

Working Health Protection Policy Against Workers in the Pandemic Time Covid-19

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Abstract—This research was motivated by the policy of the Bandar Lampung city government in responding to controlling the spread of COVID-19 by issuing several regulations, including restrictions on activities and restrictions on operating hours for ksaha activities. The circular letter was issued as a follow-up to Regional Regulation Number 3 of 2020 concerning Adaptation of New Habits and Control of Covid-19. The circular has forced catering business owners not to get catering orders because of the ban on wedding receptions and also made modern mall/cafe/store business owners automatically reduce their employees' working hours. The problem that has the potential to arise from restrictions on activities/events/parties and operations is that workers have the potential to be laid off, even if they are laid off (Termination of Employment). Termination of employment only has implications for the absence of overtime pay. The reduction in working hours of course also has an impact on the number of labor wages which in turn has an impact on the economic life and health of the workers themselves. The conclusions in this article include: (1) the impact of restrictions on activities and operating hours of business activities on workers in Bandar Lampung City affects the survival and mental health of workers when the wages received are decreasing as an implication of the policy of limiting operating hours; (2) Occupational health protection policies for workers during the COVID-19 pandemic in Bandar Lampung City, both from the aspect of government policies and aspects of company policies, still have not accommodated occupational health protection for workers, both in terms of mental health as wages have decreased, or in terms of protection from exposure to the 2019 coronavirus disease.

Keywords—Activity Restrictions, Operational Hours Restrictions, Occupational Health, Labor

I. INTRODUCTION

A. Background

The preamble to the Constitution of the Republic of Indonesia from 1945 contains philosophically noble values and the mission and ideals of the founding father. This commitment emphasizes that Indonesia is a

country that sticks to the concept of a welfare state. A characteristic of the welfare state is that it provides services to the community in various areas of life such as politics, society, culture, and economy. According to Wolfgang Friedman, the function of the state in the concept of the welfare state is the function of the state as a guarantor of the public interest, the function of the state as a regulator, the function of the state as an entrepreneur, and the state as an arbitrator [1].

The fourth paragraph of the preamble to the Constitution of the Republic of Indonesia in 1945 contains four pledges of independence, which is also a national goal. (2) Promote general well-being. (3) The spiritual life of the people. (4) Participate in the realization of world order based on freedom, eternal peace, and social justice.

One of the national goals is to promote the general welfare, which is the importance of obligations, obligations, and responsibilities that rest on the shoulders of the state to express its efforts for the prosperity of the Indonesian people as a whole. included. One of the real efforts to achieve the public interest is to provide employment opportunities, especially to citizens who are part of the workforce.

But we were all surprised by the arrival of a pandemic that hit almost every country in the world. The virus started, was discovered in Wuhan, China in December 2019, and spread to various parts of the world, including Indonesia. On February 11, 2020, the World Health Organization (WHO) named the new virus Severe Acute Respiratory Syndrome Coronavirus 2 (SARSCoV2) and Disease Coronavirus Disease 2019 (COVID19). As of March 4, 2020, the number of people infected with COVID 19 in Indonesia was 1,361,098 confirmed positive, 1,176,356 recovered and 36,897 died [2].

Later, as the number of patients with Covid19 increased, the government introduced several guidelines to address it, including increasing social distance and those who call it "at home." This is intended to reduce

or disrupt the Covid 19 chain, where everyone needs to maintain a safe distance of at least 2 meters and does not have direct contact with others.

In addition, the government has taken various steps, including issuing PP No. 21 (PSBB) for 2020 on large-scale social restrictions, which is the government's strategy to prevent the further spread of the virus. Finally, the Government has issued a Micro base (PPKM Micro) Enforcement Policy on Community Activities Restrictions Enforcement (PPKM) based on the 2021 Immendagri Order No. 03 on Micro PPKM and the establishment of COVID 19 processing in the command post. Introduced. At the village and sub-district level to manage the spread of COVID 19.

At the local government level, the step in responding to controlling the spread of COVID-19 is to issue several regulations, which include, for example, what was done by the City Government of Bandar Lampung, including issuing Circular Number 360/138/1-05.0-00-0-00- 04/I/2021 Regarding Restrictions on Activities/Events/Parties which essentially limits activities/events/parties in the form of receptions and massive activities.

In addition, the City Government of Bandar Lampung also issued a Circular (SE) of the Mayor of Bandar Lampung Number 440/133/IV.06/2021 concerning Restrictions on Operational Hours of Business Activities addressed to hotel managers, meeting building owners, management of shopping centers, cafes/restaurants, karaoke, and entertainment venues. The SE was issued following up on Regional Regulation Number 3 of 2020 concerning Adaptation of New Habits and Control of Covid-19. The SE provides a decision on the operating hours of shopping centers, supermarkets, modern stores until 19.00. Operational hours of restaurants, cafes, karaoke, discotheques, pubs, massage parlors, billiards, street vendors, and other entertainment until 22.00. As long as operational activities continue to carry out the Covid-19 health protocol strictly by implementing the 3M program (wearing masks, washing hands, and maintaining distance), if operational activities violate these rules, they will be subject to criminal sanctions of imprisonment and fines following Regional Regulation Number 3 /2020 on Adaptation of New Habits and Control of Covid-19.

The implications arising from the existence of regulations in the form of restrictions on activities/events/parties and operating hours have an impact on the reduced working hours of workers. The Circular has forced catering business owners not to get orders for catering services because of the prohibition on wedding receptions, and also makes modern mall/cafe/store business owners automatically reduce the working hours of their employees.

The problem that has the potential to emerge from the restrictions on activities/events/parties and

operations is that workers have the potential to be laid off, not even closing the possibility of being laid off (Termination of Employment). Just laying off workers has implications for the absence of overtime pay. The overtime pay is much higher than the number of wages. In addition, there is a derivative consequence of the reduced operating hours, namely the reduction in the working hours of workers from, for example, up to 22.00 to 19.00. The reduction in working hours, of course, also has an impact on the number of labor wages, which in turn has an impact on the economic life and health of the workers themselves.

B. Problem Formulation

Based on this background, the formulation of the problem in this study is:

- What is the potential impact of restrictions on activities and operating hours of business activities on workers in Bandar Lampung City?
- How is the occupational health protection policy for workers during the COVID-19 pandemic in Bandar Lampung City?

II. DISCUSSION

A. Government Policy and Labor Protection

In the UDHR (Universal Declaration of Human Rights) Article 23 paragraphs (1), (2), (3), and (4) it is stated [3]:

- Everyone has the right to get a job, is free to choose a job, the conditions fair, and favorable environment of work and protection from unemployment.
- Everyone without discrimination has the right to get the same pay for the same work.
- Everyone who works has the right to just and favorable remuneration, which ensures himself and his family follow the dignity of human beings and is supplemented if necessary by other social assistance.
- Everyone has the right to form and join trade unions to protect their interests.

Meanwhile, Article 13 of the OIC Declaration also states that “work is a right guaranteed by the government and society for everyone ready to work. Everyone should be free to choose the most suitable and useful work for himself and society [3]. Meanwhile, Article 27 paragraph (2) of the 1945 Constitution of the Republic of Indonesia states that every Indonesian citizen has the right to work and a decent living for humanity. The constitutional provisions show that one of the Human Rights (HAM) is the existence of a job, as well as a decent living from that work. Why then must workers be protected? The answer, of course, is that workers are human beings who have human rights which must therefore be protected.

In this regard, all workers must pay wages to ensure a decent life and livelihood. Wages are employment contracts, agreements, or statutory rules (employment of workers/workers and their families. Work and/or services performed or planned to be performed [4].

Expectations of workers/laborers, wages should be able to meet the minimum basic needs. The minimum basic needs are [5]:

- Basic needs for life, including food, clothing, shelter, water, air, fuel, and others;
- Needs to support the public interest and improve individual performance/productivity include education, medical services, means of communication, transportation, social facilities, and freedom of expression;
- The need to improve access to a mode of production and economic opportunities (purchase opportunities) such as land, water, vegetation, capital (including technology), employment opportunities, and decent income;
- The need to live with security and freedom of choice, including respect for human rights, participation in politics, social security, social defense, and fair regulation at all levels of society.

Naseon Nadeak-LBH SBSI Korwil East Java—who cited Muchtar Pakpahan's opinion said that the parameters of a decent income for workers/laborers are [5]:

- Adequate clothing, food, housing;
- Enough for annual leave (going back to hometown); and
- Sufficient to pay for the education of workers/laborers' children to college.

In essence wages for workers/laborers are wage ends meet fundamental and worthy of the lives of workers/laborers and their families, as Article 4 paragraph (1) of Government Regulation No. 78 the Year 2015 on Equal Remuneration, which states that:

"Income eligible an amount acceptance or income of workers/laborers from the results of their work so that they can meet the daily needs of workers/laborers and their families."

However, as a policy in responding to the spread of the COVID-19 pandemic, Circular Letter Number 360/138/1-05.0-00-0-00-04/2021 concerning Restrictions on Activities/Events/Parties has been issued which essentially limits activities/events. / parties in the form of receptions and activities that are massive, and Circular (SE) of the Mayor of Bandar Lampung Number 440/133/IV.06/2021 concerning Restrictions on Operational Hours of Business Activities addressed to hotel leaders, meeting building owners, shopping

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The problem that has the potential to emerge from the restrictions on activities/events/parties and operations is that workers have the potential to be laid off, not even closing the possibility of being laid off (Termination of Employment). Just laying off workers has implications for the absence of overtime pay. The overtime pay is much higher than the number of wages. In addition, there is a derivative consequence of the reduced operating hours, namely the reduction in the working hours of workers from, for example, up to 22.00 to 19.00. The reduction in working hours, of course, also has an impact on the number of labor wages, which in turn has an impact on the economic life and health of the workers themselves.

The government will then curb the spread of the COVID 19 pandemic, increase restrictions on micro-based community activities, and address coronavirus disease 2019 in the village through 2021 Interior Ministerial Decree No. 17 over the next period. Corresponding to optimizing the command post for. Sub-district level to control the spread of coronavirus disease. 2019 which essentially instructs the Governors in establishing and regulating Micro-Based PPKM in each district/city in its territory. One of the instructions from the Minister of Home Affairs was addressed to the Governor of Lampung, in which Bandar Lampung City and Metro City were included in the implementation of the Micro PPKM.

1) Office/workplace activities

Office/workplace activities, both in government offices, ministries/institutions/regions) and

BUMN/BUMD/private offices, are subject to the following provisions:

- Regency/city level 4: implementing work from home or work from home (WFH) 75% and working in the office or work from an office (WFO) 25%.
- Another district/city level: implement 50% WFH and 50% WFO.
- WFH and WFO are implemented through the implementation of stricter health protocols. Changes in working hours regulations; if WFH does not mobilize elsewhere. The implementation of WFH and WFO complies with the agreement of the ministries/authorities (K / L) or local governments (*Pemda*).

2) *Teaching and Learning Activities Teaching*

Learning activities in schools, colleges, academies, and places of education/training apply the following provisions:

- Regency/city level 4: conducted online; and
- Another district/city level: according to regulations from the Ministry of Education, Culture, Research, and Technology (*Kemendikbudristek*).

3) *Essential Sector Activities Essential*

Sector activity is 100% operational with tighter uptime, capacity management, and health protocols. These sectors include Health, Food, Beverages, Energy, Communications and Information Technology, Finance, Banking, Payment Systems, Capital Markets, Logistics, Hotels, Construction, Strategic Industries, Basic Services, Utilities, and National. Includes industries designated as important targets. Daily needs related to a particular object, the basic needs of society. It is also the location of key sectors, industries, basic services, utilities, and nationally important projects. Second, a place that meets the basic needs of the community (markets, shops, supermarkets), both independently and in shopping centers/malls.

4) *Eating/Drinking Activities in Public Places*

The following provisions apply independently and at malls/malls for food and beverage activities in public places such as food stalls, restaurants, cafes, street vendors, street vendors, etc.

- Eat/drink on-site, at most 25% capacity.
- Limited operating hours until 17.00.
- Delivery or delivery/takeaway or takeaway services are permitted with limited operating hours until 20.00.
- Restaurants that only serve take-out/take-away can operate for 24 hours and
- Implementation of stricter health protocol.

5) *Activities at Shopping Centers/Malls Shopping*
Shopping centers, malls, and trade centers can operate with limited operating hours until 17.00 local time and limit visitors to a maximum of 25 percent of capacity with stricter health protocol.

6) *Construction Activities Construction*

Sites and project sites can operate 100 percent with stricter implementation of health protocol.

7) *Worship*

Activities in places of worship, including mosques, prayer rooms, churches, temples, and other places of worship, the following provisions apply:

- Regency/city level 4: temporarily suspended until declared safe; and
- Another district/city level: according to regulations from the Ministry of Religion, with stricter implementation of health protocol.

8) *Activities in Public Areas*

The following rules apply to activities in public areas, including public facilities, parks, public attractions, and other public areas:

- Regency/city level 4: temporarily closed until declared safe; and
- Another district/city level: allowed to open at most 25 percent of capacity, regulation from the local government, with stricter implementation of health protocol.

9) *Community Art, Culture and Social*

Activities The following provisions apply to arts, cultures, and social activities in the field of arts, cultures, and social activities that may cause crowds:

- Regency/city level 4: temporarily closed until declared safe;
- Another district/city levels: allowed to open at most 25 percent of capacity, regulation from the local government, with stricter implementation of health protocols; and
- Celebration (community) activities are at most 25 percent capacity, no food is served on site.

10) *Meetings, Seminars, and Offline Meetings*

The following provisions apply to the activities of conferences/seminars/conference locations, seminars, and offline conferences in public locations that may cause congestion or congestion:

- Regency/city level 4: temporarily closed until declared safe; and
- Regency/city Other levels: allowed to open at most 25 percent of capacity, regulation from local government, with stricter implementation of health protocol.

11) *Public Transportation Public*

We can operate the transportation, bulk transportation, taxis (traditional and online), motorbike taxis (online and basic), and rental/rental vehicles. Capacity and operating hours are regulated by local governments and health protocols are more stringent.

In connection with the provisions for limiting operating hours, for example, the maximum is until 17.00, of course, this reduces the working hours of workers which has implications for workers' wages. When the wages of workers are reduced, it has the potential to have an impact on the mental health of the workers.

B. *Company Policy and Labor Protection*

In terms of company policy, researchers took samples of Company Policy from 7 (seven) Malls in Bandar Lampung City. The mall was chosen because it is one of the mobility centers for people who are vulnerable to the spread of COVID-19. The seven malls include:

- Boemi Kedaton Mall;
- Central Plaza;
- Kartini Mall;
- Chandra Department Store;
- Simpuri Centre;
- Lampung Mall;
- Transmart Carrefour

The results of the researchers' observations, between the period April - July 2021, it was found several facts that had not fulfilled the standardization of the application of occupational health for the mall employees themselves. These facts can be seen in, among others:

- Changing Room/Employee Waiting Room which is very cramped with many employees coming in and out;
- The Operations Manager's room is less spacious, even though many employees come in and out;
- Cash and non-cash payments via debit cards and credit cards are still not safe from the potential for "droplets" to spread; and the
- The guard at the mall entrance sometimes doesn't focus, especially when the officers gather and chat, so mall visitors can enter without checking the temperature and being sprayed with hand sanitizer.

In line with this fact, according to Aloysius Uwiyo, occupational health is defined as all rules and efforts aimed at protecting workers/laborers from actions or conditions that can interfere with their physical, psychological, and moral health. A similar

opinion was expressed by Iman Soepomo, that occupational health is [6]:

"Rules and efforts to protect workers/laborers from adverse labor events or conditions or can harm health and morals in a person doing work in an employment relationship."

Occupational safety and health are one of the forms of labor protection and become a fundamental right of workers/laborers (Article 86 paragraph (1) letter an of Law Number 13 the Year 2003 on Manpower. For that employers must implement a systematic and integrated with enterprise management systems. In the covid-19 pandemic, occupational safety and health are important aspects that should not be forgotten by employers and also the government as policymakers [7].

III. CONCLUSION

Conclusions in this paper include:

- The impact of restrictions on activities and operating hours of business activities on workers in Bandar Lampung City affects the survival of workers including mental health when the wages received are getting less as an implication of the policy of limiting operating hours.
- Occupational health protection policies for workers during the COVID-19 pandemic in Bandar Lampung City, both from the aspect of government policies and aspects of company policies, still have not accommodated occupational health protection for workers, both in terms of mental health as wages are decreasing, as well as in terms of protection aspects from exposure to coronavirus disease 2019.

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