

Rödl & Partner

CLIENT ALERT INDONESIA

TAPPING PERSPECTIVES

Issue:
July 2020

Legal Update on Capital Investment in Indonesia

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Guidelines for Workplaces in Various Indonesian Regions

Since the beginning of June 2020, regional governments of various provinces, cities and regencies in Indonesia have started to implement guidelines in order to adapt to the ‘new normal’ through their respective regional laws and regulations. The guidelines are also in line with the previously issued Minister of Health Regulation No. 328 of 2020 concerning the Guidelines of COVID-19 Prevention and Control in Offices and Industrial Workplaces in Support of the Business Continuity during the Pandemic (“Regulation 328”).

DKI Jakarta and its surrounding areas (“Greater Jakarta”) have implemented their


guidelines as of 5 June 2020, with specific provisions applicable for the area in particular as to the country’s capital and center of business activities. Other regions like Surabaya, Bogor or West Java are gradually following suit with their own regional laws and regulations.

This summary serves as a general baseline for other regions to be further implemented in more specific regional laws and regulations, therefore it is also advisable to refer to such laws and regulations as each region may stipulate more detailed and/or stricter provisions.

Summary of Guidelines for Workplaces:

1	Limiting activities and number of people at workplaces by way of limiting capacity and determining work shifts, physical distancing, setting boundaries between employees to avoid contact, arranging flexible working hours, teleworking, avoiding crowding inside workspace, or if possible limiting the maximum number of people to 50 per cent capacity in the workplace at the same time, and others in accordance with the company’s policy;	2	Maintaining the cleanliness and hygienic of the work environment by periodically cleaning and disinfecting the workspace, waste management control by providing a closed trash can for hygienic waste disposal, and optimizing air circulation and sunlight to enter the workspace;
3	Providing hygiene related facilities for washing hands such as running water and hand soap, hand sanitizers, masks, and tissues in various strategic locations at workplace;	4	Employees’ body temperature must be checked while entering public places or facilities on each entrance, and anyone with a body temperature exceeding a certain limit shall not be permitted to enter the premises. The temperature limit shall be determined differently according to each region and/or workplace;
5	Obliging employees to use face masks and/or face shields (and, if necessary, gloves for guest serving purposes) while at work, during trips to and from workplaces/offices, and every time they’re leaving their houses;	6	Respective employers and fellow employees must put on health messages or warnings regarding the handling and prevention of COVID-19 in strategic places such as entrances, elevators, canteens, stairs, and other places that are easily accessible and maintaining socialization of such protocols;

Summary of Guidelines for Workplaces:

7	<p>Management or COVID-19 handling team in the respective workplace must pay attention to the latest information and instruction of central and local governments related to COVID-19 in their area, and to update their policies, protocols and procedures related to COVID-19 in the workplace in accordance with the latest developments and carry out limited operations while adhering to health protocols;</p>	8	<p>Employees are required to complete a COVID-19 prevention Self-Assessment Form provided by the Ministry of Health in Regulation 328, at least one day before they continue working at the office/workplace to ensure such employees are capable to work healthily and do not have COVID-19 symptoms;</p>
9	<p>Optimizing Work-From-Home (WFH) facilities to anticipate increasing cases of COVID-19 in the particular area of workplaces/offices;</p> 	10	<p>Determine procedures for any suspected/confirmed cases in the workplace, as follows:</p> <ol style="list-style-type: none"> a. Instructing employees with the following characteristics to work from home: <ol style="list-style-type: none"> 1) Having symptoms of fever, dry cough, shortness of breath, pregnant women, anyone in high risk of hypertension as well as illnesses related to the heart and/or lungs, dengue fever, diabetes, or other symptoms related to COVID 19; 2) Having a history of contact with COVID-19-positive individuals and suspects, including Individuals in Observation (“Orang Dalam Pemantauan” or “ODP”) and Patients in Observation (“Pasien Dalam Pemantauan” or “PDP”); 3) Originating from/have been traveling from the red zones and/or COVID-19 transmission areas; b. Individuals in Observation (“Orang Dalam Pemantauan” or “ODP”), Asymptomatic Individuals (“Orang Tanpa Gejala” or “OTG”), travelers, and specific individuals making close contacts with confirmed cases must perform self-isolation and will get his/her right without being reduced in any form whatsoever; c. Workplaces/Offices are prohibited from dismissing employees who are in the status of self-isolation or in suspected/confirmed cases situation, and also are not expected to apply attendance-based incentive policies in the workplace/office;
11	<p>Every employee absent from work due to illnesses with symptoms of fever or cough/runny nose/sore throat/shortness of breath, must be reported to the other employees in charge of health and/or medical workers to be assessed and classified into the COVID-19 risk criteria (ODP, PDP, or a confirmed case) and is prohibited to go to</p>	12	<p>If possible, providing a temporary isolation area at work for employees who have fever or cough / runny nose / throat pain / shortness of breath, separated from other employees and for observation purposes toward employees with the same symptoms found while screening process.</p>

work. Employers should also consider to provide leniency with regards to the obligation to present a doctor's note (Surat Keterangan Sakit); and		
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Administrative Penalties

Administrative penalties may be imposed on (i) every person or (ii) person in charge of activities or (iii) every Board of Directors member and/or (iv) person in charge of the workplaces/offices that violate the protocols, including not wearing face masks and not practicing physical distancing, in the form of verbal and/or written notices, doing social works such as cleaning public facilities, or payment of fines in a range which may differ depending on the region.

Businesses that do not implement health protocols on their premises within their responsibilities as stipulated in the respective local regulations may be subject to administrative penalties in the form of verbal and/or written notices, dismissal, sealing of activities, temporary suspension of activities, revocation of business licenses and/or operational permits, or payment of fines.

The implementation of administrative penalties is carried out by the Municipal Police Units (Satpol PP) and may also be accompanied by the Police and TNI, except for the revocation of business licenses and/or operational permits which shall be carried out by the local authorities in charge of business licensing.

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