

# PROCEDURE FOR GRANTING RETURN TO WORK PROGRAM AND PROMOTE OCCUPATIONAL PREVENTIVE ACTION TO AVOID OCCUPATIONAL ACCIDENT

(Regulation of of the Minister of Manpower R.I Number  
10 Year 2016, dated March 10, 2016)

WITH THE BLESSING OF THE ONE AND ONLY GOD  
MINISTER OF MANPOWER REPUBLIC OF  
INDONESIA

**Considering:**

Whereas, to implement the provisions in Article 49 paragraph (2) and Article 50 paragraph (2) of Government Regulation Number 44 Year 2015, concerning Implementation of Security on Occupational Accident and its Consequential Harm, it is necessary to stipulate Regulation of the Minister of Manpower on Procedure for Granting Return to Work Program and Promote Occupational Preventive Action and its Consequential Harm;

**In view of:**

1. Law Number 1 Year 1970, concerning Occupational Safety (Statute Book of the Republic of Indonesia Year 1970 Number 1, Supplement to Statute Book of the Republic of Indonesia Number 1918);
2. Law Number 13 Year 2003, concerning Manpow-

er (Statute Book of the Republic of Indonesia Year 2003 Number 39, Supplement to Statute Book of the Republic of Indonesia Number 4279);

3. Law Number 40 Year 2004, concerning National Social Security System (Statute Book of the Republic of Indonesia Year 2004 Number 150, Supplement to Statute Book of the Republic of Indonesia Number 4456);
4. Law Number 24 Year 2011, concerning Social Security Operating Body (Statute Book of the Republic of Indonesia Year 2011 Number 166, Supplement to Statute Book of the Republic of Indonesia Number 5256);
5. Government Regulation Number 44 Year 2015 concerning Implementation of Occupational Accident Preventive Action and its Consequential Harm Security Program (Statute Book of the Republic of Indonesia Year 2015 Number 154, Supplement to Statute Book of the Republic of Indonesia Number 5714;

6. Regulation of Minister of Manpower Number 8 Year 2015, concerning Procedure for Establishment of Law, Government Regulation Program, and Presidential Regulation Program, and Establishment of Regulation of the Minister of Manpower (State Gazette of the Republic of Indonesia Year 2015 Number 411);

#### DECIDES:

To stipulate:

REGULATION OF THE MINISTER OF MANPOWER  
CONCERNING PROCEDURE FOR GRANTING RETURN  
TO WORK PROGRAM AND PROMOTE OCCUPA-  
TIONAL ACCIDENT PREVENTIVE ACTION AND ITS  
CONSEQUENTIAL HARM .

#### CHAPTER I

##### GENERAL PROVISION

##### Article 1

What is meant in this Regulation of the Minister by:

1. Occupation Accident Security hereinafter referred to as JKK shall be benefit in cash and/or in the form of health service provided when a participant encounters occupational accident or harm arising from occupational environment.
2. Occupational Accident shall be accident occurring that pertains to occupation including accident occurring on the way going home from work or the

other way round, and sickness resulting within the working environment.

3. Occupational Harm / Sickness shall be sickness resulting from work and/or working environment.
4. Return to Work Program hereinafter referred to as Return to Work Program shall be a series of procedure for handling Occupational Accident or its Consequential Harm by providing health, rehabilitation and training systems so as to enable the workers to return to work.
5. Health Service Facilities shall be facilities used to provide health service and rehabilitation exercised by the Government, Regional Administration, and/or private sector.
6. Manpower Social Security Operating Body hereinafter referred to as BPUS of Manpower shall be public legal entity duly established under Law Number 24 Year 2011 concerning Social Security Operating Body.
7. Manpower BPJS Trauma Center shall be health facilities in the form of clinic, puskesmas (community health center), medication foundation, doctors practical joint center, and hospital that cooperate with the Manpower BPJS in providing health service in Occupational Accident and/or its Consequential Harm.

8. Advisory Doctor shall doctor duly appointed by the Minister to provide medical consideration in determining percentage of incapability resulting from Occupational Accident and/or its Consequential Harm, for the purpose of determining percentage of total permanent incapability, and recommend to utilize the Return to Work Program.
9. Manager of Occupational Accident and its Consequential Harm Case hereinafter referred to as Case Manager shall be competent Service Officer of Manpower BPJS assigned the duty to monitor, provides accompanying assistance to manpower and coordinate with the relevant parties in implementing Return to Work Program.
10. Promotion activity shall be effort exercised to improve occupational safety and health to prevent Occupational Accident and/or its Occupational Consequence.
11. Preventive activity shall be effort exercised individually or jointly to prevent Occupational Accident and/or its Consequential Harm.
12. Participant shall be any person including foreigner working for at least six (6) months in Indonesia, and has paid contribution.
13. Worker shall be any person working with wage or compensation in other form.
14. Work Provider shall be individual person, entrepreneur, legal entity, or other legal entity employing manpower or State official employing civil servant with salary, wage, or compensation in other form.
15. Minister shall be Minister exercising administration affair on manpower.

## CHAPTER II

### RETURN TO WORK PROGRAM

#### Article 2

Any Worker encountering Occupational Accident and/or its Consequential Harm has the right to obtain benefit from the Return to Work Program.

#### Article 3

- (1) The benefit of Return to Work Program referred to in Article 2 shall be granted based on recommendation of the Advisory Doctor.
- (2) The recommendation of Advisory Doctor referred to in paragraph (1) shall be given:
  - a. in medication and health process; or
  - b. after the Worker is declared recovered with incapability that may be provided with the Return to Work Program.

#### Part One

## Benefit

## Article 4

- (1) The benefit of Return to Work Program referred to in Article 2 shall be provided comprehensively effective as of the start of health service, rehabilitation, and occupational training.
- (2) The benefit referred to in paragraph (1) shall be provided by the Facilities for Health Service and/or Manpower BPJS Trauma Center, rehabilitation, and occupational training belonging to the Government, Regional Administration, and/or belonging to private sector that complies with the terms and conditions and bound in joint operation with the Manpower BPJS.

## Part Two

## Terms and Conditions

## Article 5

Any worker encountering Occupational Accident and/or its Consequential Harm has the right to the benefit of Return to Work Program based on the requirements below:

- a. he/she is registered as Participant of Manpower BPJS in JKK Program;
- b. Work Provider pays contribution routinely;
- c. encounters Occupational Accident or is harmed by Occupational Accident resulting incapability;
- d. recommendation of Advisory Doctor stating that the Worker needs facilities of Return to Work Program; and

- e. Work Provider is willing to sign approval letter to participate in Return to Work Program.

## Part Three

## Mechanism for Implementation

## Article 6

- (1) Work Provider shall be obliged to report Occupational Accident and/or its Consequential Harm that hits the Worker constituting Report in Phase-I to the Manpower BPJS and the Department exercising administration affair on manpower locally not later than 2x24 hours as of Occupational Accident takes effect and/or as of the date diagnosis of Occupational Accident Consequence is made using the Form made available therefor.
- (2) The report referred to in paragraph (1) must be made in writing or transmitted electronically using the Form made available therefor by Manpower BPUS.
- (3) Based on the Report referred to in paragraph (1) the Manager of Manpower BPUS Case shall conduct verification for consideration whether to grant Return to Work Program based on the requirements stipulated by coordinating with the Advisory Doctor.
- (4) Based on the result of verification and supporting data from Manpower BPJS, the Advisory Doctor shall make recommendation to the Participant to

obtain the facilities of Return to Work Program.

#### Article 7

- (1) Based on the recommendation of the Advisory Doctor as referred to in Article 6 paragraph (4) the Manager of Manpower BPUS Case shall provide accompanying assistance to the Participant.
- (2) The accompanying assistance referred to in paragraph (1) shall be provided at the process of health service, rehabilitation, work training, and follow-up action in the form of statement letter for placement of the Participant to Return to Work Program.

#### Article 8

- (1) During the course the Participant Returns to Work Program the temporary compensation for incapability to work will be paid by the Manpower BPUS until the Participant completes the work training in accordance with the statutory regulation.
- (2) The Manager of Manpower BPUS Case shall monitor and evaluate the level of accomplishment of the Return to Work Program.

#### Article 9

- (1) In carrying out the Return to Work Program, the Manpower BPJS shall cooperate with:

a. Health Service facilities;

- b. Rehabilitation Service facilities;
- c. Training facilities.

- (2) The cooperation referred to in paragraph (1) letter a and letter b shall justify with the statutory regulations.
- (3) The cooperation referred to in paragraph (1) letter c shall be implemented by Manpower BPJS with:
  - a. work training institution belonging to Government, Regional Administration and/or private sector;
  - b. occupational safety and health institution;
- (4) The institution referred to in paragraph (3) shall comply with the requirements in the statutory regulation.
- (5) Type of occupational training provided by the institution referred to in paragraph (3) shall be exercised based on the need, interest, type and condition of incapability of the respective Participant.
- (6) As soon as Participant is declared to have completed the Return to Work Program the training institution referred to in paragraph (3) shall issue statement letter addressed to the management of company for consideration for placing the Participant back to work.

## Article 10

- (1) Manpower BPJS shall monitor and evaluate implementation of the Return to Work Program.
- (2) Manpower BPJS shall conduct evaluation of post-placement of the Participant at the work place for maximum three (3) months in evaluating the level of accomplishment of the Return to Work Program.

## CHAPTER III

PROMOTING ACTIVITY AND OCCUPATIONAL ACCIDENT PREVENTIVE ACTION  
AND/OR ITS CONSEQUENTIAL HARM

## Part One

## Promoting and Preventive Activities

## Article 11

Promoting and Preventive activities for prevention of Occupational Accident and/or its Consequential Harm constitute responsibility of the Work Provider in accordance with the statutory regulation.

## Article 12

- (1) The Work Provider in exercising Promoting and Preventive Activities as referred to in Article 11 shall cooperate with Manpower BPJS with due consideration of the National Policy on Occupational Safety and Health.
  - (2) The cooperation referred to in paragraph (1) shall be exercised in the form of Understanding Agreement or in other form as mutually agreed upon.
- Article 13
- (1) Other than the cooperation referred to in Article 12, in exercising Promoting and Preventive Activities, Manpower BPJS shall cooperate with institutions referred to below:
    - a. occupational safety and health foundation;
    - b. occupational safety and health service company;
    - c. occupational safety and health professional institution; and/or
    - d. other related institutions based on the provisions in the statutory regulation.

- (2) The cooperation referred to in paragraph (1) shall be exercised in the form of Understanding Agreement or other form of joint agreement.

- (3) The institutions referred to in paragraph (1) shall comply with the requirements in accordance with the provisions in the statutory regulation.

#### Article 14

- (1) The Promoting activity referred to in Article 12 and Article 13 shall cover:

- a. safety campaign on traffic to prevent Occupational Accident during travelling ;
- b. promote and campaign on clean and healthy living;
- c. management of occupational safety and health;
- d. promote occupational safety and healthy culture; and/or
- e. improve Workers nutrition.

- (2) The Preventive Activity referred to in Article 12 and Article 13 shall covers:

- a. health examination / medical check up of Participant;
- b. examination of working environment;
- c. provision of personal protection device, and occupational safety and health facilities;
- d. provision of facilities for communication, information, and education to prevent Occupation Accident and/or its Consequential Harm; and/or
- e. training and implementation of safety driving.

#### Part Two

##### Implementation of Promoting and Preventive Activities

#### Article 15

To obtain Promoting and Preventive Activities, the Work Provider referred to in Article 12 shall be obliged to comply with the requirements below:

- a. discipline in paying contribution;
- b. has been Participant of Manpower BPJS for at least three (3) years; and
- c. has participated its workers in the Social Security Program according to the phases of participation.

#### Article 16

Manpower BPJS shall monitor and evaluate implementation of Promoting and Preventive Activities

exercised by the Work Provider referred to in Article 12 and/or the institution referred to in Article 13.

### Part Three

#### Proposal of Promoting and Preventive Activities

#### Article 17

- (1) The Work Provider referred to in Article 12 and the Institution referred to in Article 13 shall submit proposal on Promoting and Preventive Activities to Manpower BPJS in accordance with the provisions in the cooperation as mutually agreed upon.
- (2) Based on the proposal referred to in paragraph (1) Manpower BPJS shall make verification to determine the type of Promoting and Preventive Activities based on the stipulated requirements.
- (3) The proposal referred to in paragraph (1) may be submitted in writing or by electronic mail using the Form as stipulated by Manpower BPJS.
- (4) Procedure for providing and implementing Promoting and Preventive Activities shall be governed by Manpower BPJS.

### CHAPTER IV

#### REPORTING

#### Article 18

The Work Provider referred to in Article 12 and the Institution referred to in Article 13 shall report the result of implementation of Promoting and Preventive Activities to Manpower BPJS within seven (7) working days at the latest as soon as the mentioned activities are completed.

#### Article 19

- (1) Manpower BPJS shall report the result of implementation of Return to Work Program and the Promoting Activity and Preventive Action on Occupational Accident and/or its Consequential Harm to the Minister periodically once in six (6) months.

- (2) The Minister or Official appointed shall make evaluation on the implementation of the program referred to in paragraph (1) within one (1) year at the latest.

## CHAPTER V

### CLOSING PROVISION

#### Article 20

This Regulation of the Minister takes effect on the date it is enacted.

For public cognizance, this Regulation of the Minister shall be announced by placing it in the State Gazette of the Republic of Indonesia.

Stipulated in Jakarta

Dated March 10, 2016

MINISTER OF MANPOWER  
OR THE REPUBLIC OF INDONESIA,

sgd.

M. HANIF DHAKIRI

Enacted in Jakarta

Dated March 10, 2016

DIRECTOR GENERAL OF STATUTORY REGULATIONS

MINISTRY OF LAW AND HUMAN RIGHTS

OF THE REPUBLIC OF INDONESIA,

sgd.

WIDODO EKATJAHJANA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA

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