

Technical Update

March 2020

Labor – Instruction on the Implementation of Compensatory Special Leave

Ministry of Labor and Vocational Training (MLVT) – Instruction No. 010/20 dated 21 February 2020 on the Implementation of Compensatory Special Leave

Employees/workers may ask for up to seven days of special leave for personal reasons that affect their immediate family. Special leave may include marriage, paternity leave, marriage of a child, illness or the death of an immediate family such as a spouse, child and parent. If employees/workers have not already used their annual leave, the employer may deduct special leave from the remaining annual leave for that year. If the employees/workers have no remaining annual leave, the employees/workers may be required to work to make up or compensate for their special leave.

On 21 February 2020, the MLVT issued an instruction to clarify on the compensatory work in case of taking special leave. The compensatory work can be implemented within 90 days after special leave is taken. The compensatory work must be implemented only on normal working days. The total working hours including the compulsory work hours cannot exceed ten hours per day or 54 hours per week, which means that the employees/workers can do the compensatory work for only six hours per week and receive the wages at the normal rates. In case employees/workers are required to work more than 54 hours per week, the employees/workers must provide wages at the increased rate in accordance with the labor law.

Labor – Notification on the Use of Joint Infirmary and Health Facility instead of Infirmary in Enterprises/Establishments

Ministry of Labor and Vocational Training – Notification No. 004/20 dated 21 February 2020 on the Use of Joint Infirmary and Health Facility

The notification aims to relieve the burden of establishments/enterprises which fall under the scope of Prakas No. 330 dated 06 December 2000 that requires each establishment/enterprise to have an infirmary.

In order to use the joint infirmary and health facility instead of each establishment/enterprise's own infirmary, each establishment/enterprise must comply with the following conditions:

1. Establishments/enterprises located in nearby areas with the distance not exceeding one kilometer from one another or in the same Special Economic Zone can establish a joint infirmary. Each joint infirmary can be used to support the employees/workers not exceeding 10,000 people.
2. In order to use health facilities instead of each establishment/enterprise's own infirmary, the establishments/enterprises should ensure that the health facility must be recognized by the Ministry of Health and its location must not exceed two kilometers from each establishment/enterprise. In addition, each establishment/enterprise must notify the name and address of such health facility to the Department of Occupational Safety and Health.
3. Each establishment/enterprise that uses the joint infirmary or health facility must have a bandaging room and a nurse on standby at its own establishment/enterprise.
4. Employer must prepare suitable transportation to deliver the ill or injured employees/workers to the joint infirmary or health facility.

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