

LEGAL SAFEGUARDS FOR EMPLOYEES ENCOUNTERING WORKPLACE ACCIDENTS

**Andika Dwi Octavianto, Mukhammad Isnaeni, Arif Rachman Putra, Cilda Thesisa
Ilmawan Dzinnur, Akhmad Zulkarnain**

Correspondence: arifrachmanputra.caniago@gmail.com

Universitas Sunan Giri Surabaya

ABSTRACT

Work accidents often threaten the welfare of every worker in the work environment. Based on this, this research aims to explore information regarding the implementation of legal protection for workers who experience work accidents, factors inhibiting the implementation of work accident insurance, and company efforts to overcome these problems. The research method used is normative law. The research results show that the implementation of legal protection for workers who experience work accidents has generally been implemented. However, there are several inhibiting factors, including the length of the process of claiming work accident insurance benefits. This situation can have a negative impact on the continuity of life of workers who experience accidents. Another contributing factor is the lack of labor inspectors at the Manpower and Transmigration Service, which can hamper supervision of the implementation of legal protection. The company's efforts to overcome this problem need to be increased, both through speeding up the claims process and improving the quality of supervision from related parties. In this way, the implementation of legal protection for workers who experience work accidents can be more effective and provide justice for workers who are victims of work accidents.

Keywords: Legal Protection, Work Accidents, Worker Welfare, Social Security Administering Agency.

INTRODUCTION

Employment has a very important role in developing Human Resources (HR), which is an inseparable part of the 1945 Constitution which mandates the realization of a just and prosperous society. Worker support in efforts to improve society is increasingly needed, especially considering the various difficulties and dangers faced (Kabadayi et al., 2020). Workers deserve security, support, and increased government assistance so that they are truly motivated to improve public efficiency. According to Darmawan and Mardikaningsih (2021), by providing adequate protection and support in the field of employment, it not only strengthens the position of workers but also supports the achievement of the country's development goals.

Legal protection and work safety for workers is the company's responsibility, which not only reflects concern for the welfare of the workforce but also prevents potential loss of income due to work accidents (Hutagaol & Sihombing, 2020). Social security for workers, as a fundamental aspect of protection, is regulated by Law Number 24 of 2011 concerning the Social Security Administering Agency. Article 6 Paragraph (2) of the Law stipulates that Social Security Administering Agency Employment is responsible for administering social security programs, including Work Accident Insurance, Old Age Security, Pension Security, and Death Security. This is in accordance with the opinion of Supadmo (2022), with the existence of Work Accident Insurance, workers have protection against the risk of work accidents, consisting of benefits such as health services, disability or death compensation, and contribute to the creation of a safe and prosperous work environment. This is not only a worker's right, but also a positive step in realizing social justice and a balance between company interests and worker welfare.

Workers or laborers in a company have rights guaranteed by Law Number 13 of 2003 concerning Employment to obtain occupational safety and health protection. Occupational safety and health are important aspects of the work environment, and the company's lack of attention to workers can result in increased workload and working time which can cause fatigue. High levels of fatigue can be a potential trigger for work accidents. For this reason, it is important for companies to ensure that there are prevention and protection efforts for workers, not only to comply with legislation but also to create a safe and healthy work environment. Worker welfare is an investment that not only increases productivity but also strengthens the company's commitment to workers' rights in achieving occupational safety and health standards.

Work accident insurance is regulated comprehensively in Government Regulation Number 44 of 2015 concerning the Implementation of Work Accident Insurance and Death Insurance Programs. Basically, work accidents can potentially harm workers by resulting in death or partial agency disability. Protection against these risks is very important, and this is what the government is trying to achieve through this regulation. The work accident insurance program provides guarantees to workers regarding health services, compensation in the form of money, and other benefits in the event of a work accident. The existence of good health services can improve quality of life, prevent disease, and provide effective and safe care for patients (Fulmer et al., 2021; Khayru & Issalillah, 2022). Unfortunately, there are still many workers who do not fully understand their rights in this program, as well as the responsibility of employers to provide this protection. For this reason, further efforts are needed in outreach so that workers can properly understand and access this work accident insurance program, so that their rights can be protected as best as possible and create a safer and fairer work environment.

Work accidents result in a risk that can be experienced by every worker in carrying out their duties in the work environment. For this reason, it is necessary to understand that every worker has legal rights and protection that must be guaranteed to maintain their

welfare. Legal protection for workers who experience work accidents is not just a necessity, but also a necessity in efforts to create a safe, healthy and fair work environment. This study intends to discuss various aspects of legal protection provided to workers who experience work accidents.

METHODS

This research involves normative legal methods with statutory and conceptual approaches to investigate and analyze the legal protection provided to workers who experience work accidents. The statutory approach is the basis for reviewing the legal framework that regulates the protection of workers who are victims of work accidents, with a focus on Law Number 24 of 2011 concerning Social Security Administering Bodies and Law Number 13 of 2003 concerning Employment. Primary data sources such as related laws and regulations are the main material, while secondary data in the form of legal literature and tertiary legal materials in the form of court decisions or expert views are also used. A conceptual approach is used to analyze the legal concepts and principles that underlie legal protection for workers who experience work accidents, thereby enabling an understanding of the theoretical aspects that underlie this protection.

RESULTS AND DISCUSSION

1. Company Responsibility for Workers Who Experience Work Accidents

According to Law no. 13 of 2003 concerning Employment in Indonesia, employers' obligations towards workers who experience work accidents consist of a number of aspects that must be taken into account. The work guidelines as regulated in this law provide direction regarding steps that can ensure minimal work accidents. One of the obligations of employers is to provide work accident insurance for workers, which is regulated and managed by the Social Security Administering Agency.

Work accident insurance is the responsibility of the head of the company for workers who experience accidents within the scope of work (Andersson et al., 2022). To fulfill this obligation, workers are required to join Social Security Administering Agency, and the process involves several documents, including:

- a. Copy of membership card. Workers are required to provide a copy of their Social Security Administering Agency membership card as proof of participation in the work accident insurance program.
- b. Certificate from a specialist doctor or specialist consultant. The employer requires a certificate from a specialist doctor or specialist consultant that provides information regarding the level of disability experienced by the worker. This is necessary to determine the type and level of compensation that will be provided.

- c. Receipts for clinic and transportation costs. To process insurance claims, employers request receipts for clinic and transportation costs related to the treatment and recovery of workers who have had accidents.

This procedure is to ensure that workers who experience accidents get quick and accurate access to work accident insurance benefits. By joining Social Security Administering Agency, workers are guaranteed to receive the financial protection and health services needed to facilitate their recovery (Darmawan et al., 2022). This system reflects the Indonesian government's commitment to protecting workers' rights and welfare, while assisting companies in fulfilling their legal obligations towards their workforce. Thus, work accident insurance becomes an essential instrument in building fair work relations.

2. Forms of Legal Protection for Workers Who Experience Work Accidents

According to Article 6 Paragraph (2) of Law Number 24 of 2011 concerning the Social Security Administering Agency, Social Security Administering Agency Employment, as explained in Article 5 Paragraph (2) Letter b, is responsible for administering several insurance programs, including work accident insurance, day insurance old age, pension insurance, and death insurance. It can be explained that Social Security Administering Agency Employment has an important role in protecting workers' rights related to various risks that occur during work, as well as providing financial support for various social needs such as pensions and death benefits. For this reason, below we will explain Social Security for workers in the Social Security Administering Agency program:

a. Work Accident Protection Guarantee

Work Accident Insurance is a form of legal protection that provides benefits in the form of cash and/or health services to workers when they experience work accidents or illnesses caused by the work environment. This protection is an important guarantee for workers, providing security and financial support when they face health risks that arise while carrying out their work duties. When a worker experiences a work accident, Work Accident Insurance can provide cash compensation for medical costs, recovery, and even compensation for temporary or permanent work disability resulting from the accident. Apart from that, health services consisting of medical treatment, rehabilitation and recovery are also an integral part of this guarantee.

This legal protection provides certainty to workers that they have the right to obtain adequate financial protection and health services when facing risks related to their work (Sinaga & Zaluchu, 2021). Companies that provide Work Accident Insurance demonstrate social responsibility and concern for employee welfare, creating a safe and supportive work environment. Thus, Work Accident Insurance is not only a legal obligation, but also a form of the company's commitment to the welfare of workers who are a valuable asset in carrying out the company's operational activities (Collier & Esteban, 2007).

b. Participation in Work Accident Protection Guarantee

Participation in Work Accident Protection Insurance is an obligation regulated in Government Regulation Number 44 of 2015 concerning the administration of work accident insurance and death insurance. Article 4 paragraph (1) of the regulation explains that every employer, except state administrators, has the obligation to register their workers as participants in the Work Accident Insurance and Death Benefit programs with the Social Security Administering Agency in accordance with the provisions of statutory regulations.

This provision emphasizes the importance of the involvement of every employer in providing protection against the risk of work accidents and death experienced by its workers while carrying out their work duties (Liu, 2022). By registering workers as participants in the Work Accident Insurance and Death Guarantee programs, employers ensure that their employees have access to protective benefits such as cash and health services provided in the case of work accidents or death.

The obligation to register workers in this program is aimed at ensuring that employers can fulfill their social responsibility towards worker welfare. By involving Social Security Administering Agency as an institution that handles social security, an organized mechanism is created for the management and distribution of protection benefits in accordance with applicable laws and regulations.

c. Financial Contribution for Work Accident Protection Guarantee

Financial contributions for Work Accident Protection Insurance in the form of contributions are an obligation carried out by employers. The principle underlying the payment of work accident contributions is the principle of "Employer's Liability" or "Employer's Responsibility." This principle reflects the moral and legal principle which states that "whoever dares to employ someone must also have the courage to bear the risks resulting from that employment."

By accepting this responsibility, employers are expected to ensure that the work environment they provide is safe and meets safety standards. In this case, payment of work accident contributions is a concrete manifestation of the employer's commitment to the welfare and safety of workers. This contribution is a form of financial contribution made by employers to the Social Security Administering Agency or similar institutions that handle the Work Accident Protection Guarantee program. This contribution payment is not only financial in nature, but also has a positive impact on worker protection. By collecting funds from these contributions, the Work Accident Protection Guarantee program can provide benefits to workers who experience work accidents, such as reimbursement for medical costs, rehabilitation, and compensation for those who experience disability or loss of income due to accidents (Sutrisno, 2022).

As the responsibility of employers, payment of work accident contributions creates a mutually beneficial cycle between workers and employers (Stone, 2006). Workers receive protection and security, while employers guarantee that their responsibilities towards workers are not only limited to employment contracts, but also involve attention to welfare and safety during work.

d. Benefits of Work Accident Protection Guarantee

Benefits from the Work Accident Protection Guarantee, as regulated in Article 25 paragraphs (1), (2), and (3) of Government Regulation Number 44 of 2015, provide various benefits for participants who experience work accidents or work-related illnesses. Participants who experience a work accident or illness are entitled to Work Accident Insurance benefits, which are divided into health services and monetary compensation.

The health services provided include basic examinations, first and advanced level care, class I hospitalization in government hospitals, regional government hospitals, or equivalent private hospitals. Work Accident Insurance benefits also consist of intensive care, diagnostic support, medication, special services, medical devices, implants, doctor/medical services, surgery, blood transfusions and medical rehabilitation.

Compensation in the form of money involves reimbursement of the participant's transportation costs to the hospital or home, including the costs of first aid in the event of an accident. Compensation for temporary inability to work, compensation for partial anatomical disability, partial functional disability, and permanent total disability are also included in Work Accident Insurance benefits. Not only that, death benefits and funeral costs, periodic benefits paid at once in the case of the participant's death or permanent total disability due to a work accident, as well as rehabilitation costs such as replacement of assistive devices and denture costs are also included in this benefit.

The children's education scholarship as regulated in Article 25 paragraph (2) letter b number 8, is awarded in the amount of IDR 12,000,000.00 (twelve million rupiah) for each participant. All of these benefits are designed to provide comprehensive protection to workers, not only in terms of physical health but also involving financial and social aspects, thereby creating a comprehensive protection network in facing the risk of work accidents or work-related diseases.

CONCLUSION

Based on the results of the discussion above, it can be concluded that the implementation of the Employment Social Security program, especially Work Accident Insurance, in the company is in accordance with statutory provisions. Positive steps have been taken by registering all workers with the Employment Social Security Administration,

demonstrating the company's commitment to worker protection and welfare. The company's responsibility towards Work Accident Insurance is very important, especially in situations where accidents may occur during the performance of work duties. Even though the implementation is considered quite good, there are suggestions that can be given for improvement.

Companies should pay more attention to aspects of supervision, including monitoring the availability and use of adequate personal protective equipment. This can prevent work accidents and increase worker safety in the work environment. In terms of supervision, the Manpower and Transmigration Service needs to play an active role by increasing the number of labor inspectors. The limited number of supervisory personnel which is not commensurate with the number of companies that must be supervised is a concern, so it is hoped that increasing the number of supervisory personnel can ensure that supervision is carried out routinely and periodically. This will support the implementation of social security programs, including Work Accident Insurance, so that they can be carried out more effectively and efficiently.

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