

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

NUMBER: PER. 11/MEN/VII/2010

CONCERNING

WORKING TIME AND RESTING TIME IN FISHING SECTOR
AT CERTAIN OPERATIONAL AREA

WITH THE GRACE OF GOD THE ALMIGHTY

MINISTER OF MANPOWER AND TRANSMIGRATION OF
THE REPUBLIC OF INDONESIA,

Considering : That as the implementation of the provisions under Articles 77 paragraph (4) and 78 paragraph (4) of the Act Number 13 Year 2003 concerning Manpower, it is deemed necessary regulating working and resting times in the fishing sector at certain operational area.

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. Act Number 31 Year 2004 concerning Fishery (State Gazette of the Republic of Indonesia Year 2004

Number 31, Supplement to the State Gazette of the Republic of Indonesia Number 4433);

4. Presidential Regulation of the Republic of Indonesia Number 21 Year 2010 concerning the Labour Inspection.
5. Presidential Decision Number 84/P Year 2009;
6. 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.

DECIDING:

To Stipulate : REGULATION OF THE MINISTER OF MANPOWER AND TRANSMIGRATION OF THE REPUBLIC OF INDONESIA CONCERNING WORKING TIME AND RESTING TIME IN FISHING 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. Fish is any type of organism that all or partial of its life cycle is in the water environment.
3. Fishery is all activities related to the management and utilization of the fish resources and its environment from the pre-production, production, management until marketing, conducted in a fishery business system.
4. Fishing is the activity to get fish in the water which is not in the fish cultivation with a tool or any means, including activity to use ship to load, carry, store, freeze up, handle, manage and/or preserve it.
5. Fish cultivation is the activity to rear, grow, and/or plow the fish and harvest the result in the controlled environment, including activity to use ship to load, carry, store, freeze up, handle, manage and/or preserve it.

6. Operational area is location for activities related to the fishing and/or fish cultivation in the rural area.
7. Rural area is work location that is:
 - a. Work location which is far from the public residential area;
 - b. Not available for or cannot be passed by the public vehicle/public transportation;
 - c. To reach the work location should use special vehicle;
 - d. No market, education facility, and health facility available; and
 - e. The daily living needs should be imported from other areas so that need to be served by the employer/company.
8. The working period is a certain period for the workers to conduct the job in accordance with the stipulated work schedule.
9. Worker is a person who works for a wage or other form of remuneration.
10. 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.
11. 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.
12. Minister is The Minister of Manpower and Transmigration

ARTICLE 2 Scope

The Ministerial Regulation shall cover the arrangement of working time and resting time for the worker employed by the employer and domiciled in

Indonesia that conducts the business in the fishery sector in certain operational area.

ARTICLE 3

- (1) The company in the fishery sector including the supporting services companies that conduct the activity in the certain operational area could choose and determine one of and/or several working times pursuant to the company's operational need, as follows:
 - a. Working time of three (3) weeks subsequently, provided that after the worker works for two (2) weeks subsequently, he/she shall be given one (1) resting day and four (1) resting days after the worker completes the working time;
 - b. Working time of four (4) weeks subsequently, provided after the worker works for two (2) weeks subsequently, he/she shall be given one (1) resting day and five (5) resting days after the workers completes the working time.
- (2) In case the company determines the working time as meant in paragraph (1) letters a and 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. Regular working day:
 - 1) for the first overtime hour, must be paid a pay amounted to 1.5 (one and half) times of one-hour pay;
 - 2) for each next overtime hour, must be paid a pay amounted to 2 (two) times of one -hour pay.
 - b. Official holiday:
 - 1) for the first 7 (seven) hours is at least 2 (two) times of one-hour pay;
 - 2) for the next first hour after 7 (seven) hours shall be paid for 3 (three) times of one-hour pay;
 - 3) for the next second hour after 7 (seven) hours and the following shall be paid for 4 (four) times of one-hour pay.

ARTICLE 4

The selection of the arrangement of the working time and resting time as meant in Article 3 shall be further regulated in the Working Agreement, Company Regulations, or Collective Labour Agreement.

ARTICLE 5

- (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 previously agreed by the workers and employer.
- (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.

ARTICLE 6

In case the workers and employer have selected and determined the working period as meant in Article 3 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, then it shall be calculated as the overtime work.

ARTICLE 8

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 9

The calculation of the wage and overtime pay shall be in accordance with the prevailing laws and regulations.

ARTICLE 10

- (1) The employer shall submit the implementation report of the working time and resting time as meant in Article 3 every 3 (three) months to

the institution responsible for the manpower field in the local Regency/City.

- (2) The report as meant in paragraph (1) shall contain:
- a. The selected and determined working time;
 - b. The sections that require overtime works;
 - c. The number of workers works;
 - d. The list of overtime pay.

ARTICLE 11

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

In order for everyone to know it, order the enactment of this Ministerial Regulation to be placed in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta
On 30 July 2010

MINISTER OF MANPOWER AND TRANSMIGRATION
OF THE REPUBLIC OF INDONESIA

Sgd

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

Enacted in Jakarta
On 30 July 2010

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA

Sgd.

PATRIALIS AKBAR, SH.

