources and resource persons.</td>
</tr>
<tr>
<td>65. July 1999</td>
<td>Medan</td>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td>The workshop was participated by tripartite organization and other social partners. The Ministry of Manpower organized the workshop without ILO’s funding resources and resource persons.</td>
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</tbody>
</table>
## Annex 12: Civil Society and Security Services Participation in Nation-Wide Awareness-raising Campaign

| PARTICIPANTS | Security
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Government</td>
<td>Academics/Embassy/Media/NGOs</td>
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</table>

The workshop was participated by tripartite organization and other social partners. The Ministry of Manpower organized the workshop without ILO's funding resources and resource persons.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Awareness raising Workshop on the Fundamental Human Rights Convention of the ILO</th>
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<tbody>
<tr>
<td>Place</td>
<td>Surabaya</td>
</tr>
<tr>
<td>Date</td>
<td>July 1999</td>
</tr>
<tr>
<td>Date</td>
<td>Place</td>
</tr>
<tr>
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<td>A. Exclusively Awareness-raising</td>
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</tr>
<tr>
<td>I. Groundwork</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>II. Tripartite Capacity Building</td>
<td></td>
</tr>
<tr>
<td>2. 4 February 1999</td>
<td>Jakarta</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>III. Mobilising Civil Society Support for Ratification</td>
<td></td>
</tr>
<tr>
<td>7. 19 - 20 February 1999</td>
<td>Semarang</td>
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* Mr. Moh. Satya used to be with KNPI but now he belongs to FSBDSI
<table>
<thead>
<tr>
<th>RESOURCE PERSONS/MODERATORS</th>
<th>Workers</th>
<th>Employers/NGOs</th>
<th>ILO</th>
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<tbody>
<tr>
<td>Government</td>
<td>Shubadi (KBM)</td>
<td>St西亚 (KBS)</td>
<td>ILO</td>
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<td></td>
<td>Topp F. Alve</td>
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</table>

<table>
<thead>
<tr>
<th>Activity</th>
<th>Place</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td>Yogyakarta</td>
<td>8, 22-23 February 1999</td>
</tr>
<tr>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td>Pontianak</td>
<td>9, 25-26 February 1999</td>
</tr>
<tr>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td>Bandung</td>
<td>10, 1-2 March 1999</td>
</tr>
<tr>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td>Surabaya</td>
<td>11, 4-5 March 1999</td>
</tr>
<tr>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td>Jakarta</td>
<td>12, 5-6 March 1999</td>
</tr>
<tr>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td>Jakarta</td>
<td>13, 10-11 March 1999</td>
</tr>
<tr>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td>Jakarta</td>
<td>14, 11-12 March 1999</td>
</tr>
<tr>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td>Jakarta</td>
<td>15, 13 March 1999</td>
</tr>
<tr>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td>Surabaya</td>
<td>16, 13 March 1999</td>
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</table>

Annex 13: Tripartite Capacity Building for Awareness-raising Activity
<table>
<thead>
<tr>
<th>Date</th>
<th>Place</th>
<th>Activity</th>
<th>RESOURCE PERSONS/MODERATORS</th>
</tr>
</thead>
<tbody>
<tr>
<td>17. 19 - 20 April 1999</td>
<td>Bandung</td>
<td>ILO/DEPNAKER Workshop on Reporting Proceedings on the Implementation of International Labour Standards</td>
<td>Srihartno Brodjodarono</td>
</tr>
<tr>
<td>18. 28 - 29 September 1999</td>
<td>Anyer</td>
<td>Two-Day ILO/DEPNAKER Workshop on Ratified ILO Conventions and Reporting Obligation</td>
<td>Myra M. Hanartani Samidi</td>
</tr>
<tr>
<td>19. 19 - 20 October 1999</td>
<td>Bandung</td>
<td>Two-Day ILO/DEPNAKER Workshop on Ratified ILO Conventions and Reporting Obligation</td>
<td>Srihartno Brodjodarono</td>
</tr>
</tbody>
</table>

**B. Matching Labour Law Reforms with Ratification: Dual Approach**

**I. Topic: Fundamental Human Rights Conventions of the ILO**

<table>
<thead>
<tr>
<th>Date</th>
<th>Place</th>
<th>Activity</th>
<th>RESOURCE PERSONS/MODERATORS</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Srihartno Brodjodarono</td>
</tr>
<tr>
<td>21. 2 - 3 July 1999</td>
<td>Batam</td>
<td>Awareness-raising Workshop for Government Officials on the Fundamental Human Rights Conventions of the ILO</td>
<td>Samidi</td>
</tr>
<tr>
<td>22. 29 -30 July 1999</td>
<td>Samarinda</td>
<td>Awareness-raising Workshop for Government Officials on the Fundamental Human Rights Conventions of the ILO</td>
<td>Myra M. Hanartani</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Nurdin R. (PPMI)</td>
</tr>
<tr>
<td>23. 6 - 7 August 1999</td>
<td>Lampung</td>
<td>Awareness-raising Workshop for Government Officials on the Fundamental Human Rights Conventions of the ILO</td>
<td>Basani Situmorang</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Abdul A. Riambo (FSBDSI)</td>
</tr>
<tr>
<td>24. 24 - 25 September 1999</td>
<td>Ujung Pandang</td>
<td>Awareness-raising Workshop for Government Officials on the Fundamental Human Rights Conventions of the ILO</td>
<td>Amrinal</td>
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<tr>
<td></td>
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<td></td>
<td>Djoko Daulat (FSPSI)</td>
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**IV. Topic: Compliance: Reporting Procedures**

<table>
<thead>
<tr>
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<th>Place</th>
<th>Activity</th>
<th>RESOURCE PERSONS/MODERATORS</th>
</tr>
</thead>
<tbody>
<tr>
<td>17. 19 - 20 April 1999</td>
<td>Bandung</td>
<td>ILO/DEPNAKER Workshop on Reporting Proceedings on the Implementation of International Labour Standards</td>
<td>Srihartno Brodjodarono</td>
</tr>
<tr>
<td>18. 28 - 29 September 1999</td>
<td>Anyer</td>
<td>Two-Day ILO/DEPNAKER Workshop on Ratified ILO Conventions and Reporting Obligation</td>
<td>Myra M. Hanartani Samidi</td>
</tr>
<tr>
<td>19. 19 - 20 October 1999</td>
<td>Bandung</td>
<td>Two-Day ILO/DEPNAKER Workshop on Ratified ILO Conventions and Reporting Obligation</td>
<td>Srihartno Brodjodarono</td>
</tr>
</tbody>
</table>

**RESOURCE PERSONS/MODERATORS**

- **Government**
  - Alan Boulton
  - Carmelo Noriel
  - Lejo Sibbel
  - Oktavianto Pasaribu

- **Workers**
  - R. Gunawan Oetomo (Usakti)

- **Employers (APINDO)**
  - Carmelo Noriel

- **Academics/NGOs**
  - Lejo Sibbel
  - Oktavianto Pasaribu
  - Anizar Djalil

- **ILO**
  - Lejo Sibbel
  - Oktavianto Pasaribu
  - Anizar Djalil
  - Lejo Sibbel
  - Oktavianto Pasaribu
  - Anizar Djalil
  - Lejo Sibbel
  - Oktavianto Pasaribu
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<tr>
<th>Date</th>
<th>Place</th>
<th>Activity</th>
<th>RESOURCE PERSONS/MODERATORS</th>
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<tbody>
<tr>
<td>25. 15 - 16 October 1999</td>
<td>Solo</td>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td>Payaman Simanjutak&lt;br&gt; Sofisti Mukadi (SPSI Reformasi)&lt;br&gt; R. Moedjianto&lt;br&gt; Oktavianto Pasaribu</td>
</tr>
<tr>
<td>26. 15 - 16 October 1999</td>
<td>Malang</td>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td>Myra M. Hanartani&lt;br&gt; Suhardi (KBM)&lt;br&gt; Purbadi Hardjoprajitno&lt;br&gt; Carmelo Noriel</td>
</tr>
<tr>
<td>28. 29 - 30 October 1999</td>
<td>Palembang</td>
<td>Two-Day National Awareness-raising Workshop for Chief of Local Governments on Ratified ILO Conventions &amp; their Implementation (participants from 4 selected provinces)</td>
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</table>

2. Topic: Freedom of Association

| 29. 9 - 10 July 1999 | Medan      | Awareness-raising Workshop on the Regulations and Proposed Legislation on Trade Unions                                                                                                                   | Payaman Simanjutak<br> Samidi<br> Oktavianto Pasaribu<br> Carmelo Noriel                |

3. Topic: Labour Dispute Settlement

| 30. 19 - 20 July 1999 | Jakarta    | 2-day Tripartite Workshop on the Settlement of Labour Disputes and Alternative Dispute Resolution                                                                                                         | Ministry of Home Affairs<br> Ministry of Justice<br> Supreme Court<br> Carmelo Noriel<br> Oktavianto Pasaribu |


<p>| 31. 1 October 1999   | Jakarta    | Tripartite Plus Consultation Workshop on the Main Provisions of the Implementing Regulations which Deal With the Rights, Benefits and Protection of Women Workers                                               | Tjei Aloewi&lt;br&gt; Zulmiar Yanri&lt;br&gt; Tim de Meyer&lt;br&gt;                                                                                     |</p>
<table>
<thead>
<tr>
<th>RESOURCE PERSONS/MODERATORS</th>
<th>ILO</th>
</tr>
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<tbody>
<tr>
<td>W.R. Bading</td>
<td>Carmen N Ordal</td>
</tr>
<tr>
<td>M. Fitri Yani</td>
<td>Okavario Passiibu</td>
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**Activity**

<table>
<thead>
<tr>
<th>Date</th>
<th>Place</th>
<th>Activity Description</th>
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<tbody>
<tr>
<td>5 Topic: Migrant Workers</td>
<td>12 - 13 July 1999</td>
<td>Seminar on the Drafting and Content of Migrant Workers</td>
</tr>
<tr>
<td>2 Topic: Drafting on Labour Dispute Settlement Bill</td>
<td>14 October 1998</td>
<td>Seminar on the Drafting of the Labour Dispute Settlement Bill</td>
</tr>
<tr>
<td>3 Topic: Drafting on Labour Dispute Settlement Bill</td>
<td>15 - 16 October 1998</td>
<td>Seminar on the Drafting of the Labour Dispute Settlement Bill</td>
</tr>
<tr>
<td>4 Topic: Drafting on Labour Dispute Settlement Bill</td>
<td>20 October 1998</td>
<td>Seminar on the Drafting of the Labour Dispute Settlement Bill</td>
</tr>
<tr>
<td>Date</td>
<td>Place</td>
<td>Activity</td>
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<tr>
<td>21 - 22</td>
<td>Jakarta</td>
<td>Tripartite Consultation Forum on Labour Dispute Settlement Bill</td>
</tr>
<tr>
<td>October 1998</td>
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</table>

3. Topic: Drafting on Trade Union Bill

<table>
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<th>Date</th>
<th>Place</th>
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<th>Government</th>
<th>Workers</th>
<th>Employers (APINDO)</th>
<th>Academics/NGOs</th>
<th>ILO</th>
</tr>
</thead>
<tbody>
<tr>
<td>30 June 1999</td>
<td>Jakarta</td>
<td>Academic Workshop on Trade Union Bill</td>
<td>Suwanto Syauffi Syamsuddin Payaman Simanjuntak</td>
<td></td>
<td></td>
<td></td>
<td>Alan Boulton Oktaviante Pasiribu</td>
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<tr>
<td>2 July 1999</td>
<td>Jakarta</td>
<td>Working Group Meeting on Trade Union Bill</td>
<td>Syauffi Syamsuddin Payaman Simanjuntak Myra M. Hanartani</td>
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<tr>
<td>20 October 1998</td>
<td>Jakarta</td>
<td>Consultation Forum with the Drafting Team of Depmakinor on Trade Union Bill</td>
<td>Syauffi Syamsuddin Payaman Simanjuntak Myra M. Hanartani</td>
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<tr>
<td>21 - 22</td>
<td>Jakarta</td>
<td>Tripartite Consultation Forum on Trade Union Bill</td>
<td>Syauffi Syamsuddin Payaman Simanjuntak Myra M. Hanartani</td>
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<td>ILO/SEAPAT: 1 ILO JKT: 1</td>
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</table>

D. Forthcoming Awareness-raising

1. Topic: Fundamental Human Rights Conventions of the ILO

3 - 4 December 1999 | Banjarmasin | Two-Day ILO/DOM Workshop on Fundamental Human Rights Conventions | | | | | |
<table>
<thead>
<tr>
<th>Date</th>
<th>Place</th>
<th>Activity</th>
<th>RESOURCE PERSONS/MODERATORS</th>
</tr>
</thead>
<tbody>
<tr>
<td>47. 6 - 7</td>
<td>Jakarta</td>
<td>National Symposium on the Implementation of the Fundamental Human Rights</td>
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<tr>
<td>December</td>
<td></td>
<td>Conventions: Tripartism &amp; Social Dialogues</td>
<td>Government</td>
</tr>
<tr>
<td>1999</td>
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</tr>
<tr>
<td>2. Topic: Discrimination in Employment</td>
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<td></td>
<td></td>
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<tr>
<td>48. 4 - 5</td>
<td>Bogor</td>
<td>Two-Day ILO/DOM Workshop on Fundamental Human Rights Conventions:</td>
<td></td>
</tr>
<tr>
<td>November</td>
<td></td>
<td>Discrimination in Employment</td>
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<td>1999</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>3. Topic: Child Labour</td>
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<td></td>
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<tr>
<td>49. 16 - 17</td>
<td>Bogor</td>
<td>Two-Day ILO/DOM Workshop on Fundamental Human Rights Conventions:</td>
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<tr>
<td>November</td>
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<td>Child Labour</td>
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<td>1999</td>
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<td>4. Topic: Drafting on Trade Union Bill</td>
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<tr>
<td>50. 1 - 2</td>
<td>Bandung</td>
<td>Capability Building Training Workshop on the New Draft legislation</td>
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</tr>
<tr>
<td>December</td>
<td></td>
<td>on Trade Unions</td>
<td></td>
</tr>
<tr>
<td>1999</td>
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<tr>
<td>5. Topic: Revision of Manpower Act.</td>
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<tr>
<td>51. 1 - 2</td>
<td>Bandung</td>
<td>Tripartite-Plus Consultation Workshop on the Provisions of the Manpower</td>
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<tr>
<td>December</td>
<td></td>
<td>Activity with Emphasis on the Rights and Protection of Workers in Informal</td>
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<tr>
<td>1999</td>
<td></td>
<td>Sector</td>
<td></td>
</tr>
<tr>
<td>6. Topic: Migrant Workers</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>52. 9 - 10</td>
<td>Anyer</td>
<td>Drafting on the Implementation of the New/Proposed Migrant Workers</td>
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<td>53. 25 - 26</td>
<td>Jakarta</td>
<td>National Seminar on the Proposed Migrant Workers Bill</td>
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<td>54.</td>
<td>5 - 8 March 1999</td>
<td>Awareness-raising Workshop on the Fundamental Human Rights Conventions of the ILO</td>
<td>Samidi, Abdi Kusumanegara (Sarbunuri), Mustofa Badarudin</td>
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<td>55.</td>
<td>5 - 8 March 1999</td>
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<td>Myra M. Hanartani, Sofiati Mukadi (SPSI Reformasi), Herman S. Endro</td>
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<td>56.</td>
<td>8 - 11 March 1999</td>
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<td>Tjepi F. Alowie, Sunt Pangaribuan (SBSSI), Purbadi Hardjojajto</td>
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<td>57.</td>
<td>12 - 15 March 1999</td>
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<td>Sriharto (SBSSI), Abdul A. Rambao (FSBDSI), R. Moedjianto</td>
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<td>59.</td>
<td>16 - 19 March 1999</td>
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<td>61.</td>
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<td>Payaman Simanjuntak, Djoko Daulat (FSPSI), Purbadi Hardjojajto</td>
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Demystifying The Core Conventions of The ILO Through Social Dialogue The Indonesian Experience

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