

FAIR AND HUMANE LABOUR PROTECTION: LABOUR PROTECTION POLICIES

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Abstract

Fair and humane labour protection is one of the crucial aspects in ensuring the welfare of workers in Indonesia. Policies developed through the Employment Law No. 13 of 2003 as well as the Job Creation Law, provide a legal framework that aims to ensure the fulfilment of workers' basic rights such as living wages, social security, and a safe working environment. The government has also undertaken various initiatives, including the Pre-Employment Card programme, to improve the quality of life of the workforce. However, there are still many challenges faced in implementing this policy, especially in the informal sector which has not been fully covered by social security and the imbalance in law enforcement. To overcome these obstacles, stricter law enforcement and effective supervision are needed. In addition, the active involvement of all stakeholders-government, private sector, and labour organisations-will be helpful in creating a more inclusive, fair, and safe working environment. Thus, this collaboration is expected to bring positive changes to the welfare of workers in Indonesia, guarantee their rights, and promote sustainable economic development.

Keywords: Protection, Labour, Fair and Humane.

Introduction

It has been noted that in the waxing economy of any country, labour is significant. It has been established that the labour resource is one of the constituents which ensures the continuance of economic activities in the nation and progression of a nation. However, despite being so important, a large number of workers still struggle

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with derogatory humane conditions of employment. It has become a matter of state and social attention in many countries, including Indonesia (Kwon & Park, 2020).

Labour protection is always essential for the wellbeing and safety of employees working in any industry. Under an acceptable level of protection, the workers are able to work in a healthy, safe, and fair environment. This involves being free from work injuries, the provision of reasonable pay, health insurance schemes, and preventing all forms of discrimination in employment (Zhukova & Smirnov, 2020). Employees often respond well to proper protection strategies, leading to increased employee performance and positively affecting the sustainability and expansion of businesses and the economy of the nation. In absence of proper protection, workers are prone to mistreatment and abuse in their workplace situations, which not only practices injustices against the particular workers but also increases socioeconomic disadvantages (EDILBAYEVA et al., 2023).

Protection of workers in the sphere of employment is also a way of guaranteeing human rights at work situations. Working people enjoy certain fundamental rights which include among others, the right to work, the right to being treated justly within the workplace, and the chances of self growth. This corresponds with several international schemas such as the one as per the International Labour Organization (ILO) which espouse the principle of labour protection mechanisms as part of social justice (Fedosenko, 2023). Such labour protection strategies adopted by the governments can help in minimizing the incidences of industrial unrest, maintaining societal peace, and ensuring that workplaces are made more peaceful and conducive for the employees. It further has a beneficial effect in the long term on employees' mental and physical well-being, thus enhancing their living standard and that of their community as a whole (Huimin & Jue, 2021).

Workers without current safety measures are faced with a variety of problems that can endanger their health and ensure. One of the prominent challenges is some sort of increase in occupational safety and health injuries. Most of the time, workers are required to perform under injury-prone environments even when there are no policies or procedures to govern occupational health and safety. Also, they are exposed to wage drenchedtism, which is where they are always paid less than reasonable expected levels. Most of the time, these are people who do not have laws guaranteeing them minimum wage or the right to the benefits. The inability to get reasonable remuneration helps increase their and their families risks to poverty (Papageorgiadis & McDonald, 2022).

Another important challenge is the absence of social security and health insurance. These workers are uninsured because they lack appropriate occupational health insurance, unpaid sick leave, or retirement, which is important for their future. Such security deficits put them at risk of slipping into poverty, for instance, when there is an illness or accident preventing them from working (Zaika, 2021). Also, due to the

lack of any barriers to discrimination, there is also frequent unconstitutional behavior towards them at work. All these factors have serious implications on the quality of life of workers in terms of physical and mental health and even their prospects for better social and economic wellbeing are greatly hampered (Cho & Jung, 2023).

Hence, this study aims to achieve a more detailed analysis of the labour relations, namely employment protection, employment policy and other issues.

Research Methods

In this study, the researcher used the literature research method. This method is a research approach that involves identifying, collecting, and analysing literature relevant to a particular research topic. This method focuses on an in-depth study of previously published writings to understand related issues, theories, or findings. (Caglayan, 2021); (Heriyanto, 2018); (Rizkykawasati, 2019).

Results and Discussion

Definition and Basic Theory of Labour Protection

Labour protection refers to the different systems, rules, and practices which are created to guarantee that a particular human rights, welfare, or safe environments provisions for the workers are in place and respected. These protections include a variety of different areas; safe and hygienic working environments, fair salaries and remuneration, reasonable working times, social protection, and the security of employment and the right to non-discrimination (Saez et al., 2023). The broad aim is to ensure that workplaces are humane, equitable and devoid of exploitation or harassment and others unkind and unfair treatment so as to enhance the productivity and health of workers (Jiménez & Rendon, 2020).

Equity at the workplace is regarded as a very important element in ensuring all employed persons are treated with equality and justice irrespective of their race, sex, culture, religion, handicap among other factors. This principle extends to fair treatment in recruitment, promotion, pay, and related employment conditions, and training (Jayaweera, 2023). In addition to the above, fairness in labor also encompasses negative and positive actions wherein employers must provide fair treatment regarding equal opportunities, legal support for employees' rights, and mechanisms to address grievances in a fair way. The last aim of fairness at the workplace is to facilitate healthy development of relations in all members of the workforce and enhancement of productivity and creativity in the organization (Samson, 2023).

The notion of humanity in labour relations means that the workers must not be treated in a dehumanising way, but as individuals who possess dignity, human rights &

human needs. This means that the employer – employee dyad ought to be one of loyalty, justice and compassion (Manakina, 2020). Workers should be guaranteed safe and decent work environments, adequate pay, proper recuperation time, and freedom from harassment and abuse. Moreover, the concept of humanity in labour relations also extends to the psychological and physical health of workers and the nurturing of an environment for the growth of the employees as well as their careers. Therefore, the use of this concept is not just for the advantage of the workers, but also the organisations owing to the fact that it can enhance the levels of motivation, dedication and overall performance of the workforce (MacEachen, 2022).

Forms of Labour Protection

Legal protection is one of the main forms of labour protection that involves the application of laws and regulations that guarantee the basic rights and welfare of workers. This includes arrangements on labour contracts, working hours, minimum wages, leave, and the right to fair treatment. Through these protections, the state ensures that workers get their rights in accordance with applicable standards, as well as providing legal mechanisms to resolve disputes between workers and employers. Workers are also protected from all forms of discrimination, harassment, and unfair termination (Gurbanov et al., 2020).

Social protection includes social security systems designed to provide economic security to workers and their families. This includes health insurance, employment insurance, pension funds, and unemployment benefits. With social protection in place, workers have better access to healthcare, financial assistance in times of illness or injury, and support in retirement. It is crucial to ensure that workers and their families have ongoing welfare security, even when they are unable to work (Shishulina, 2023).

Occupational health and safety protection aims to create a safe and healthy working environment by implementing strict health and safety standards. This involves monitoring working conditions, providing protective equipment, and training on occupational safety. Employers are responsible for identifying and reducing risks in the workplace to prevent accidents and occupational diseases. In addition, workers also have the right to refuse dangerous work and report unsafe working conditions without fear of negative consequences (Owen & Sung, 2020).

Beyond the physical and legal aspects, psychological and mental protection is becoming increasingly important in the modern work environment. This includes efforts to reduce work stress, prevent workplace bullying or harassment, and support workers' mental health. Companies can provide counselling services, mental wellbeing programmes, and policies that support work-life balance. A work environment that supports mental well-being not only improves workers' quality of life but also contributes to employee productivity and loyalty, and reduces absenteeism and turnover rates (Hu & Martin, 2020).

Protection of the right to associate and organise provides workers with the opportunity to join and form trade unions, as well as participate in collective bargaining. Trade unions play an important role in fighting for workers' rights and representing their interests in industrial relations with employers. This right includes the ability to strike as a last resort in dispute resolution (Budianto & Riyadi, 2023). With these protections in place, workers have a stronger collective voice in advocating for better working conditions and more effective protection.

Protection in education and training involves giving workers access to lifelong learning that is relevant to industry and technological changes. Training and skills development programmes ensure that workers are able to keep up with the times, improve their competencies, and remain competitive in the labour market. Moreover, it also helps in increasing job mobility and creating more opportunities for workers to develop their careers (Grafkina, 2021).

Thus, labour protection is a crucial aspect in ensuring that workers get their rights and work in a safe and healthy environment. This form of protection covers various aspects, ranging from legal, social, occupational health and safety, to psychological and mental protection. In addition, the right to unionise and organise, as well as continuing education and training, are also integral to ensuring workers' welfare and security. With these various forms of protection, it is hoped that the relationship between workers and employers can run more harmoniously, productivity can be increased, and overall social welfare can be maintained.

Labour Protection Policy at the Global Level

Labour protection policies at the global level are based on various international conventions and agreements that are structured to ensure the rights of workers around the world are respected and protected. The International Labour Organization (ILO) is the main body at the global level that regulates labour standards and promotes decent work (Porochkin, 2020). The ILO has adopted a number of important conventions governing various aspects of labour protection, including working conditions, wages, work-life balance, and the right to organize.

In the United States, laws such as the Occupational Safety and Health Act (OSHA) and the Fair Labor Standards Act (FLSA) set minimum standards for working hours, minimum wages, and occupational health and safety. In the European Union, Directives from the European Union also play an important role in protecting workers' rights, by setting standards for member states to follow, including protection against discrimination, fair pay, and the right to leave (Pastukhov, 2021).

In developing countries, the challenges of implementing labour protection policies are often greater. While regulations exist, implementation and enforcement are often barriers. Global efforts such as the Sustainable Development Goals (SDGs) that include goals to promote decent work and inclusive economic growth demonstrate a

global commitment to addressing inequities and improving labour conditions around the world (Parlindungan et al., 2024).

In addition, globalisation and the emergence of global supply chains have added a new dimension to labour protection policies. Multinational companies are now faced with demands to ensure that their entire supply chain complies with international labour standards. Initiatives such as Fair Trade and other certifications aim to ensure that goods consumed in developed countries are not produced with labour rights violations in developing countries. This creates a moral and economic responsibility for companies to improve their labour practices worldwide (Pohan, 2023).

Another challenge faced in the global context is the gap between legislation and implementation on the ground. Many countries have ratified ILO conventions and adopted national laws to protect workers. However, weaknesses in enforcement, lack of resources, and, in some cases, corruption can render labour protection ineffective (Marassi & Bolte, 2024). Civil society organisations and trade unions often play an important role in overseeing the implementation of these laws and providing a voice for underrepresented workers.

Training and education are also important aspects of labour protection policies. With increasing automation and digitalisation, the need for new skills development has become more pressing. Retraining and lifelong learning programmes have become an important part of labour policies in many countries. These initiatives not only aim to increase productivity but also to ensure that the workforce can adapt to technological changes and remain competitive in the global labour market (Nafis & Bintang, 2022).

The role of the private sector in labour protection cannot be ignored either. Companies have a responsibility to ensure safe working conditions, fair wages, and policies that support work-life balance. Best practices show that companies that invest in the well-being of their workers tend to benefit from increased productivity, reduced turnover, and a better reputation with consumers and investors (Aragona et al., 2023). Corporate Social Responsibility (CSR) is the framework through which many companies try to integrate labour protection policies into their business operations.

Thus, labour protection policy at the global level is a complex and multi-dimensional effort involving governments, international organisations, trade unions and the private sector. While challenges in implementation and enforcement remain, collaborative efforts to improve working conditions and respond to changes in the global labour market are ongoing. Success in protecting workers' rights depends not only on good legislation, but also on a collective commitment to ensuring fairness and well-being for all workers around the world. As such, it is important that all stakeholders continue to work together to create a decent, safe and fair working environment.

Labour Protection Policy in Indonesia

Labour protection in Indonesia is one of the government's priorities that is regulated in various regulations, including the Labour Law No. 13 Year 2003, and updated with the Job Creation Law, also known as the Omnibus Law (Senchenko & Kaverzneva, 2022). These policies cover various aspects such as minimum wage, social security, work safety, and workers' rights to organise and bargain collectively. The Indonesian government also works closely with international organisations such as the ILO to ensure labour standards are in line with global best practices (Weerasinghe, 2021).

However, the challenges in implementing this policy are complex. There is still a gap between regulation and implementation on the ground, especially in the informal sector, which absorbs the majority of Indonesia's labour force. Not all workers have access to social security and wage payment is still an issue that requires serious attention. In addition, labour law enforcement is often hampered by a lack of resources, as well as varying levels of compliance from company to company (Kozyreva et al., 2020).

To address this, the government has launched a number of initiatives such as the Pre-Employment Card programme that provides training and financial assistance to workers affected by economic and technological transitions. The programme aims to upskill workers and help them adapt to changes in the labour market. The emphasis on vocational education and job training is also designed to create a more prepared and globally competitive workforce (Murzina & Tsyrendashieva, 2023).

The participation of the private sector in protecting workers' rights is also becoming more evident. Many companies in Indonesia have begun to embrace the concept of Corporate Social Responsibility (CSR) as part of their business strategy. Companies active in CSR not only seek to improve workers' welfare through occupational health and safety programmes, but also emphasise the importance of an inclusive and gender-equitable working environment (Abikenova et al., 2023). Thus, labour protection policies in Indonesia require concerted efforts from all stakeholders to achieve broader success.

Conclusion

Fair and humane labour protection in Indonesia is a reflection of the government's commitment to ensure that every worker gets their basic rights enshrined in law, such as decent wages, social security, and a safe working environment. The Labour Law No. 13 of 2003 and the Job Creation Law are some of the key regulations that form the legal framework for these protections. In addition, collaboration with international organisations and local initiatives such as the Pre-Employment Card programme demonstrate the government's continuous efforts in improving the welfare of workers.

However, the implementation of these policies on the ground still faces various challenges. A large informal sector, limited access to social security, and imbalances in law enforcement mean that many workers are still not fully protected. These complexities require more attention in the form of stricter law enforcement and more effective supervision of the implementation of labour policies.

To achieve truly fair and humane labour protection, the active role of all stakeholders is crucial. Companies need to integrate social responsibility principles in their operations, while workers need to be empowered with education on their rights. With strong cooperation between the government, private sector, and labour organisations, it is hoped that a more inclusive, fair, and safe working environment can be created for all workers in Indonesia.

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