

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

NUMBER: PER. 15/MEN/VII/2005

CONCERNING

WORKING TIME AND RESTING TIME IN GENERAL MINING SECTOR  
AT CERTAIN OPERATIONAL AREA

MINISTER OF MANPOWER AND TRANSMIGRATION OF  
THE REPUBLIC OF INDONESIA,

- Considering : a. That the general mining business has special characteristic due to its location is generally located in the rural area, so that it could not be applied regular working time and resting time;
- b. That Articles 77 and 78 of the Act Number 13 of 2003 concerning Manpower allow to regulate the application of the working time and resting time in certain sector;
- c. That in relation of the considerations under letters a and b, it deemed necessary to regulate the working time and resting time in the general mining sector with a 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 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);
3. Decision of the President of the Republic of Indonesia number 187/M year 2004 concerning the Establishment of the United Indonesian Cabinet;
4. The Decision of the Minister of Manpower and Transmigration Number KEP-234/MEN/2003 concerning the Working Time and Resting Time in the Sector of Energy and Mineral resources in Certain Areas;

5. The Decision of the Minister of Manpower and Transmigration of the Republic of Indonesia Number PER.102/MEN/I/2004 concerning Overtime Working Time and Overtime Wage.

Observing : The result of the meeting of the National Tripartite Cooperation Institution.

DECIDING:

To Stipulate : REGULATION OF THE MINISTER OF MANPOWER AND TRANSMIGRATION OF THE REPUBLIC OF INDONESIA CONCERNING WORKING TIME AND RESTING TIME IN GENERAL MINING SECTOR AT CERTAIN OPERATIONAL AREA

ARTICLE 1

Under this Ministerial Decision, the following definitions shall apply:

1. Working time is the time used to do a work in a certain period.
2. Operational area is location for exploration, exploitation and/or shipping of mining products.
3. Working period is a certain period for the workers to conduct the job in accordance with the determined work schedule by ignoring the calendar days.
4. Worker is a person who works for a wage or other form of remuneration.
5. A Company is:
  - a. Every form of business, which is either a legal entity or not, which is owned by an individual, a partnership or a legal entity that is either privately owned or state owned, which employs workers by paying them wages or other forms of remuneration;
  - b. Social undertakings and other undertakings with officials in charge and which employ people by paying those wages or other forms of remuneration.
6. An Employer is:
  - a. An individual, a partnership or a legal entity that runs a company that he or she or it owns;
  - b. An individual, a partnership or a legal entity that independently runs a company that does not belong to him, her or it;
  - c. An individual, a partnership or a legal entity that is situated in Indonesia representing a company as referred to under point a and point b that has its domicile outside the territory of Indonesia.
7. Minister is The Minister of Manpower and Transmigration

## ARTICLE 2

- (1) The company in the general mining sector including the supporting services companies that conduct the activity in the certain operational area could apply:
  - a. Working time and resting time as regulated in the Decision of Minister of Manpower and transmigration Number KEP-234/MEN/2003;
  - b. Working time of maximum 10 (ten) weeks subsequently, with 2 (two) resting weeks subsequently and every 2 (two) weeks in the working time shall be given 1 (one) resting day.
- (2) In case the company determines the working time as meant in paragraph (1) letters b, then the maximum working time is for twelve (12) days per day not including the resting time for one (1) hour.
- (3) The company which is used the working time as meant in paragraph (2), must pay overtime work pay after seven (7) working hours with the following calculation:
  - a. for 9 (nine) hours of working time per day, must be paid a pay for every work day amounted to 3.5 (three and half) x one-hour pay;
  - b. for 10 (ten) hours of working time per day, must be paid a pay for every work day amounted to 5.5 (five and half) x one-hour pay;
  - c. for 11 (eleven) hours of working time per day, must be paid a pay for every work day amounted to 7.5 (seven and half) x one-hour pay;
  - d. for 12 (twelve) hours of working time per day, must be paid a pay for every work day amounted to 9.5 (nine and half) x one-hour pay.

## ARTICLE 3

The implementation of the working time and resting time shall be further regulated in the Working Agreement, Company Regulations, or Collective Labour Agreement in accordance with the company's need.

## ARTICLE 4

- (1) The employer could replace and/or change the working period by selecting and determining the working time as meant in Article 3.
- (2) The replacement and/or change of the working period as meant in paragraph (1) must be notified in writing by the employer to the workers at least 30 (thirty) days before the date of the applicable change takes effect.
- (3) The replacement and/or change of the working period as meant in paragraph (1) shall be notified in writing to the competent authority in the field of the manpower in the Regency/City with copy to the competent authority in the field of the manpower in the Province.

## ARTICLE 5

The time used for the travelling of the worker from his/her domicile acknowledged by the employer to the work location shall be included as the working time if the travel requires more than 24 (twenty-four) hours or more.

## ARTICLE 6

In case the employer has selected and determined the working period as meant in Article 2 and in actual the workers work less than the selected and/or determined working time, then the employer must pay the wages in accordance with the selected and/or determined working time.

## ARTICLE 7

In case the workers work in the official holiday which falls in the selected and/or determined working time based on working time as meant in Article 2, then it shall be calculated as the regular working time.

## ARTICLE 8

The calculation of the wage and overtime pay shall be in accordance with the Decision of the Manpower and Transmigration Number KEP-102/MEN/VI/2004 concerning the Overtime Working Time and Overtime Pay.

## ARTICLE 9

- (1) The employer shall submit the implementation report of the working time and resting time as meant in Article 2 every 3 (three) months to the institution responsible for the manpower field in the local Regency/City with copy to the Minister.
- (2) The report as meant in paragraph (1) shall contain:
  - a. The selected and determined working time;
  - b. The number of workers works;
  - c. The list of overtime pay;
  - d. The Change of the working time implementation.

## ARTICLE 10

The company must adjust the working time and resting time in accordance with the provision under this Ministerial Regulation at least within 3 (three) months after the enactment of this Ministerial Regulation.

## ARTICLE 11

This Regulation shall come into effect from the date of enactment.

Stipulated in Jakarta  
on 26 July 2005

Minister of  
Manpower and Transmigration of  
The Republic of Indonesia,

sgd.

FAHMI IDRIS