

Client Alert

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Indonesia Employment Update - Covid-19

The recent increase of Coronavirus ("**Covid-19**") cases in Indonesia raises concerns for everyone in the country. The following outlines several key notes on employment and immigration matters related to Covid-19. Please note that the Indonesian government's response to the outbreak is evolving rapidly. It is important to regularly check for updates.

Employers in Indonesia are required to enforce a work safety and a health management system aimed at creating a safe, efficient and productive work place. This includes measures to deal with disease prevention, hazard control in the work place, health promotion, medication and rehabilitation.

The Jakarta Province Office of Manpower, Transmigration and Energy issued a circular letter to employers in Jakarta recommending employers to take preventive measures against the risk of Covid-19 transmission. The preventive measures include ceasing business activities temporarily as well as implementing "work-from-home" for employees. However, health service providers, grocery shops and fuel stations should not stop their activities.

Temporary Cease of Business

Employers can cease their business activities temporarily. During the temporary cease of business activities, the employer can instruct all employees to stay at home. When implementing this measure, unless the employees (or the labor union, if there is one) agree on a different arrangement, the employer must continue paying the salary and other benefits.

Working from home

Employers can ask their employees to "work-from-home". In this regard, the office may be entirely closed or partially closed. Similar to the temporary cease of business, the employer must continue to pay the salary and benefits, unless the employees (or the labor union) agree on a different arrangement.

Taking leave

In general, employers cannot force their employees to take annual leave or unpaid leave. Employees will need to agree to take annual leave or unpaid leave.

However, in light of the Covid-19, in certain circumstances described below, the employer can require its employees to not come to work.

- (a) If an employee is declared as a Person Under Monitoring (*Orang Dalam Pemantauan* or ODP) pursuant to a medical certificate, the employer must allow the employee to not come to work for 14 days or the number of days recommended by the Ministry of Health at the relevant time.



(b) If an employee is declared as a Patient Under Surveillance (*Pasien Dalam Pengawasan* or PDP), the employee will be entitled to the sick leave at the normal salary rate applicable for an employee who is absent due to illness, i.e.:

- first 4 months of illness : 100%
- second 4 months of illness : 75%
- third 4 months of illness : 50%
- each subsequent month of illness : 25%
(until termination of employment)

Travel restrictions

Employers can impose travel restrictions on their employees as a measure to protect their employees' health and safety.

The Indonesian Ministry of Foreign Affairs is encouraging Indonesians who are travelling abroad to return to Indonesia as soon as possible. In addition, the Indonesian government is suspending the use of Visa Free Facility, Visa on Arrival and Diplomatic Visa. All foreigners intending to visit Indonesia must obtain a visa at the relevant Indonesian Embassy/Consulate. When applying for the visa, the individual must submit a health certificate issued by the relevant authorities of each government.

Other than restrictions for travelers having been in the People's Republic of China and the city of Daegu and Gyeongsangbuk-do Province, South Korea, travelers who within the last 14 days visited the following countries are not allowed entry to Indonesia:

- (a) Iran
- (b) Italy
- (c) Vatican
- (d) Spain
- (e) France
- (f) Germany
- (g) Switzerland
- (h) United Kingdom

Reporting Obligations

Employers in Jakarta are expected to submit a report to the relevant City Local Office of Manpower, Transmigration and Energy on Covid-19 preventive measures being implemented. This report is to be submitted via this link (which is in Indonesian): bit.ly/laporanpelaksanaanwfh

In addition, there is also a requirement for anyone (including employers) who is aware of a person suffering an infectious disease to report it to a health professional or the local Community Health Center (*Puskesmas*). This reporting obligation should also be applicable for Covid-19 infection.



Redundancies

There are no specific requirements with regard to redundancies taking place during the current Covid-19 situation. The general issues, process and obligations on termination of employment apply.

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