

REGULATION OF THE MINISTER OF MANPOWER AND TRANSMIGRATION
OF THE REPUBLIC OF INDONESIA

NUMBER: PER. 02/MEN/I/2011

CONCERNING

PROMOTION AND COORDINATION OF THE LABOUR INSPECTION
IMPLEMENTATION

MINISTER OF MANPOWER AND TRANSMIGRATION OF
THE REPUBLIC OF INDONESIA,

- Considering : That as the implementation of the provision under Article 13, Article 16 paragraph (3), and Article 28 of the Presidential Regulation Number 21 Year 2010 concerning Labour Inspection, it is necessary regulating the promotion and coordination of the labour inspection with the Ministerial Regulation.
- In view of :
1. Act Number 3 Year 1951 concerning The Statement to Apply the Labor Inspection Act Year 1948 Number 23 of the Republic of Indonesia for All Indonesians (State Gazette of the Republic of Indonesia Year 1951 Number 4);
 2. Act Number 1 Year 1970 concerning Work Safety (State Gazette of the Republic of Indonesia Year 1970 Number 1, Supplement to the State Gazette of the Republic of Indonesia Number 1918);
 3. Act Number 13 Year 2003 concerning Manpower (State Gazette of the Republic of Indonesia Year 2003 Number 39, Supplement to the State Gazette the Republic of Indonesia Number 4279);
 4. Act Number 21 Year 2003 concerning the Ratification of the ILO Convention No.81 concerning Labour Inspection in Industry and Commerce (State Gazette of the Republic of Indonesia Year 2003 Number 91, Supplement to the State Gazette of the Republic of Indonesia Number 4309);

5. Act Number 32 Year 2004 concerning Regional Government (State Gazette of the Republic of Indonesia Year 2004 Number 125, Supplement to the State Gazette the Republic of Indonesia Number 4437) as amended several times the latest by Act Number 12 year 2008 (State Gazette of the Republic of Indonesia Year 2008 Number 59, Supplement to the State Gazette the Republic of Indonesia Number 4844);
6. Government Regulation Number 79 Year 2005 concerning Guideline to the Promotion and Inspection of Regional Government Administration (State Gazette of the Republic of Indonesia Year 2005 Number 165, Supplement to the State Gazette of the Republic of Indonesia Number 4539);
7. Presidential Regulation of the Republic of Indonesia Number 21 Year 2010 concerning the Labour Inspection.
8. Decree of the State Minister of Empowerment of State Apparatus and Bureaucratic Reform of the Republic of Indonesia Number 19 Year 2010 concerning the Functional Position of Labour Inspection and Its Credit Number;
9. Regulation of the Minister of Manpower and Transmigration of the Republic of Indonesia Number PER.20/MEN/IX/2005 concerning the Career Pattern and Education and Training of Functional Position of Labour Inspection.

DECIDING:

To Stipulate : THE DECISION OF THE MINISTER OF MANPOWER AND TRANSMIGRATION OF THE REPUBLIC OF INDONESIA CONCERNING PROMOTION AND COORDINATION OF THE LABOUR INSPECTION IMPLEMENTATION.

ARTICLE 1

Under this Ministerial Decision, the following definitions shall apply:

1. Labour Inspection is an activity to inspect and enforce the implementation of the laws and regulations in the field of manpower.
2. The work unit of labour inspection in the institution with the scope of task and responsibility of the manpower within the Central Government is the work unit of labour inspection in the Ministry that carry out the manpower affairs in accordance with the laws and regulations.
3. The work unit of labour inspection in the institution with the scope of task and responsibility of the manpower within the Provincial Government is the work unit of labour inspection within the Provincial Regional Task Force that carry out the manpower affairs in accordance with the laws and regulations.

4. The work unit of labour inspection in the institution with the scope of task and responsibility of the manpower within the District/City Government is the work unit of labour inspection within the District/City Regional Task Force that carry out the manpower affairs in accordance with the laws and regulations.
5. The promotion of the labour inspection is a series of promotion activities that is conducted by the government and/or provincial government regarding institutional, human resources of labour inspection, facility and infrastructure, funding, administrative, and information system of labour inspection.
6. Labour Inspection Official hereinafter called as Labour Inspector is civil servant that appointed and assigned in the functional position as Labour Inspection in accordance with the laws and regulations.
7. Director General is Director General of labour inspection within the institution with the scope of task and responsibility of the manpower within the Central Government.
8. Minister is Minister responsible for manpower.

CHAPTER II PROMOTION OF LABOUR INSPECTION

Part One General

ARTICLE 2

The promotion of labour inspection shall support the ability of the work unit of the labour inspection in conducting the law enforcement in the field of manpower in a harmonized, coordinated, and integrated manner within the central government, provincial government and district/city government.

ARTICLE 3

- (1) The promotion of labour inspection shall be conducted in accordance with the national policy in this Ministerial Regulation.
- (2) Director General shall implement the promotion of labour inspection at the provincial government based on the national policy as meant in paragraph (1).
- (3) Governor or the appointed official shall implement the promotion of labour section on at the district/city based on the national policy as meant in paragraph (1).

ARTICLE 4

- (1) The promotion of labour inspection as meant in Article 3 paragraph (1), covers:
 - a. Institutional;
 - b. Human resources of the Labour Inspector;
 - c. Facility and Infrastructure;
 - d. Funding;

- e. Administration;
 - f. Information system of labour inspection.
- (2) The implementation of the promotion of the labour inspection as meant in paragraph (1) shall be conducted through:
- a. Mentoring;
 - b. Consultation;
 - c. Counseling;
 - d. Supervision and monitoring;
 - e. Socialization;
 - f. Education and Training;
 - g. Coaching;
 - h. Evaluation.

Part Two Institutional

ARTICLE 5

The promotion of institutional as meant in Article 4 paragraph (1) letter a shall be conducted to improve the performance through the optimal implementation of task and function of the work unit of labour inspection within the institution with the scope of task and responsibility of the manpower.

ARTICLE 6

The improvement of performance through the optimal implementation of task and function as meant in Article 5 covers:

- a. Formulation of labour inspection work plan based on the analytical result of the labour inspection object and adjusted to the development of technology and regional social economic need;
- b. Data development of labour inspection object as the basis of formulation of the risk mapping of the manpower norms, stipulation of norms, standards, procedure and criteria;
- c. Dissemination of manpower norms to the public;
- d. Management of labour inspection activity in the form of examination, testing and investigation;
- e. Issuance of permit to use production equipment, validation of equipment/installation and protection facility, granting recommendation of Occupational Safety and Health (OSH) at the work plan.
- f. Determination of work accident and/or sickness due to work;
- g. Determination of wages calculation and/or overtime pay;
- h. Promotion of the establishment and improvement of the activity of the Occupational Safety and Health Committee (P2K3);
- i. Promotion and empowerment of Service Company of Occupational safety and Health (PJK3) and evaluation of the result of the activities.
- j. Promotion of establishment and improvement of activity of the work norms' candidate;
- k. Promotion of the Expert of Occupational Safety and Health, company's doctor and/or doctor who examines the works' health, SMK3 auditor, official, operator, and technician in the field of Occupational safety and Health (K3);
- l. Promotion of the establishment of the action committee of the elimination of worst forms of child labour;
- m. Promotion in preventing the discrimination for the application of manpower norms;

- n. Granting award in the manpower field;
- o. Coordination and cooperation with the related institution and profession association;
- p. Reporting the result of labour inspection activity.

ARTICLE 7

In the implementation of the promotion of the institutional as meant in Article 5, Governor or the appointed official shall conduct mentoring, supervision, caching, and evaluation to the district/city government.

Part Three Human Resources of Labour Inspector

ARTICLE 8

The promotion of human resources as meant in Article 4 paragraph (1) letter b shall be conducted to:

- a. Fulfill the need of human resources of the labour inspector;
- b. Improve the quality of labour inspectors;
- c. Assign and placement.

ARTICLE 9

- (1) The fulfillment of human resources need of the labour inspector as meant in Article 8 letter a, shall be conducted based on the work load, labour inspection object and formation in accordance with the laws and regulations.
- (2) To fulfill the human resources need of the labour inspector in the province as meant in paragraph (1), Governor or the appointed official, proposes the participants' nomination for the training and education of the labour inspection to the Minister in accordance with the laws and regulations.
- (3) To fulfill the human resources need of the labour inspector in district/city as meant in paragraph (1), the district Head/major or the appointed official, propose the participants' nomination for the training and education of the labour inspection to the Minister through the Governor in accordance with the laws and regulations.

ARTICLE 10

- (1) Improvement of the human resources quality of the labour inspector as meant in Article 8 letter b may be conducted through:
 - a. Education and training of the Civil Servant Investigator (PPNS);
 - b. Education and training of manpower for specialization/expertise;
 - c. Education and training to upgrade skill;
 - d. Technical counselor;
 - e. Seminar;
 - f. Workshop;
 - g. Training of trainers;
 - h. Comparative study; and
 - i. Internship/coaching.

- (2) The material for improving the quality of human resources of the labour inspector as meant in paragraph (1) covers:
 - a. Formulation of examination/testing work plan;
 - b. Examination and/or testing;
 - c. Determination and calculation;
 - d. Dissemination of manpower laws and regulations;
 - e. Investigation in the manpower field;
 - f. Development in the field of labour inspection;
 - g. Cooperation and coordination with the partner; and/or
 - h. Reporting of the result of examination/testing.
- (3) The implementation of the improvement of the human resources quality of the labour inspector as meant in paragraph (1) shall be conducted in accordance with the laws and regulations.

ARTICLE 11

- (1) The participants of the education and training of the labour inspection who has been declared pass and fulfill the qualification, shall be appointed as the labour inspector by the Minister.
- (2) The labour inspector as meant in paragraph (1) shall be appointed and assigned in the functional position of the labour inspector and placed in the work unit of labour inspection within the institution with the scope of task and responsibility of the manpower within the Central Government, Provincial Government, and District/City Government in accordance with the laws and regulations.

ARTICLE 12

In the implementation of the promotion of human resources of the labour inspector as meant in Article 8, Governor or the appointed official shall conduct mentoring, supervision, coaching, and evaluation to the District/City Government.

ARTICLE 13

- (1) The promotion of the facility and infrastructure as meant in Article 4 paragraph (1) letter c shall be conducted to improve the operational ability of the work unit of the labour inspection.
- (2) The promotion of facility of infrastructure as meant in paragraph (1) covers the procurement and usage of the facility and infrastructure.
- (3) The facility and infrastructure as meant in paragraph (2) covers:
 - a. Office;
 - b. Office equipment;
 - c. Transportation facility;
 - d. Examination and testing equipment;
 - e. Uniform and attribute of labour inspector;
 - f. Legitimizing card;
 - g. Other operational support.

ARTICLE 14

In the implementation of the promotion of facility and infrastructure as meant in Article 13, Governor or the appointed official shall conduct mentoring, consultation, supervision, monitoring and evaluation to the District/City Government.

Part Five Funding

ARTICLE 15

- (1) The promotion of funding as meant in Article 4 paragraph (1) letter d shall be conducted to ensure the availability of the operational cost of the labour inspection.
- (2) The promotion of funding as meant in paragraph (1) shall be conducted to the planning and budget to:
 - a. Fulfill the need and improve the ability of the labour inspector;
 - b. Disseminate of manpower norms;
 - c. Examine and test;
 - d. Investigate;
 - e. Provide facility and infrastructure;
 - f. Manage information network;
 - g. Conduct technical administration and investigation;
 - h. Coordinate functional; and
 - i. Cooperation of the labour inspection.
- (3) Operational budget of the labour inspection as meant in paragraph (1) shall come from the State Budget of Income and Expenditure (APBN) and Regional Budget of Income and Expenditure (APBD) and/or other legal and non-binding sources.

ARTICLE 16

In the implementation of the promotion of funding as meant in Article 15, the Governor or the appointed official shall coach, consult, supervise and monitor and evaluate to the district/city government.

ARTICLE 17

- (1) The administrative promotion as meant in Article 4 paragraph 91) letter e shall be conducted to ensure the organization of technical administration of the labour inspection in line with the existing provisions.
- (2) The technical administration of the labour inspection as meant in paragraph (1) covers:
 - a. Management of the data of the labour inspector;
 - b. Management of the work plan of the unit and labour inspectors;
 - c. Management of the object data of the labour inspection;
 - d. Management of the inspection activity data and/or examination of the labour inspector;
 - e. Management of licensing data and/or validation of the labour inspection object;

- f. Management of the data of the labour inspection partner (institutional and personnel);
 - g. Management of work accident and illness due to work and data of the labour inspection;
 - h. Management of the report of the work unit of the labour inspection.
- (3) In the frame to organize the technical administration of the labour inspection as meant in paragraph (2), an organization of the technical administration of the labour inspection shall be available.
- (4) To fulfill the need of the organization of the technical administration of the labour inspection at the provincial level as meant in paragraph (3), the Governor or the appointed official shall convey the nomination of the participants for the education and training of the technical administration of the labour inspection to the Minister.
- (5) To fulfill the need of the organization of the technical administration of the labour inspection at the district/city level as meant in paragraph (3), the head of district/major or the appointed official shall convey the nomination of the participants for the education and training of the technical administration of the labour inspection to the Governor or the appointed official.

ARTICLE 18

In the implementation of the promotion of administration as meant in Article 17, the Governor or the appointed official shall coach, consult, supervise and monitor and evaluate to the district/city government.

ARTICLE 19

The promotion of information system of the labour inspection as meant in Article 4 paragraph (1) letter f shall be conducted to ensure the availability of manpower information within the work unit of the labour inspection.

ARTICLE 20

- (1) The information system of the labour inspection as meant in Article 19 shall be established through the organization of the information net of the labour inspection.
- (2) The organization of the information net of the labour inspection as meant in paragraph (1) covers the entry, manage, and present the data of the labour inspection.
- (3) The information of the labour inspection as meant in paragraph (2) shall consist the data of:
- a. Human resources of the labour inspectors;
 - b. The object of the labour inspection;
 - c. The activity of the labour inspection;
 - d. Work accident and illness due to work;
 - e. Institution and partners of the labour inspection;

- f. Licensing and recommendation; and
- g. Other manpower issues.

ARTICLE 21

In the implementation of the promotion of information system as meant in Article 20, the Governor or the appointed official shall coach, consult, mentor, supervise and monitor and evaluate to the district/city government.

CHAPTER III COORDINATION OF THE WORK UNIT OF THE LABOUR INSPECTION

ARTICLE 22

- (1) The coordination between the work unit of the labour inspection aims to achieve common perception in the implementation of the labour inspection.
- (2) The coordination between the work units of the labour inspection as meant in paragraph (1) shall be implemented at the national and provincial level.
- (3) The coordination at the level of district/city government shall be implemented through operational technical meeting of the labour inspection.

Part One Coordination at the National Level

ARTICLE 23

- (1) The coordination of labour inspection at the national level as meant in article 22 paragraph (2) shall be conducted to discuss and/or agree the following matters:
 - a. Policy and strategy of the labour inspection implementation;
 - b. Program and activity of labour inspection;
 - c. Harmonization of policy at the national, provincial and district/city level;
 - d. Need of institution, human resources of labour inspector, technical administration of labour inspection and the organization of information network of labour inspection;
 - e. Sharpening the labour inspection implementation;
 - f. Manpower issue at the national and international level.
- (2) The coordination of labour inspection at the national level as meant in paragraph (1) shall be conducted through coordination meeting at the national level organized by the Director General once in 1 (one) year.

ARTICLE 24

The coordination meeting at the national level as meant in Article 23 paragraph (2) shall be attended by all work units of labour inspection in the institution with the scope of task and responsibility of the manpower within the Provincial Government and District/City Government, related institution and/or other party as considered necessary.

ARTICLE 25

The coordination result of the labour inspection at the national level as meant in article 24 shall be endorsed by the Minister or the appointed official and serve as the guideline in the implementation of the labour inspection.

Part Two Coordination at the Provincial level

ARTICLE 26

- (1) The coordination of labour inspection at the provincial level as meant in Article 22 paragraph (2) shall be organized to implement the result of coordination meeting at the national level.
- (2) In the coordination meeting at the provincial level as meant in paragraph (1) shall be discussed and/or agree the following matters:
 - a. Local condition of the labour inspection;
 - b. Need of the institution, human resources of labour inspector, technical administration of labour inspection and the organization of the information network of labour inspection;
 - c. Harmonization of the implementation of labour inspection between the district/city government;
 - d. The balance of program in the implementation of labour inspection between district/city;
 - e. Practice and/or implementation of labour inspection shall be adjusted with the need of regional and should be in line with the national policy;
 - f. Procedure of handling and resolving the cases in the manpower field;
 - g. The result of labour inspection at the district/city for the period of the last 1 (one) year.

ARTICLE 27

- (1) The coordination of labour inspection at the provincial level as meant in Article 26 shall be implemented through coordination meeting at the provincial level to be organized by the Governor or the appointed official at least once in 1 (one) year.
- (2) The coordination meeting at the provincial level as meant in paragraph (1) shall be attended by all work units of labour inspection in the institution with the scope of task and responsibility of the manpower within the District/City Government, related government institutions and/or other party as considered necessary.

ARTICLE 28

The coordination result of the labour inspection at the provincial level as meant in article 27 shall be endorsed by the Governor or the appointed official and serve as the guideline in the implementation of the labour inspection at the District/City level and material for the coordination meeting at the national level.

Part Three
Operational Technical Meeting

ARTICLE 29

- (1) In order to improve the performance of labour inspection and support the coordination meeting at the provincial level, work unit of labour inspection in the institution with the scope of task and responsibility of the manpower within the District/City Government could implement the operational technical meeting.
- (2) The operational technical meeting as meant in paragraph (1) shall discuss and agree the efforts to implement the result of coordination meeting at the national and provincial levels.
- (3) In the operational technical meeting as meant in paragraph (1), the following matters could be discussed and agreed:
 - a. The conditions of the local labour inspection;
 - b. The need of institution, human resources of labour inspector, technical administration of labour inspection and organization of information network of labour inspection;
 - c. Internal and external coordination in the implementation of labour inspection;
 - d. Practice and/or implementation of labour inspection shall be adjusted with the regional need and shall be in line with the national policy.
 - e. Procedure of handling and resolving the cases in the manpower field;
 - f. Other matters considered necessary in the labour inspection.

ARTICLE 30

- (1) The operational technical meeting of labour inspection as meant in Article 29 shall be organized by the Head of District/ Major or the appointed official at least once in 1 (one) year.
- (2) The operational technical meeting as meant in paragraph (1) shall be attended by all work units of labour inspection in the institution with the scope of task and responsibility of the manpower within the District/City Government, related government institutions and/or other party as considered necessary.

ARTICLE 31

The result of operation technical meeting of labour inspection at the district/city level as meant in Article 30 shall be used as the material for the coordination meeting at the provincial level.

Part Four
Funding

ARTICLE 32

- (1) The cost for the implementation of the national level coordination as meant in Article 22 paragraph (2) shall be borne by the State Income and Expenditure Budget (APBN), provincial Regional Income and Expenditure Budget (APBD), district/city Regional Income and Expenditure Budget (APBD), and other legal and non-binding resources.

- (2) The cost for provincial level coordination as meant in Article 22 paragraph (2) shall be borne by provincial Regional Income and Expenditure Budget (APBD), district/city Regional Income and Expenditure Budget (APBD), and other legal and non-binding resources.
- (3) The cost for operation technical meeting as meant in Article 22 paragraph (2) shall be borne by district/city Regional Income and Expenditure Budget (APBD), and other legal and non-binding resources.

CHAPTER III
OTHER PROVISION

ARTICLE 33

Other provision which not yet regulated under this regulation shall be further stipulated by Director General.

CHAPTER IV
CLOSING

ARTICLE 34

This Ministerial Decree shall come into force as of the date of its stipulation.

For public cognizance, this Ministerial Regulation shall be promulgated by placing it in the Statute Book of the Republic of Indonesia.

Stipulated in Jakarta
On 26 January 2011

Minister of Manpower and Transmigration Republic of Indonesia

Drs. H.A.MUHAIMIN ISKANDAR, M.Si.

Promulgated in Jakarta
On 26 January 2011

Minister of Law and Human Rights Republic of Indonesia

PATRIALIS AKBAR

STATUTE BOOK OF THE REPUBLIC OF INDONESIA OF 2011 NUMBER 39

Certified copy conforms to the original
Head of Legal Bureau,

Sunarno, SH., MH

