

Implementation of the *Return to Work Program* as a Guarantee for Protection of Workers' Rights at PT. SPINDO Surabaya

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Abstract: *Social security in Indonesia is contained in the constitution. The content of this social security is regulated in article 28 H paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states "that every person has the right to social security which enables his/her full development as a dignified human being". The Social Security Administering Body or often abbreviated as BPJS plays a very important role in carrying out its duties. One of them is providing social security and improving the welfare of all Indonesian workers in accordance with the Vision and Mission of BPJS Employment. Return to work is one of the new programs from BPJS Employment. The legal basis underlying the Return to work program includes: Government Regulation Number 44 of 2015 concerning the Implementation of Work Accident and Death Insurance Programs, Minister of Manpower Regulation No. 10 of 2016 concerning Procedures for Providing Return to Work Programs as well as Promotional Activities and Preventive Activities for Work Accidents and Work-related Diseases. The aim of this research is to determine the implementation of Return to Work at PT. Steel Pipel Industry of Indonesia (SPINDO) and to determine the inhibiting and supporting factors for the Return to Work program at PT. SPINDO. This research uses empirical legal research methods. Meanwhile, the results of the research show that: 1) PT. SPINDO has implemented the Return to Work Program ; 2) factors inhibiting the return to work program at PT. SPINDO almost doesn't exist. Meanwhile, the supporting factors for this return to work program include: first , socialization has been carried out by BPJS Ketenagakerjaan Karimunjava to PT. SPINDO. Second , the facilities are adequate at PT. SPINDO is able to support the implementation of the return to work program .*

Keywords: *Program Return To Work , Protection of Workers' Rights, PT. SPINDO.*

INTRODUCTION

The Indonesian Employment Social Security Administering Agency (BPJS) has opened a new program, namely *Return to Work* , which is an expansion of Occupational Health and Safety (K3). Work accident insurance (*Return to work*) is the benefit obtained by workers through work accident insurance who suffer from physical organ defects or have the

potential for permanent disability ¹.

This Return to Work Program was implemented starting in 2015, the basis for this *Return to Work Program* is Government

¹Mairida, Muhammad Iqbal Fahlevi, Return to Work (RTW) as a Form of Work Accident Insurance at the Social Security Administering Agency (BPJS) for Employment in Jabang Meulaboh, *Prepotif Journal of Public Health* , Vol. 6, No.3, December 2022, p. 1985-1992.

Regulation Number 44 of 2015 concerning the Implementation of Work Accident and Death Insurance Programs. Not only in government regulations, social security is also regulated in the constitution. The article that regulates social security is article 28 H paragraph (3) of the 1945 Constitution of the Republic of Indonesia which states "that every person has the right to social security which enables his/her full development as a human being with dignity". In this case it is clear that social security is accommodated by the state and supported by the Company as the main person responsible. Employment data shows that the number of work accidents in East Java Province, based on the location of the accident, has experienced a fairly high increase from year to year. The location of work accidents occurred inside the workplace, outside the workplace, and in traffic with details, In 2020 there were 17,913, in 2021 there were 18,856, in 2022 it increased to 43,062 . Meanwhile, in 2023 the number of work accident cases inside the workplace will be 22,443 cases (56.90%), outside the workplace there will be 4,808 cases (12.20%), and traffic work accidents will be 12,190 cases (30.90%)².

If the number of work accidents increases from year to year, what can be evaluated is how occupational safety and health (K3) is implemented among workers and employers. According to the Mangkunegara philosophy, occupational safety and health (K3) is an effort made to provide guarantees to workers so that their physical and spiritual integrity and perfection are maintained so that the goals of a just and prosperous society can be achieved³.

²East Java Province Communication and Information Service, Throughout 2021-2023, the Work Accident Rate in East Java Decreases, <https://kominfo.jatimprov.go.id/berita/sepanjang-2021-2023-angka-kecelakaan-kerja-di-jatim-menurun>, Accessed March 13 2024 at 10.00 WIB.

³D. Irawan, AL Nurdin, A. Khamid, and Y. Feriska, "Project Implementation Analysis Model using the Critical Path Method (CPM) and Crashing Method (Case Study on the Implementation of the Comparative Road Improvement Work - Gembongdadi, Kramat District, Tegal Regency)

The high number of workers who experience disabilities due to work accidents every year is what initiated BPJS employment to innovate. This innovation is the *Return to Work Work Accident Insurance (JKK) program* . This *Return to Work* program is realized in the form of assisting participants who experience work accidents that result in disability or potential disability. From the start of a work accident, they will be accompanied until the participant is able to return to work. Return to work compensation, which is a worker's right, is given in accordance with Minister of Manpower Regulation No. 10 of 2016 concerning Procedures for Providing Return to Work Programs as well as Promotional Activities and Preventive Activities for Work Accidents and Work-related Diseases. The innovation of *Return to Work* has several objectives, including providing adequate protection for workers and their families, providing fast and appropriate treatment for work accident cases, minimizing the degree of disability of workers who experience work accidents, and increasing productivity by re-employing workers who experience disability resulting from a work accident.

With the high number of work accidents in the East Java region, in this case researchers conducted research at one of the companies in Surabaya that has implemented the *Return to Work Program* , namely Steel Pipel Industry of Indonesia (SPINDO). How is *Return to Work* implemented in the Steel Pipel Industry of Indonesia (SPINDO)? and What are the Inhibiting and Supporting Factors for the *Return to Work Program* at SPINDO?

METHODOLOGY

The type of research used in this research is empirical legal research or field *research* . Empirical legal research or socio-legal (*Socio legal research*) is another model of approach in researching law as an object of research as a form, in this case law is not only seen as a mere prescriptive and applied

Project Implementation Analysis Mo," *Infratech Build Journal* ., vol. 1, no. 2, 2020, p. 96–102.

discipline, but also *empirical* or legal reality⁴. In its application, empirical law can be related to other scientific studies, because empirical law really studies how law is and its application in society.

This research was carried out by coming directly to the field, namely at the Steel Pipe Industry of Indonesia (SPINDO) company. With the data needed in the form of implementation of the Return to Work program which has stakeholders including: a) BPJS Employment which has offices in Sidoarjo; b) East Java Province Manpower and Transmigration Service. Data sources used in this research include: 1) Primary data is data that is original, unprocessed, obtained directly from the source, and collected by the author during field observations⁵. The data used are the results of direct interviews with BPJS Employment East Java Regional Office, Companies, and workers used as samples in this research. The author chose companies and workers who experienced work accidents and received Return to Work program facilities from BPJS East Java Regional Office, namely PT. Steel Pipe Indonesia (SPINDO), Surabaya; 2) Secondary data. Secondary data is anything that can support primary data either through scientific articles⁶ etc. The data required is data on workers who have had accidents and are registered in the *return to work program*, forms filled out by workers, documentation of the workplace and place of work accidents for JKK *return to work participating workers*, and so on. Meanwhile, data collection techniques in this research used : 1) Interviews and 2) Documentation.

⁴Ahmad Rosidi, et al, Methods in Normative and Sociological Legal Research (Field Research), *Journal of Law and Government*, Vol. 2, no. 1, February 2024, Pg, 46-58.

⁵Sutopo HB, *Qualitative Research Methodology*, Surakarta, 2006.

⁶Isna, R & Hery, NA, Philosophical Foundations of Existentialism in the Independent Learning Curriculum, *Journal on Education*, Vol. 5, No.3, March-April 2023, p. 6180-6185.

RESULTS AND DISCUSSION

A. Return to Work Program at BPJS

Employment Karimunjawa

The Karimunjawa Social Security Administering Agency (BPJS) for Employment has implemented a *return to work program* since the enactment of Minister of Manpower Regulation No. 10 of 2016 concerning Procedures for Providing Return to Work Programs as well as Promotional Activities and Preventive Activities for Work Accidents and Work-related Diseases. This *return to work* program began to be implemented by providing assistance to Angga Krisnayodi Sulaiman, a participant who experienced a work accident.

Head of BPJS Employment for the East Java Region, Abdul Cholik, said that the *return to work* program is a development of the benefits of the Work Accident Insurance (JKK) program. The participant experienced a work accident on September 11 2016, with a diagnosis of Severe Brain Injury (COB) and Multiple Fracture of the Humerus, who works as a Suara Surabaya radio announcer. During treatment at Dr. Hospital. Soetomo Surabaya, not a single rupiah was spent by the family which is a health facility in collaboration with the BPJS Employment Trauma Center.

The Case Manager of BPJS Employment Surabaya Karimunjawa and the East Java Regional Office helps coordinate all the participant's care and treatment needs when experiencing an accident, routine maintenance checks and until he returns to work. Even with the *return to work program* of up to six months of recovery, Mr Angga still gets his full salary. In fact, according to the employment contract with the management of Fiskaria Jaya Suara Surabaya, they only pay a maximum of two months' full salary if they are absent from work due to an accident. This *return to work* activity aims to maintain the productivity of both the company and its workers, so that with the ability of workers after an accident they can continue to return to work.

In the past, workers who experienced work accidents received a maximum of 20 million in medical and treatment costs, whereas now there is no limit. As of December 2016 there

were 44,062 active companies with a total active workforce of 1,618,579 workers. There are 3,078 companies supporting the *return to work program* in East Java and this is 35% of the national total of 8,914 supporting companies⁷.

B. Implementation of *Return to Work* at PT. SPINDO Surabaya

PT. SPINDO is a domestic company that is experienced in producing various kinds of steel pipes/tubes and various other related products, and is always innovative in order to meet the specific needs of its consumers⁸. Founded in 1971 with head office at Jalan Kalibutuh 189-191, Surabaya. As well as a representative office on Jalan Pangeran Jayakarta 55, Jakarta. Currently the company employs around 1000 employees and operates six modern factory units. The company always guarantees product quality by implementing a strict quality evaluation system program that is in line with the receipt of the ISO 2002 and API 5L International certificates by the SPINDO company. In accordance with international quality requirements of PT. SPINDO meets ASTM, BS, JIS, ISO, API, AS and SNI standards.

Product quality guarantee from PT. SPINDO is well known throughout the world such as Japan, Singapore, Taiwan, America, Australia, etc. Product quality standards at PT. SPINDO requires every pipe to undergo a high pressure test to avoid leaks. Apart from that, this company always uses high standard testing equipment, for example: Hydrostatic, Machine, Ultrasonic Test and Evaluation Machine, Holiday Detector, Thickness Gauge, etc. Data from the test results is always stored in a data bank which will become a reference in searching for all forms of information and

⁷News Writer, East Java BPJS Employment Implements 'Return to Work' <https://surabaya.bisnis.com/read/20170202/531/762636/bpjs-ketenagakerjaan-jatim-tercepat-return-to-work>, Accessed on March 13 2024 at 10.00 WIB.

⁸SPINDO PT STEEL PIPE INDUSTRY OF INDONESIA tdk, *Brief History*, <https://www.spindo.com/profile>. Accessed March 13 2024 at 10.00 WIB.

decisions at all levels.

PT. SPINDO has implemented a *return to work program* since the Minister of Manpower's regulation came into force in 2016. Head of HRD PT. SPINDO Ir. Fahmirza said that supporting facilities for the *return to work program* were available, including K3 standard wheelchairs and crutches for disabled workers⁹. The success of handling work accident cases at Spindo is based on complex SOPs that can accommodate work accidents well.

In 2020 there were 3 workers who experienced moderate work accidents. They are Didik Setiawan, Ahmad Taufiq and Tugiyon. We had the opportunity to interview Mr Taufiq. Mr. Taufiq had a work accident while climbing a welding channel and was uncontrolled, causing him to slip and fall into a squatting position so that his heels and hands were stuck, which resulted in his thumb and heel breaking, necessitating the installation of a pen. Pak Taufiq's treatment took one year.

From the company he received wheelchair facilities and was assisted by providing a car to take him during routine checks to the hospital. Meanwhile, the support provided by BPJS Employment is only assistance at the beginning during the control and full contributions during the health control and the provision of crutches to support his legs because he cannot stand straight after the operation. Mr. Taufiq held a maintenance position and was not transferred to another position after treatment because his physical condition allowed him to return to work in the same position. So Mr Taufiq does not need to undergo training to adapt to a new job.

C. Inhibiting Factors and *Return to Work* Program at PT. SPINDO Surabaya

PT. SPINDO, which has implemented the *return to work program* since 2016, certainly has inhibiting and supporting factors in its implementation. Inhibiting factors for the *return to work program* at PT. SPINDO almost doesn't exist. Meanwhile, the supporting factors for this *return to work program* include: *first*, socialization has been carried out by

⁹Ahmad Taufiq, Interview with Return to Work Participants, May 2023

BPJS Ketenagakerjaan Karimunjawa to PT. SPINDO. *Second*, adequate facilities at PT. SPINDO is able to support the implementation of the *return to work program*. These supporting facilities include K3 standard wheelchairs and crutches for disabled workers and assistance by providing cars to take *return to work program participants* during routine check-ups to the hospital. If *the return to work participant* has returned to PT. SPINDO and suffers from a moderate disability, the worker will return to work in the same field, and if the worker experiences a serious disability, the worker will be placed according to the worker's condition and also accompanied by other workers in the same field until the worker can work normally again.

CONCLUSION

From the discussion above, the following conclusions are obtained: *first*, the implementation of *Return to Work* at PT. SPINDO has been implemented well and there are supporting facilities for the *return to work program* available, including K3 standard wheelchairs and crutches for disabled workers. The success of handling work accident cases at PT. SPINDO is based on complex SOPs that can accommodate work accidents well. *Second*, inhibiting and supporting factors for the *Return to Work Program* at PT. Spindo Surabaya. Inhibiting factors for *the return to work program* at PT. SPINDO almost doesn't exist. Meanwhile, the supporting factors for this *return to work program* include: *first*, socialization has been carried out by BPJS Ketenagakerjaan Karimunjawa to PT. SPINDO. *Second*, the facilities are adequate at PT. SPINDO is able to support the implementation of the *return to work program*.

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