

REGULATION OF THE MINISTER OF MANPOWER
OF THE REPUBLIC OF INDONESIA
NUMBER 10 OF 2016

ON

PROCEDURES FOR PROVISION OF RETURN TO WORK PROGRAMS AND
PROMOTIONAL AND PREVENTIVE ACTIVITIES FOR EMPLOYMENT INJURIES
AND OCCUPATIONAL DISEASES

BY THE BLESSINGS OF ALMIGHTY GOD

THE MINISTER OF MANPOWER OF THE REPUBLIC OF INDONESIA,

- Considering : that in order to implement the provisions of Article 49 section (2) and Article 50 section (2) of Government Regulation Number 44 of 2015 on Implementation of Employment Injury Benefit and Death Benefit Program, it is necessary to issue Regulation of the Minister of Manpower on the Procedures for Provision of Return to Work Programs and Promotional and Preventive Activities for Employment Injuries and Occupational Diseases;
- Observing : 1. Law Number 1 of 1970 on Occupational Safety (State Gazette of the Republic of Indonesia of 1970 Number 1, Supplement to the State Gazette of the Republic of Indonesia Number 1918);
2. Law Number 13 of 2003 on Manpower (State Gazette of the Republic of Indonesia of 2003 Number 39, Supplement to the State Gazette of the Republic of Indonesia Number 4279);
3. Law Number 40 of 2004 on National Social Security System

- (State Gazette of the Republic of Indonesia of 2004 Number 150, Supplement to the State Gazette of the Republic of Indonesia Number 4456);
4. Law Number 24 of 2011 on Social Security Agency (State Gazette of the Republic of Indonesia of 2011 Number 166, Supplement to the State Gazette of the Republic of Indonesia Number 5256);
 5. Government Regulation Number 44 of 2015 on Implementation of Employment Injury Benefit and Death Benefit Program (State Gazette of the Republic of Indonesia of 2015 Number 154, Supplement to the State Gazette of the Republic of Indonesia Number 5714);
 6. Regulation of the Minister of Manpower Number 8 of 2015 on Preparation Procedures for Making Draft Law, Draft Government Regulation, and Draft Presidential Regulation and Making Draft Ministerial Regulation in Ministry of Manpower (State Bulletin of the Republic of Indonesia of 2015 Number 411);

HAS DECIDED:

To issue : REGULATION OF THE MINISTER OF MANPOWER ON PROCEDURES FOR PROVISION OF RETURN TO WORK PROGRAMS AND PROMOTIONAL AND PREVENTIVE ACTIVITIES FOR EMPLOYMENT INJURIES AND OCCUPATIONAL DISEASES.

CHAPTER I GENERAL PROVISIONS

Article 1

In this Ministerial Regulation:

- 1 Employment Injury Benefit (*Jaminan Kecelakaan Kerja*), hereinafter referred to as JKK, means a benefit in the form of cash and/or health services that is provided when a participant has employment injury or disease caused by work environment.

- 2 Employment Injury means an accident which occurs in an employment, including the accident which occurs on the way from home to workplace or vice versa, and disease caused by the work environment.
- 3 Occupational Disease means a disease caused by work and/or work environment.
- 4 Return to Work Program means a series of procedures for handling Employment Injuries and Diseases through health services, rehabilitation and training so that workers can return to work.
- 5 Health Service Facility means a facility used for administering health services and rehabilitation carried out by the Government, local government, and/or private sectors.
- 6 Labour Social Security Agency (*Badan Penyelenggara Jaminan Sosial Ketenagakerjaan*), hereinafter referred to as BPJS Ketenagakerjaan, means the public legal entity that was established by Law Number 24 of 2011 on Social Security Agency.
- 7 BPJS Ketenagakerjaan Trauma Center means a health service facility in the form of clinics, public health centers, medical centers, doctors' offices and hospitals that cooperate with BPJS Ketenagakerjaan in providing health services for Employment Injuries and/or Occupational Diseases.
- 8 Advisory Doctor means a doctor appointed by the Minister to provide medical considerations in determining the percentage of disability due to Employment Injuries and/or Occupational Diseases, determining total permanent disability, and providing recommendations for the Return to Work Program.
- 9 Employment Injuries and Occupational Diseases Case Manager, hereinafter referred to as Case Manager, means a competent BPJS Ketenagakerjaan service officer assigned to monitor, assist workers and coordinate with relevant parties in implementing the Return to Work Program.

- 10 Promotional Activity means an effort to improve occupational safety and health in order to prevent Occupational Accidents and/or Diseases.
- 11 Preventive Activity means an independent and/or joint effort to prevent Occupational Accidents and/or Diseases.
- 12 Participant means any person, including a foreigner who works for a minimum of 6 (six) months in Indonesia, who has paid contributions.
- 13 Worker means any person who works and receives wages or other forms of rewards.
- 14 Employer means an individual, entrepreneur, legal entity or other body that employs workers or state administrators which employ civil servants by paying salaries, wages or other forms of rewards.
- 15 Minister means the Minister who administers government affairs in the field of manpower.

CHAPTER II

RETURN TO WORK PROGRAMS

Article 2

Every Worker who suffers from an Employment Injury and/or Occupational Disease may receive benefits from the Return to Work Programs.

Article 3

- (1) Benefits of the Return to Work Programs as referred to in Article 2 can be given based on recommendations from an Advisory Doctor.
- (2) The recommendation of the Advisory Doctor as referred to in section (1) may be given:
 - a. in the process of treatment and care; or
 - b. after the Worker has been declared cured with a disability qualified for Return to Work Programs.

Part One

Benefits

Article 4

- (1) Benefits of the Return to Work Programs as referred to in Article 2 are provided comprehensively, namely health services, rehabilitation and work training.
- (2) The provision of benefits as referred to in section (1) is carried out by the BPJS Ketenagakerjaan Health Service and/or Trauma Center Facilities, rehabilitation facilities, and work training facilities owned by the Government, local governments and/or private sectors that meet the requirements and cooperate with the BPJS Ketenagakerjaan.

Part Two

Requirements

Article 5

Workers who suffer from Employment Injuries and/or Occupational Diseases may receive benefits from the Return to Work Programs under following conditions:

- a. registered as a BPJS Ketenagakerjaan Participant in the JKK program;
- b. their employers orderly pay the contributions;
- c. suffering from Employment Injuries or Occupational Diseases resulting in disability;
- d. recommendation from Advisory Doctors that the Workers need to be facilitated in the Return to Work Programs; and
- e. the Employers and Workers are willing to sign a letter of approval to join the Return to Work Programs.

Part Three

Implementation Mechanism

Article 6

- (1) Employers are obligated to report Employment Injuries

and/or Occupational Diseases that afflict Workers as phase I reports to BPJS Ketenagakerjaan and local manpower office, not more than 2x24 hours from the occurrence of Employment Injuries and/or diagnosis of Occupational Diseases by using the specified form.

- (2) The report as referred to in section (1) can be in the form of written report or through electronic media by using the form provided by the BPJS Ketenagakerjaan.
- (3) Based on the report as referred to in section (1), BPJS Ketenagakerjaan Case Managers verify to consider to grant the Return to Work Programs according to the specified requirements, in coordination with the Advisory Doctors.
- (4) Based on the results of verification and supporting data from BPJS Ketenagakerjaan, the Advisory Doctors provide recommendations to Participants to obtain a Return to Work Programs.

Article 7

- (1) Based on the recommendations of the Advisory Doctor as referred to in Article 6 section (4), the BPJS Ketenagakerjaan Case Managers provide assistance to the Participants.
- (2) The assistance as referred to in section (1) is carried out during the process of health services, rehabilitation, work training, and follow-up of the statement of Participant's assignment to return to work.

Article 8

- (1) During the Participant's participation of the Return to Work Programs, the worker's compensation due to inability to work is still paid by the BPJS Ketenagakerjaan until the Participant has completed the work training in accordance with the legislation.
- (2) The BPJS Ketenagakerjaan Case Managers monitor and evaluate the success rate of the Return to Work Programs.

Article 9

- (1) In implementing the Return to Work Programs, the BPJS Ketenagakerjaan may cooperate with:
 - a. Health Service facilities;
 - b. rehabilitation service facilities;
 - c. training facilities.
- (2) The cooperation as referred to in section (1) point a and point b is implemented in accordance with the provisions of the legislation.
- (3) The cooperation as referred to in section (1) point c is carried out by the BPJS Ketenagakerjaan with:
 - a. vocational training centers owned by the government, local governments and/or private sectors;
 - b. occupational safety and health institutions;
- (4) The institution as referred to in section (3) must fulfill the requirements in accordance with the provisions of the legislation.
- (5) The type of work training held by the institution as referred to in section (3) is carried out in accordance with the needs, interests, types and conditions of disability of each Participant.
- (6) After the Participants have been declared to have completed the Return to Work Programs, the training centers as referred to in section (3) issues a statement addressed to the leader of the company as a consideration to reassign the Participant.

Article 10

- (1) The BPJS Ketenagakerjaan monitors and evaluates the implementation of the Return to Work Programs.
- (2) The BPJS Ketenagakerjaan conducts post-placement evaluations of Participants in their workplaces for a maximum of 3 (three) months to determine the success rate of the Return to Work Programs.

CHAPTER III
PROMOTIONAL AND PREVENTIVE ACTIVITIES FOR
EMPLOYMENT INJURIES AND/OR
OCCUPATIONAL DISEASES

Part One
Promotional and Preventive Activities

Article 11

Promotional and Preventive Activities in preventing the occurrence of Employment Injuries and/or Occupational Diseases are the responsibility of Employers in accordance with the provisions of the legislation.

Article 12

- (1) The employers in implementing Promotional and Preventive Activities as referred to in Article 11 may cooperate with the BPJS Ketenagakerjaan by referring to the national occupational health and safety policy.
- (2) The cooperation as referred to in section (1) can be carried out in the form of a memorandum of understanding or other forms agreed mutually.

Article 13

- (1) In addition to the cooperation as referred to in Article 12, in carrying out Promotional and Preventive Activities, the BPJS Ketenagakerjaan can also cooperate with the following institutions:
 - a. occupational health and safety offices;
 - b. safety and health services companies;
 - c. occupational safety and health professional institutions; and/or
 - d. other related institutions in accordance with provisions of the legislation.
- (2) The cooperation as referred to in section (1) may be carried out in the form of a memorandum of understanding or other forms agreed mutually.

- (3) The institutions as referred to in section (1) must fulfill the requirements in accordance with the provisions of the legislation.

Article 14

- (1) Promotional activities as referred to in Article 12 and Article 13 include:
 - a. traffic safety campaign to prevent occupational accidents on the way;
 - b. clean and healthy life promotions and campaigns;
 - c. development of occupational safety and health;
 - d. enhancement of culture on occupational safety and health; and/or
 - d. Workers' nutrition improvement.
- (2) The Preventive Activities as referred to in Article 12 and Article 13 include:
 - a. medical check-up for Participants;
 - b. inspection of the work environment;
 - c. provision of personal protective equipment and facilities for occupational safety and health;
 - d. provision of communication, information and education facilities to prevent Employment Injuries and/or Occupational Diseases; and/or
 - e. training and implementation of safety riding.

Part Two

Implementation of Promotional and Preventive Activities

Article 15

In order to obtain Promotional and Preventive Activities, the Employer as referred to in Article 12 must fulfill the following requirements:

- a. paying contributions orderly;
- b. having become a BPJS Ketenagakerjaan Participant for a minimum of 3 (three) years; and
- c. having included all its workers in social security programs according to the stages of participation.

Article 16

The BPJS Ketenagakerjaan monitors and evaluates the implementation of Promotional and Preventive Activities carried out by Employers as referred to in Article 12 and/or by institutions as referred to in Article 13.

Part Three

Submission of Promotional and Preventive Activities

Article 17

- (1) The employer as referred to in Article 12 and the institution as referred to in Article 13 submit proposals for Promotional and Preventive Activities to the BPJS Ketenagakerjaan in accordance with cooperation terms agreed.
- (2) Based on the proposal as referred to in section (1) the BPJS Ketenagakerjaan verifies to determine the provision of types of Promotional and Preventive Activities according to predetermined requirements.
- (3) Submission of proposals as referred to in section (1) can be in the form of written report or through electronic media by using the form provided by the BPJS Ketenagakerjaan.
- (4) The procedure for provision and implementation of Promotional and Preventive Activities is regulated by the BPJS Ketenagakerjaan.

CHAPTER IV REPORTING

Article 18

The employers as referred to in Article 12 and the institutions as referred to in Article 13 report the results of the implementation of Promotional and Preventive Activities to the BPJS Ketenagakerjaan not later than 7 (seven) work days after the completion of activities.

Article 19

- (1) The BPJS Ketenagakerjaan reports the results of the implementation of the Return to Work Programs and Promotional and Preventive Activities of Employment Injuries and Occupational Diseases to the Minister periodically every 6 (six) months.
- (2) The Minister or appointed officials evaluate the implementation of the programs as referred to in section (1) not later than 1 (one) year.

CHAPTER V

CLOSING PROVISION

Article 20

This Ministerial Regulation comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Ministerial Regulation by its placement in the State Bulletin of the Republic of Indonesia.

Issued in Jakarta
on 10 March 2016
MINISTER OF MANPOWER
OF THE REPUBLIC OF INDONESIA,

signed

M. HANIF DHAKIRI

Promulgated in Jakarta
on 10 March 2016

DIRECTOR GENERAL OF LEGISLATION
OF MINISTRY OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

signed

WIDODO EKATJAHJANA

STATE BULLETIN OF THE REPUBLIC OF INDONESIA OF 2016 NUMBER 387

Jakarta, 28 August 2019

Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,

