

HE Dr Rizal Sukma
Embassy of the Republic of Indonesia
30 Great Peter Street
SW1P 2HW

07 October 2020

Dear Ambassador

Calling on the government of Indonesia to repeal the Omnibus Law on Job Creation, renegotiate and open constructive dialogue with unions

I am writing on behalf of the TUC which represents 5.5 million workers in Britain, and we are alarmed that the government of Indonesia has instituted vast, deregulatory changes to the economy when priority should be given to addressing the public health crisis that has been exacerbated by deregulated trade and labour laws and the underfunding of public services.

The size, complexity and extensive reach of the law, which amends 79 laws and more than 1,200 articles, poses a threat to genuine democratic process, particularly at a time when public meetings must be constrained. We have serious concerns about a range of the provisions and clusters, including the labour cluster, the electricity cluster, the education cluster and the provisions deregulating environmental protection.

Overall, the law appears to put the interests and demands of foreign investors ahead of workers, communities and the environment. We are concerned that the procedure and substance of the Omnibus Law on Job Creation are not in keeping with Indonesia's human rights obligations under international human rights law.

We understand that trade unions have participated in discussions with the legislative body, yet no changes have been made to reflect their range of concerns. Unions strongly believe that the labour cluster of the Omnibus Law on Job Creation will significantly undermine the labour rights and welfare of Indonesian workers and contravenes the existing Employment Act No. 13/2003.

We are also concerned that the electricity cluster is designed to liberalise and ultimately privatise electricity in Indonesia and contravenes Constitutional requirements for public energy. The law reduces labour rights in the sector and will lead to higher prices for consumers and reduced capacity of government to plan for a just and equitable transition to renewable energy.

Mr Ambassador, the House passed the bill into law on 5 October 2020 despite the strong opposition of Indonesian workers and communities. Trade unions have resolved to take various massive actions across the country involving millions of workers. We are aware that mass actions and gatherings in the midst of the COVID-19 pandemic pose a serious health and safety risk. We hope that you will repeal the law to avoid this.

We believe that stable and constructive industrial relations are the essential base for the national development, and thus we call on the Indonesian government to rethink its current priorities and the Omnibus Law on Job Creation.

The TUC therefore demands you urge your government to:

1. Repeal the Omnibus Law on Job Creation;
2. Ensure that any future legislation does not diminish existing rights and benefits, which are guaranteed by the Employment Act No.13/2003 as well as international labour standards;
3. Renegotiate and open constructive dialogues with trade unions to discuss any issues which are not covered under Employment Act No.13/2003;
4. Respect the constitutional requirement and Constitutional Court Decision (MK No. 111/PUU-XIII/2015) protecting energy as a public good and state-controlled service; and
5. Commence a consultation process involving unions, community representatives and social movements on developing a COVID-19 Recovery Plan designed to stimulate decent work, quality public services and sustainable development.

We remain in solidarity with the workers of Indonesia in their fight, and we pledge our continued support for the efforts of Indonesian trade unions and workers to protect and demand their rights.

Yours sincerely,

FRANCES O'GRADY

General Secretary

cc: Ms Puan Maharani, Speaker of the House of the Representatives
Ms Ida Fauziyah, Minister of Manpower of the Republic of Indonesia