



Activity Report

Training : Collective Bargaining Agreements – Occupational Safety and Health Provisions



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1. BACKGROUND

The International Labor Conference (ILC) which ended on June 11, 2022, issued an important resolution for workers in the world. Occupational Safety and Health (K3) is agreed as a fundamental principle and right of work in international relations. At the 2022 conference (27 May – 11 June) this body agreed to add a new category of fundamental principles and rights which have been adopted since 1998 in the Declaration on Fundamental Principles and Rights at Work. Thus, the ILO has adopted 5 important categories as fundamental principles and rights of work; 1) freedom of association and effective recognition of the right to collective bargaining; 2) the elimination of all forms of forced or compulsory labour; 3) effective elimination of child labour; 4) elimination of discrimination in employment and position, and most recently, 5) Occupational Safety and Health (K3).

The ILO decision further demonstrates the importance of the need for a safe and healthy workplace, especially during this pandemic. The guarantee of the right to a healthy and safe workplace must be stated in a Collective Labor Agreement. Collective Labor Agreement (PKB) is a written legal contract between employers and trade unions that represent workers. The CLA is the result of an extensive negotiation process between the parties on topics such as wages, working status, hours, leave, and in particular the occupational safety and health chapter.

The low knowledge of workers about occupational safety and health, this makes many union members not aware that they can negotiate with management on occupational safety and health issues and reach collective bargaining agreements that require management to maintain certain occupational safety and health conditions and policies.

If used skillfully, bargaining for safety and health can produce important contractual language and have a major impact on unions' daily working conditions. In addition, unions can use safety and health concerns to ask management to provide unions with information that was not accessible when the contract was in effect.

Educational training for workers is part of the roadmap to a decent workplace, in particular to accelerate a fully inclusive, sustainable and resilient recovery process from crises. Educational training needs to be carried out continuously to equip trade unions, conduct social dialogue at both national and factory levels as a means to increase trade union membership and contribute to the effective design and implementation of strong and inclusive recovery strategies, creating a healthy workplace environment and safe.

Based on the above background, LION (Local Initiative for OSH Network) Indonesia in collaboration with KSN (National Union Confederation) West java, organized a Collective bargaining agreement: safety and health provisions training.

Training Objectives

- Participants will learn the principles of occupational health and safety, regulations related to workers' rights to occupational safety and health, mapping the risk of hazards in the workplace, Collective Bargaining Agreement – Chapter on Occupational Health and Safety
- Participants are expected to get capacity of workers to negotiate for increased safety in collective bargaining agreements (CBA) with factory management to jointly create a healthy and safe workplace and capacity as trainers for other union members

Training Organizers and Participants

- Organizers : LION (Local Initiative for OSH Network) Indonesia,
- Trainer : Ajat Sudrajat – OSH General Experts
- Participants: 13 Representatives of union members from 4 companies.

- PT Jiale Indonesia Garment, Garment manufacturing company in Bandung District, West Java
- PT. ING International, Surgical Apparel company in Bandung District, West Java
- PT Garudafood Putra Putri Jaya Tbk, a manufacturing company engaged in the production of packaged food and beverages.
- PT Big Golden Bell, a garment manufacturing company for export commodities

2. IMPLEMENTATION OF ACTIVITIES

a. Time and place

The activity was held on January 16, 2022 at the West Java KSN (National Union Confederation) Secretariat office, Samudra Griya Permai, Block M1 No 58 Jl. Rancaekek Majalaya No.380, Solokanjeruk, Kec. Solokanjeruk, Bandung District, West Java 40376

b. Rundown :

No	Date	Time	Activities	Speaker
1	January 10, 2022	15.30 -16.00	Workplace Health and Safety Questionnaire by the training participants.	KSN (National Union Confederation)
2	January 16, 2022	09.00 – 10.30	Lecture – Occupational Safety and Health Law and Regulation	LION Indonesia
3		10.30 – 11.30	Discussions	LION Indonesia
		11.30 - 12.00	Break	
4		12.00 – 13.30	Negotiate occupational safety and health right in CBA	LION Indonesia

c. Notes

The First Session	LION Indonesia and KSN
	<p data-bbox="605 325 1187 359">Workplace Health and Safety Questionnaire</p> <p data-bbox="605 386 1425 709">The initial training session started with filling out the Occupational Health and Safety Questionnaire by the prospective trainees. The questionnaire consists of various questions regarding the general health and safety survey related to workplace hazards and the applied occupational health and safety (OHS) policies and procedures.</p> <p data-bbox="605 737 1425 940">From the results of the completed questionnaire, the committee can map the problems and needs of participants for training materials and an advocacy roadmap related to OSH issues in PKB.</p> <p data-bbox="605 968 1425 1291">This questionnaire is anonymous (does not include the name of the survey taker). Responses from potential participants will help determine areas that may need to be improved to better protect worker health and safety, particularly to be guaranteed in the Collective Bargaining Agreement).</p> <p data-bbox="605 1318 1425 1409">This questionnaire consists of three sections containing several questions including:</p> <ul data-bbox="656 1457 1049 1486" style="list-style-type: none"><li data-bbox="656 1457 1049 1486">• Part 1: Workplace hazards <p data-bbox="703 1514 1425 1665">This section asks about the kinds of health and safety hazards that might be exposed to the workers in the workplace.</p> <ul data-bbox="656 1692 1260 1722" style="list-style-type: none"><li data-bbox="656 1692 1260 1722">• Part 2: Workplace policies and procedures <p data-bbox="703 1749 1425 1839">This section asks about the kinds of policies and systems in place to make the workplace safe.</p>

	<ul style="list-style-type: none"> • Part 3: Occupational health and safety awareness <p>This section explores workers awareness of occupational health and safety (e.g. hazards, the rights and responsibilities of both employees and employers).</p>
Second Session	Ajat Sudrajat - LION Indonesia
	<p>Lecture – Occupational Safety and Health Law and Regulation</p> <p>Based on the results of the questionnaire that was filled out by the participants in the first session, we identified several basic problems including:</p> <ul style="list-style-type: none"> • Workers do not receive information and training related to occupational health and safety • Workers and trade unions do not have access to participate in occupational health and safety <p>The second session began with a discussion regarding the general health and safety conditions in Indonesia. Such as how the related conditions are the high number of cases of work accidents, undetected work-related diseases, and the lack of participation or participation of trade unions in occupational safety and health issues.</p> <p>Furthermore, the material continued with a discussion of the applicable Occupational Health and Safety Law and Code of Conduct designed to provide safe and healthy working conditions, such as reducing and eliminating workplace hazards, policies and compensation for victims of accidents and occupational diseases; responsibilities and rights of</p>

	<p>organizations and individuals with respect to OSH and management for OSH.</p> <p>After the participants understand the various rules and laws related to OSH that apply in Indonesia, we hope that the participants will then be able to determine areas where negotiations can be facilitated in the making of the CBA in the future.</p>
Third Session	Ajat Sudrajat - LION Indonesia
	<p>Collective Bargaining Agreement (CBA)</p> <p>Safety and health issues are currently a major concern for both employers and trade union representatives. The costs of workers' compensation and health care benefits, the long-term effects of exposure to health hazards, premature loss of years of service, and prevention of suffering for workers are some of the reasons for this concern. Collective bargaining negotiations (CBA) are a potential arena for exploration, discussion, and formalization of philosophies, intentions and procedures regarding safety and health issues.</p> <p>In this third session, the subject matter continued to implement the protection or guarantee of occupational health and safety into the CBA in an effective and comprehensive manner. Collective action remains the most effective means of initiating improvements in the work environment. The collective bargaining agreement must address central issues such as working conditions, the work environment, and work practices in a manner which empowers employees to actively</p>

	<p>participate in the identification, evaluation, and abatement of occupational hazards which they encounter.</p> <p>In this session the participants were taught several things that must be prepared before starting negotiations related to CBA, including:</p> <ul style="list-style-type: none"> • Gathering Evidence : Surveys or informal questionnaires, Reports and investigations of accidents and near-accidents, Results of monitoring of hazards and aggregate results from medical testing of employees, Information on workers compensation and insurance costs, inventory list of hazardous substances with their MSDSs Etc. • Crafting Contract Language & Supporting Arguments : Making guidelines for preparing negotiating proposals, Developing supporting arguments • Introduction of Contract Clauses in CBA: General Employer Responsibilities, Identifying and Responding to Specific Hazards, Assuring Just Treatment, Conflict Resolution, and Control of Specific Hazards.
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3. CHALLENGE AND SOLUTIONS

In general, the training went smoothly as expected. The obstacle faced was the presence of several participants who were unable to participate in the full activity due to conflict with their work schedule. To overcome this, the committee continues to provide photocopies of the material to participants. It is hoped that for future implementations, the timing of the implementation will be better so that participants can fully participate in activities from start to finish. To encourage the effectiveness of the training results, the committee held ongoing discussions with the participants after the training was carried out.

4. PHOTOS DOCUMENTATION



