INTERNATIONAL LABOR ORGANIZATION REGULATION IN OVERCOMING THE INCREASE TERMINATION OF FACTORY EMPLOYMENT DURING COVID-19

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ABSTRACT
Purpose: The purpose of this study is to provide a comprehensive analysis of how some layoffs by private companies have been affected during COVID-19 and the restrictions imposed by the International Labour Organization (ILO) to overcome.

Theoretical framework: The negative effect of COVID-19 as a labour sector. The methodology used in the study is statutory and normative legal study using analytical approaches.

Design/methodology/approach: The methodology used in the study is statutory and normative legal study using analytical approaches.

Findings: One option that can be adopted is that companies can manage industrial relatives by running work from home (WFH) regardless of the conditions and type of work conducted during the COVID-19 pandemic. During the pandemic, job loss guarantees (JKPs) need to be strengthened or added to the social security system.

Research, Practical & Social implications: Social dialogue through COVID-19. The ILO should develop a comprehensive approach to workers' rights, decent work, social safety and

Originality/value: First, respect the core provisions of the International Labor Standards on safety and health, work arrangements and job security, which ensure that workers, employers and governments or certain sectors of the workforce are able to respond to the COVID-19 pandemic. Respect for enabling values will contribute to a culture of social dialogue and cooperation in the workplace that is critical to recovery and restoration of employment and working conditions during and after a crisis.

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RESUMO
Objetivo: O objetivo deste estudo é fornecer uma análise abrangente de como algumas demissões de empresas privadas foram afetadas durante a COVID-19 e as restrições impostas pela Organização Internacional do Trabalho (OIT) para superá-las.

Quadro teórico: o efeito negativo da COVID-19 como um setor de trabalho. A metodologia usada no estudo é um estudo jurídico estatutário e normativo que usa abordagens analíticas.

REGULAMENTAÇÃO DA ORGANIZAÇÃO INTERNACIONAL DO TRABALHO PARA SUPERAR O AUMENTO DA RESCISÃO DE CONTRATO DE TRABALHO EM FÁBRICAS DURANTE A COVID-19

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**Proyecto/metodología/abordaje:** A metodología usada no estudio é o estudio legal estatutario e normativo usando abordagens analíticas.

**Conclusões:** Uma opção que pode ser adotada é a de que as empresas podem gerenciar os parentes industriais executando o trabalho em casa (WFH), independentemente das condições e do tipo de trabalho realizado durante a pandemia da COVID-19. Durante a pandemia, as garantias de perda de emprego (JKPs) precisam ser reforçadas ou adicionadas ao sistema de segurança social.

**Implicações sociais, práticas e de pesquisa:** diálogo social durante a COVID-19. A OIT deve desenvolver uma abordagem abrangente para os direitos dos trabalhadores, o trabalho decente, a segurança social e a proteção social.

**Originalidade/valor:** Em primeiro lugar, respeitar as disposições fundamentais das Normas Internacionais do Trabalho sobre segurança e saúde, acordos de trabalho e segurança no emprego, que garantem que trabalhadores, empregadores e governos ou determinados setores da força de trabalho sejam capazes de responder à pandemia da COVID-19. O respeito aos valores facilitadores contribuirá para uma cultura de diálogo social e cooperação no local de trabalho que é fundamental para a recuperação e a restauração do emprego e das condições de trabalho durante e após uma crise.

**Palavras-chave:** Empresário, COVID-19, Emprego, Trabalhador, Pandemia.

**NORMATIVA DE LA ORGANIZACIÓN INTERNACIONAL DEL TRABAJO PARA SUPERAR EL AUMENTO DE LOS DESPIDOS EN LAS FÁBRICAS DURANTE LA COVID-19**

**RESUMEN**

**Objetivo:** El objetivo de este estudio es ofrecer un análisis exhaustivo de cómo se vieron afectados los despidos en algunas empresas privadas durante COVID-19 y las restricciones impuestas por la Organización Internacional del Trabajo (OIT) para superarlos.

**Marco teórico:** el efecto negativo de COVID-19 como sector laboral. La metodología utilizada en el estudio es un estudio jurídico estatutario y normativo que utiliza enfoques analíticos

**Diseño/metodología/enfoque:** La metodología utilizada en el estudio es un estudio jurídico estatutario y normativo que utiliza enfoques analíticos.

**Conclusiones:** Una opción que puede adoptarse es que las empresas puedan gestionar el kin industrial mediante la realización de trabajo en casa (WFH) independientemente de las condiciones y el tipo de trabajo realizado durante la pandemia de COVID-19. Durante la pandemia, es necesario reforzar o añadir al sistema de seguridad social las garantías de pérdida de empleo (PGJ).

**Implicaciones sociales, prácticas y de investigación:** el diálogo social durante COVID-19. La OIT debería desarrollar un enfoque global de los derechos de los trabajadores, el trabajo decente, la seguridad social y la protección social.

**Originalidad/valor:** En primer lugar, respetar las disposiciones fundamentales de las normas internacionales del trabajo sobre seguridad y salud, trabajo y acuerdos de seguridad en el empleo, que garantizan que los trabajadores, los empleadores y los gobiernos o determinados sectores de la mano de obra puedan responder a la pandemia COVID-19. Respetar los valores habilitadores contribuirá a una cultura de diálogo social y cooperación en el lugar de trabajo que es clave para la recuperación y el restablecimiento del empleo y las condiciones laborales durante y después de una crisis.

**Palabras clave:** Empresario, COVID-19, Empleo, Trabajador, Pandemia.

**INTRODUCTION**

Labor or workers are human resources with a significant role in national development (Yusriadi et al., 2019). The outbreak of the COVID-19 pandemic, which for the past three years has become a national and even international problem, has had a important influence on the world of work (Mulyana et al., 2021). The world economy experienced a sharp recession in the range of 4.4%. The International Monetary Fund estimates that 2025 the world economy will lose up to US$22 trillion. Gross Domestic Product (GDP) in the fourth quarter of 2020 grew -
2.19% (YoY) compared to the same period the previous year (year-on-year/YoY). The impact of the pandemic on the workforce can be seen from the increase in labor layoffs; this has impacted declining income levels, thus threatening the survival of workers and their families. Through the COVID-19 pandemic, releases were generally due to force majeure and efficiency (Cahaya et al., 2022). Until June 2020, Tempo noted that the number of workers laid off was 3.05 million people, increasing every day. The percentage of layoffs of workers/staff/employees in Indonesia at the end of April 2020 was 15.6 percent, consisting of 1.8 percent of releases with severance pay and 13.8 percent of layoffs without severance pay.

According to Law No. 13 of 2003 on manpower, layoffs must be made in a number of processes, including negotiations among employers and trade/labor combinations. If it does not become an agreement, the last resort is through the courts to settle the dispute. As an organization's obligation for laid-off employees, the company is obligated to provide separation pay, reward money, or compensation money for employees. Covid-19 has also led to layoffs in other countries around the world. According to the ILO, about 47 million people have been infected with COVID-19 so far, which is 54 percent of the total employment worldwide. Covid-19 has had an important negative effect on the business zone and forced several companies to lay off employees. Covid-19 has also significantly reduced the company's revenue and demand for product supply or production (Gruening et al., 2021).

The purpose of this study is to provide a comprehensive investigation into the influence of layoffs from private companies through COVID-19 and the nature of regulations issued by the ILO to overcome the negative effect of COVID-19 on workers as workers. The urgency of this research is driven by the possibility of future outbreaks; There are rules that can guarantee the unilateral termination of workers' jobs.

Several studies converse the impacts of COVID-19 on increasing layoffs, including 1) research explains that employees affected by layoffs have found it very difficult to find work again and have difficulty financing their daily lives because of work (Mustafa et al., 2020; Norman et al., 2022). Previously on the playground, running during the COVID-19 period was impossible; 2) that termination of Employment Policies tends to be found in Indonesia more than in Singapore (Zhang et al., 2003). This impacts the Corporatist Industrial Relations Model system used in Indonesia. In contrast, Singapore uses the Contractually Industrial Relations Model system, which devolves the mechanism for settling industrial relations with the parties. 3) Research explained an increase in layoffs in Germany, namely by 30% during COVID-19.

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Selection for termination of employment is carried out by looking at the workforce's productivity (Mahmoodi et. al 2023).

Based on several previous studies, the discussion focuses on increasing layoffs during COVID-19, and no one has yet highlighted cases of releases during COVID-19 when it is related to regulations made by the ILO as an organization that also serves as an umbrella for the welfare of workers or workers in industry or companies. Engaged in production business with thousands of employees.

 METHODOLOGY

The methodology used in the study is statutory and normative legal research using analytical methods. Secondary data were collected using documentation and recording techniques as primary legal tools, then analyzed using qualitative methods. Secondary information was sought in this research through in-depth interviews with four respondents who were dismissed due to COVID-19. The study used a purposive sampling strategy for selected respondents to determine the example. In contrast, in-depth interviews were used as an information collection process in this study, referring to a list of unorganized questions.

RESULT AND DISCUSSION

Effects of COVID-19 on Termination of Employment for Industrial Workers

The COVID-19 crisis has had a considerable effect on the industrial zone; until the end of January 2021, more than 99 million confirmed cases of COVID-19, including more than 2 million deaths, have been informed by WHO. The focus of the industry during COVID-19 is more on the health industry. Other industries, most of which are in the production sector, such as textiles, have experienced a drastic decline due to the stoppage of exports of goods (Tamsan & Yusriadi, 2022; Yusriadi & Cahaya, 2022). There are four industrial sectors whose employees lost their jobs in the US during COVID-19, namely: 1) the recreation and hospitality sector has 16.7% unemployment; 2) the mining, oil, and gas sector has 8.4% unemployment; 3) The construction and development sector has 9.6% unemployment; 4) the industrial sector is 6.4%. In 2020, the Ministry of Manpower predicted an increase in unemployment between 2.92 and 5.23 million (Nihal et.al 2023).

We took samples from four respondents as, industrial workers who were affected by layoffs during COVID-19, for in-depth interviews. The results informant was laid off in January 2021 due to the soaring cases of COVID-19. A company engaged in producing and exporting
shoes to Germany decided to terminate employment or retire early as the Supervisor of the Sewing section. Which is no longer productive to keep working, so the company laid off. For her performance for approximately 30 years at the company, she received a severance pay of 20 million. Even though she was entitled to get around 40 million based on the severance contract, she received the severance pay rather than nothing at all. A quite disappointed with the company because she still has nine years left to work. Even though she received severance pay, she still wanted to work to meet her daily needs and her children's education expenses.

After leaving the textile company, it was difficult for Tia to get another job because many other companies also laid off employees to reduce company expenses. The company decided to lay off hundreds of workers, including. Information was laid off in February 2021 due to the suspension of exports of textile goods due to a spike in COVID-19 cases. The company provides severance pay to workers according to service length and work productivity. Those who have worked for six years receive severance pay of 3 million or equal to 1 month's wages. Tia immensely regrets the unilateral decision made by the company because she still needs income to meet her daily needs with her two children. She played the role of a single mom because her husband also died of COVID-19 at the end of 2020.

The informant was laid off in January 2021 because the company could not pay workers' wages due to the cessation of exports of goods during COVID-19. Hundreds of workers were laid off, including. Because they had not worked for three years, the company decided not to pay him severance. The company argues that he is still qualified and can be more productive at his next job. In addition, the company's funds need to be increased to provide severance pay to all employees. Only employees with more than ten years of service receive severance pay.

The informant was laid off in March 2021 because the company went bankrupt and decided to stop production. At the beginning of COVID-19 in 2020, the company engaged in the textile sector where Wati worked experienced decreased monthly income. So, in January 2021, the company decided to stop operating until an unspecified time. Employees are terminated unilaterally and periodically from February to March 2021. Even those who have worked for ten years are not given severance pay by the company. He regretted the company's decision and chose to sell fried foods in front of his house in the afternoon to make a living. The results of interviews conducted with four respondents can be written in the following scheme:
Rules are based on numbers. 2021 Ka 35 Regarding fixed hours, outsourcing, working hours and rest hours and termination of service, Article 40 states that, on termination of service, the employee shall be entitled to service pay and long service pay and remuneration... Article 40, Article (2) explains the distribution of segregation wages, namely: " episodes of less than one (one) year of work, one (one) month's wage; 1 (one) year or more but below 2 (two) years, 2 (two) months' wages; 2 (two) years or more but under 3 (three) years, 3 (three) months' wages; time of work of 8 (eight) years or more, 9 (nine) months wages.

Employers must pay wages separately for workers. Suppose, as mentioned in paragraph 45, the company is forced to wind up due to force majeure. In that case, the employee or workman shall be entitled under the provisions of section 40(21)-(A) 0.75 (zero decimal seven five); (b) during the provision of services referred to in paragraph 1(1) of section 40(3); and (c) compensation for rights under the provisions of section 40(4).

Job terminations during COVID-19 may be classified as layoffs, ie. Termination of employment related to economic problems; An example of this can be given when many companies are unable to pay workers due to low production and low sales during Covid-19. Unilateral termination of employment is strictly not permitted. However, if certain circumstances arise, in this case Law no. 2 of 2004 contains provisions relating to settlement of disputes relating to wages and severance pay, industrial relations in response to COVID-19. Companies’ policies regarding layoffs during the Covid-19 pandemic can be justified if they comply with the provisions of Sections 163 to 165 of the Labor Act. An option that can be adopted is that companies can manage industrial relations according to the nature and type of
work during the Covid-19 pandemic (Huber et al., 2021; Kang et al., 2021; Latief et al., 2021; Reynilda et al., 2021; Saragih & Saragih, 2020).

During the COVID-19 Pandemic, one of the developed laws concerned strengthening or adding to the social security system in the form of Job Loss Benefits (JKP). JKP comes from contributions paid every month in the amount of 0.46% of a month's wages, with an upper limit on wages for the first time by PP No. 37 of 2021 set at IDR 5,000,000.00. The contribution comes from contributions paid by the central government of 0.22%, and the remainder comes from the decomposition of contributions from work accident insurance (JKK) and death safety (JKm) (JKK is recomposed at 0.14% while JKm is at 0.10%). Public safety in the form of JKP is added through Law Number 11 of 2020 and then clarified regarding Administration Regulation Number 37 of 2021 concerning the Implementation of a Job Loss Guarantee Program (PP No. 37 of 2021).

ILO Regulations Against Termination of Employment

The emergency of the COVID-19 pandemic is something that industry players couldn't imagine from both owners and workers. The International Labour Organization (ILO) is a pioneer that will focus on regulations for workers affected by the pandemic. The ILO estimates that 25 million jobs could be lost worldwide due to the COVID-19 pandemic. In the future, the promotion of full, productive, and freely elected employment should include selective measures to stabilize the economy and address employment problems, including financial and financial stimulus measures to stabilize livelihoods and incomes and maintain business continuity. (Debby et al., 2021; Syahrir et al., 2021; Umar et al., 2019a, 2019b; Zacharias et al., 2021).

In 2020, the ILO provided an overview regarding estimates of workers losing their jobs and decreased working hours which also affect work productivity during a pandemic which can be illustrated in the following scheme:
Many companies make the condition of the COVID-19 pandemic the main reason for the Termination of Employment. The scheme illustrates if COVID-19 impacts reducing the productivity of working hours and a company's income. Based on Labor Law No. 13 of 2003, if the company's loss is at most two years, the company cannot terminate the work contract unilaterally.

The ILO has a system of international labor standards that can be used as a compass for decent and remunerative work in response to the COVID-19 outbreak. First, respect the core provisions of the International Labor Standards on safety and health, work arrangements and job security, which ensure that workers, employers and governments or certain sectors of the workforce are able to respond to the COVID-19 pandemic. Respect for enabling values will contribute to a culture of social dialogue and cooperation in the workplace that is critical to recovery and restoration of employment and working conditions during and after a crisis.(Awaluddin A et al., 2019; Tamsah et al., 2021).

Those whose work has been suspended, reduced or dismissed due to the economic impact of COVID-19 or for health and safety reasons are entitled to unemployment benefits or assistance to cover loss of income under the Convention against Unemployment. Workers who have lost their jobs should have job promotion opportunities, including job search services and vocational training, to bring them back into the labor market. The ILO should develop a
A comprehensive approach to workers' rights, decent work, social protection and social dialogue in the time of Covid-19.

Mass dismissal number convention. 158 states that an employer considering dismissal for economic reasons must provide workers' representatives with relevant information (reasons for dismissal, number and classification of employees likely to be dismissed and the period within which the termination will take place) and provides. According to national laws and practices. The labor representative concerned shall take steps as soon as possible to prevent or mitigate the dismissal and to prevent the adverse effect of the dismissal on the employee concerned. Mitigation efforts, such as counseling opportunities to find alternative employment. (Jufri et al., 2021; Nellyanti et al., 2021).

In the event of bankruptcy or the legal termination of a business (including the impact of COVID-19), the Wage Protection Convention, 1949 (No. 95) provides that employed workers shall be treated as creditors with special rights for unpaid wages protected by applicable national law.

CONCLUSION AND SUGGESTIONS

Companies' policies regarding layoffs during the Covid-19 pandemic can be justified if they comply with the provisions of Sections 163 to 165 of the Labor Act. One option that can be adopted is that during the Covid-19 pandemic, companies can conduct work-from-home (WFH) industrial relations, regardless of the type and location of work. During the pandemic, there is a need to strengthen the Job Loss Guarantee (JKP) or add to the social security system. Added by Act No. Social Security Act as JKP. 11 of 2020 and further clarified in Government Regulation no. 37 of 2021 relating to the implementation of the Job Loss Guarantee Program (PP No. 37 of 2021). The International Labor Organization (ILO), which has a vision to strive for the welfare of workers, explains the rules on Termination of Employment (PHK) during Covid-19. Those whose work has been suspended, reduced or dismissed due to the economic impact of COVID-19 or for health and safety reasons are entitled to unemployment benefits or assistance to cover loss of income under the Convention against Unemployment. Suggestion: The ILO should develop a comprehensive approach to workers' rights, decent work, social protection and social dialogue in the time of Covid-19.
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