

Strike and Collective Bargaining in Indonesia



Trade Union/Labour Union Act No. 21/2000, the Act guarantees:

- workers' rights to establish and become members of unions;
- unions' rights to function in order to protect, defend and improve the welfare of workers and their families, and;
- the protection for workers against acts of anti-union discrimination and interference.
- Protection right to organise are regulated by law: *violation of the law is subjected to a sentence and or fine*

Law in practice, protection to organise

- Civil servants “**have no rights**” to organise and establish union
 - Workers in the precarious employment and informal sector have constrains on the exercise on these rights
 - ***Trend of union-busting*** – establishment of yellow union
 - .”the employer right of demotion
-

- Strike is legal and being recognised as a fundamental right of workers/labourers and trade/labour unions (Article 137 of the Law No. 13/2000 concerning Manpower) BUT the strike shall be staged *legally, orderly and peacefully* **as a result of failed negotiation.**
- Under the law legally, orderly and peacefully strike means:
 - *Within a period of no less than 7 (seven) written notification to their employer and local government*
 - *Must explain detail why strike, when, where, who will responsible*
 - *Strike are banned in enterprises that serve the public interest and/or enterprises whose type of activities, when interrupted by a strike, will lead to endanger the safety of human life*

Rights to strike



In May 2008, employees of Angkasa Pura I held massive strikes in several Indonesian airports demanding allowances and leave rights which were already agreed in the collective agreement.



- Indonesian labour law currently provides some of the strongest guarantees for collective labour rights
- **But only one collective bargain may be concluded in a workplace** – No rights of federations and confederations to collective bargaining
- “according to Law” **the union whose membership totals more than 50% of the workforce can negotiate the collective agreement – BUT in 2010 one union, Bank Central Asia Worker’s Union (SP BCA) filed case against the article 120 (1) and (2) of the Law No. 13/2003 for reviewed by the Indonesia Constitutional Court (MK).**
- Validity of the collective labour agreement is for 2 (two) years (Article 123) and the effectiveness of the collective agreement may be extended for no longer than 1 (one) year based on written agreement between the entrepreneur and the trade/labour unions
- Public employees in national and local government cannot take part in the free collective bargaining since they are obligated to join KORPRI (Indonesian Civil Servants Corp).

Collective bargaining right



- **HOSTUM** – national strike from **will be held from oct 3rd**
-

