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LABOUR RIGHTS VIOLATION IN PALM OIL PLANTATION :

CASE STUDY IN WEST KALIMANTAN AND CENTRAL SULAWESI



P R A K A R S A
Welfare Initiative for Better Societies

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LIST OF ABBREVIATION

APBD	: <i>Anggaran Pendapatan Belanja Daerah</i> (Regional Budget)
APBN	: <i>Anggaran Pendapatan Belanja Negara</i> (State Budget)
BHL	: <i>Buruh Harian Lepas</i> (Casual Daily Workers)
BHT	: <i>Buruh Harian Tetap</i> (Permanent Daily Workers)
BLH	: <i>Badan Lingkungan Hidup</i> (Environmental Agency)
BP DAS	: <i>Badan Pengelola Daerah Aliran Sungai</i> (Watershed Management Agency)
BPK	: Badan Pemeriksa Keuangan (Audit Board of Indonesia)
BPN	: Badan Pertanahan Nasional (National Land Authority)
CPO	: Crude Palm oil
CSR	: Corporate Social Responsibility
DAS	: Daerah Aliran Sungai (Watershed Area)
FGD	: Focus Group Discussions
HBK JK	: Kepesertaan Tenaga Kerja Jasa Konstruksi (Construction Service Workforce Participation)
HGU	: Hak Guna Usaha (Right to Cultivate)
HK	: Hari Kerja (Weekdays)
HPH	: Hak Pengelolaan Hutan (Forest Management Rights)
HPHH	: Hak Pemungutan Hasil Hutan (Forest Product Collection Rights)
HRD	: Human Resources Department
ICESCR	: International Covenant on Economic, Social, and Cultural Rights
ICCPR	: International Covenant on Civil and Political Rights
ILO	: International Labor Organization
ISPA	: Infeksi Saluran Pernapasan Akut (Acute Respiratory Infection)
ISPO	: Indonesian Sustainable Palm Oil
IUP	: Izin Usaha Perkebunan (Plantation Business Permit)
JPK	: Jaminan Pemeliharaan Kesehatan (Health Care Insurance)
KK	: Kepala Keluarga (Head of the Family)

Komnas HAM	: Komisi Nasional Hak Asasi Manusia (National Commission of Human Rights)
KPK	: Komisi Pemberantasan Korupsi (Corruption Eradication Commission)
KUD	: Koperasi Unit Desa (Village Unit Cooperative)
LSM	: Lembaga Swadaya Masyarakat (Non-Governmental Organization)
MCK	: mandi, cuci, kakus (bath-wash-toilet)
NGO	: Non-government Organization
NTB	: Nusa Tenggara Barat (West Nusa Tenggara)
NTT	: Nusa Tenggara Timur (East Nusa Tenggara)
OKB	: Orang Kaya Baru (nouveau rich)
PBS	: Perusahaan Besar Swasta (Large Private Company)
PDAM	: Perusahaan Daerah Air Minum (Indonesian Regional Water Utility Company)
PDRB	: Pendapatan Domestik Regional Bruto (Gross Regional Domestic Revenue)
PKS	: Pengolahan Kelapa Sawit (Palm Oil Processing)
PT GAN	: Graha Agro Nusantara
PT LTT	: PT Lestari Tani Teladan
PT Palmdale	: PT Palmdale Agro Makmur Lestari
RSPO	: Roundtable of Sustainable Palm Oil
RSU	: Rumah Sakit Umum
SDG's	: Sustainable Development Goals
SKU	: Syarat Kerja Utama (Main Job Requirements)
SMTP	: Sekolah Menengah Tingkat Pertama (Junior High School)
SOP	: Standard Operating Procedure
SP	: Satuan Pemukiman di Wilayah Transmigrasi (Settlement Unit in Transmigration Area)
TBS	: Tandan Buah Segar (Fresh Fruit Bunch)
TGHK	: Tata Guna Hutan Kawasan (Forest Land Use)
THR	: Tunjangan Hari Raya (Holiday Allowance)
UMK	: Upah Minimum Kabupaten/Kota (District/City Minimum Wage)

FOR WORD

In 2015, all countries in the world agreed to adopt 17 Sustainable Development Goals (SDGs) 2030. One of the 17 Goals is Goal 8, which is about increasing inclusive and sustainable economic growth, productive employment opportunities, and comprehensive and decent work for all. This goal aligns with the theme, agenda, and national development goals in the employment sector. Several policy packages and programs have been developed and implemented to create decent work opportunities for all so that all labor forces have the opportunity to enter the labor market.

However, the unemployment rate is still quite high, and unfair treatment of workers or laborers is still common in Indonesia. Business people often ignore social values so that decent workplaces and wages are still "luxurious items" for the workforce in Indonesia. One sector often criticized is the plantation industry, including the palm oil industry, as one of the major sectors driving economic growth. In general, the palm oil industry has a long supply chain process and involves various parties on a very wide scale, especially if the volume of exports increases. This can then increase the absorption of the labor force, thereby reducing the number of unemployed and improving welfare (VNR, 2019).

The number of workers or laborers in the oil palm plantation sector is very large. Suppose palm oil companies implement business practices that are responsive to social issues, including employment and the environment; the palm oil industry can improve Indonesia's economic conditions in a better and sustainable way. However, the situation on the ground is often different. According to the International Labor Organization (ILO), 281 million workers live in extreme poverty in developing countries such as China, India, Malaysia, and Thailand. There are 16 million workers in the palm oil supply chain in Indonesia alone, of which 3.78 million are plantation workers.

Oil palm plantation workers still do not receive adequate welfare standards and social security protection. Many workers of palm oil companies still have casual daily workers (BHL) status; thus, their condition is very worry. Various reports indicate that permanent workers are still vulnerable; many permanent workers in oil palm plantations are not members of mandatory government insurance and social security service (BPJS Kesehatan and Ketenagakerjaan). When workers have an accident at work, they must seek treatment independently. This, of course, will drain savings or increase debt so that they wallow in endless poverty. The condition of women workers in oil palm plantations compared to male workers is more worrying.

An investigative report published by The Associated Press said that almost all workers in Malaysian and Indonesian palm oil plantations complained about the company's treatment of them. Some stated that they felt cheated, threatened, detained against their will, or forced to pay off debts they could not settle. Some workers report that they are regularly harassed by the authorities, transported in raids, and held in government facilities (AP, 2020).

Although the Roundtable on Sustainable Palm Oil (RSPO) has developed a series of environmental and social criteria that companies must comply with to produce Certified Sustainable Palm Oil (CSPO), it is still voluntary, so many palm oil companies still do not implement RSPO standards. Regarding women workers, the RSPO has also developed guidelines for "gender inclusivity," nevertheless, many companies do not implement them because regulations at the national level are still inadequate regarding the protection of women workers in the oil palm plantation sector. *Indonesian Sustainable Palm Oil* (ISPO) as a system Indonesian-style sustainable palm oil certification already has the principle of responsibility to workers or laborers. However, in the field, many companies have not implemented it

Certainly, palm oil business practices cannot be separated from financing or investment support. Financial institutions or investors have a relationship and are also responsible for funding business practices, including the palm oil industry. In this context, the Financial Services Authority (OJK) has published the Book of Credit/Financing for the Plantation and Palm Oil Industry (2019). This publication aims to improve the banking/finance industry's understanding of the palm oil business process. With the issuance of this publication, it is hoped that the distribution of credit/financing in the palm oil industry can run with low risk and pay close attention to environmental, social, and good governance (LST) aspects. The aspect of protection for palm oil workers is regulated in the manual. However, many banks and financial institutions still provide credit to palm oil companies without considering the practices of palm oil companies that ignore their workers' welfare.

Even though employment problems always arise from time to time, Domestic and foreign financial institutions or banks are still not concerned with protecting palm oil industry workers in the credit disbursement process. The world's top financial institutions such as Deutsche Bank, BNY Mellon, Citigroup, HSBC, and Vanguard Group continue to pour their investments into palm oil companies; therefore, palm oil production exploded globally from just five million tons in 1999 to overwhelming 72 million tons in 2020. Even the US government noted that there had been a 900 percent surge in palm oil demand over the last seven decades (AP 2020).

On World Labor Day 2021, the Coalition for Palm Oil Workers asks the Indonesian government to prioritize oil palm plantation workers' protection, safety, and welfare. The Palm Oil Workers Coalition views that the government is still ignorant of the conditions and fate of the palm oil plantation workers. While on the other hand, the government is very "generous" towards the palm oil industry players.

This study aims to closely examine the problems that occurred to labor workers, especially in oil palm plantation areas in West Kalimantan and Central Sulawesi. In addition, this study also seeks to track

financial flows to companies that becoming the object of the study as an example of a case study that can complement the bank rating assessment that Responsibank Indonesia has carried out. It is hoped that this study will become one of the pieces of evidence for policymakers, business actors in the palm oil sector, and palm oil workers' organizations to take cooperative steps to improve the conditions of workers or laborers in the oil palm plantation sector.

Thank you to the research team from the Responsibank Indonesia Coalition and The PRAKARSA for working hard amid this very difficult Covid-19 pandemic situation. Without the courage and determination of the research team, this report would not be presented to us. Congratulations, and I am sure that all of your work will be useful for measures to improve the conditions of palm oil workers in the future.

South Jakarta, August 2021

Long live Labor!

AH Maftuchan

Coordinator of the Responsibank Indonesia Coalition



Executive Summary

Indonesia is one of the biggest palm oil producer and exporter in the world. For the national economy, palm oil industry is vital. Palm oil plantation sector contribute to national economic growth and provide a great number of employment opportunities. In Indonesia, palm oil plantation grows rapidly in big islands such as Sumatera, Kalimantan, Sulawesi, and Papua.

Globally, the stakeholders promote the sustainable practice of the upstream palm oil industry. Internationally, the Multinational Corporations/MNCs which operate in palm oil production sector agree to promote sustainable practice in every supply chain aspect through the Roundtable on Sustainable Palm Oil (RSPO). In Indonesia, to support the sustainable practice in palm oil plantation, the government, through the Ministry of Agriculture issued Indonesian Sustainable Palm Oil (ISPO) policy as the certification standard of sustainable palm oil product.

Although the existence of RSPO is acknowledged and has the sustainable palm oil certification standard of its own, ISPO, human rights issues related to the labor rights in the palm oil plantation in Indonesia are still happening. The violation of rights related to the job security, decent wage, force labor, occupational health, and safety (K3), gender discrimination, child labor and social security happens in the field. The violation of the decent work principles means that the assessment mechanism in RSPO/ISPO is not effective to protect the labor as the essential actors in the production process of the palm oil

The violation of the normative rights of the labor must be the center of public attention, including the government, particularly the financial institution together with the investor as the fund providers. The financial institution and the investor need to pay attention on the plantation companies which receive the fund/loan; to what extent they respect the labor rights.

The asymmetric information is suspected to be the constraint for financial institution or the investor to evaluate the sustainable practice in the palm oil plantation. The asymmetry in question is that the received information regarding the labor condition in the plantation. Therefore, there should be direct observation as the effort to bridge the asymmetric information, as well as the effort to examine the sustainable practice in palm oil industry related with human rights.

This research, highlight the human right violation that occur in the palm oil plantation, whether casuistic or structural. This research aims to provide factual information to public, so that they could evaluate it objectively.

This research was conducted in three companies located in West Kalimantan and Central Sulawesi. The human rights violations characteristics which occur in both provinces have their own similarities and difference. Human rights issues related to labor rights in the two provinces include the absence of a collective bargaining mechanism between the labors and companies. Such conditions result in unbalanced industrial relations that have an impact on the neglecting of normative rights for labors by the company. Moreover, the labor in West Kalimantan and Central Sulawesi did not understand the employment contracts and did not receive the copy. This results on the absence of literacy for labors to defend their rights as stated in the contract. The similar problem occur in both provinces as well is inadequate wages and the occupational health and safety provided by the companies.

The exogenous factors which affected the labor welfare in palm oil plantation in this research is COVID-19 pandemic, derivative regulations of Law No. 11/2020 on Job Creation, and gender discrimination, all of which led to the neglecting of the achievement of the Sustainable Development Goals (SDGs). The Covid-19 pandemic resulted in the layoff of palm oil plantation labors; derivative regulations of Law No. 11/2020 in the form of Government Regulations (PP) 35/2021, PP 36/2021, and PP 37/2021 in addition to creating confusion for labors because they do not understand its contents, it also puts workers to be more vulnerable because of the content that leads to flexibility in labor relations, discrimination against women is actually found in labor unions, which results in the loss of women's opportunities to play a role in defending their rights as workers and other gender-based rights.

Based on the research findings, Perkumpulan PRAKARSA suggests some recommendations to the government, financial institution or investor and the buyer company.

Recommendations to the government include:

1. Make a Government Regulation/Minister of Manpower concerning on the Protection of Oil Palm Plantation Labors to regulate the working relationship between companies and casual daily labors as well as the piecework labors within the framework of industrial relations to ensure that labor rights are accepted by casual daily and piecework labors.
2. Governments through the Ministry of Manpower together with Regional Government strengthen the labor supervision in palm oil plantation through education and supervisory training for the related regional work units (SKPD) which includes the local village government and the labor union.
3. Government through Ministry of Manpower involving Wage Council at the national and regional levels (province and cities/districts) set the sectoral minimum wages in palm oil plantation as the measure to ensure a decent wage for the labors in palm oil plantation

Recommendations to the financial institution fund providers and the investors include:

1. Ensuring the implementation of human rights standard that is stated in RSPO/ISPO in the palm oil plantation
2. Verifying that the production process does not violate human rights such as living wages, forced labor, and child labor.
3. Not providing the fund or continue providing the fund for companies in land disputes with the local community

Recommendations to the buyer company include:

1. Conducting the assessment related to the human rights enforcement comprehensively in every aspect of supply chain
2. Tracing the origin of FFB whether it comes from a production process that violates human rights, such as decent wages, forced labor, and child labor.
3. Requiring the supply chain to provide adequate PPE for the labors and any other K3 (Occupational Health and Safety) aspects

Perkumpulan Prakarsa believes that human rights enforcement in palm oil plantation will create some benefits such as:

1. Ensuring welfare of the Indonesian, particularly palm oil labors
2. Decreasing social conflicts and the costs arising from the related conflict
3. Creating social relation harmony between the stakeholders
4. Company will be able to reduce the social conflict potential which may cause worse loss; and
5. Contributing to Sustainable Development Goals and good global recognition for Indonesia.

At the end, the result of the research is expected to support the achievement of the related sustainable principles related to human rights in the national palm oil plantation

I. Introduction

1. Background of the Research

Indonesia is one of the biggest palm oil producers in the world. Palm oil industry has been very vital for national economy, its contribution to gross domestic product (GDP) is around 1.5-2.5%. In total of 14.8 million hectares (ha), palm oil plantation has been growing rapidly in big islands including Sumatera, Kalimantan, Sulawesi and Papua. Island with largest palm oil area is located in Sumatera and Kalimantan, with dependent provinces on plantation sectors such as Riau, North Sumatera, Jambi, Central Kalimantan, and West Kalimantan (*Coaction Indonesia & Lokadata, 2021*).

Palm oil industry has opened various job opportunity. In 2017, the palm oil plantation industry has absorbed 3.8 million people or 2.4% out of total national workforce (*The Conversation, 2020*). Palm Oil Labors Coalition noted, with total of 18 million palm oil plantation workers, half of them is casual daily labor and most of them are women. The Indonesian Chamber of Commerce and Industry (Kadin) states that oil palm plantations cover an area of 10 million hectares and absorb 21 million workers (*Bisnis.com, 2014*).

Globally, Multinational Corporations operating in palm oil sectors agree to encourage sustainable practice in every aspect of the supply chain through Roundtable on Sustainable Palm Oil (RSPO). In Indonesia, to guarantee the sustainable practice in palm oil plantation, government through Ministry of Agriculture issued a regulation Indonesian Sustainable Palm Oil (ISPO) as the certification standard of sustainable palm oil product.

The existence of ISPO itself in Indonesia, does not guarantee the solution of human rights issues in palm oil industry. Human rights issues in palm oil plantation are familiarly afflicting the plantation workers. Labor issues in palm oil plantation includes job uncertainty, unequal employment relation, forced labor, occupational health and safety, decent wage. Moreover, there is a fact that female workers are more at risk facing the human rights violation in palm oil plantation industry. Although there is assessor to evaluate at what extent the company is willing to implement the sustainable principle including the fulfilment of labor rights in RSPO/ISPO certification, assessors are often considered to be less in favour to the labors (Gottwald, 2018).

2. Objectives and Significance of the Research

With its massive operation in Indonesia, it is not impossible that there is violation of labor rights fulfilment in Indonesian palm oil plantation industry. Therefore, it is necessary to examine at what extent the labor rights fulfilment practice is enforced in the Indonesian palm oil industry. By conducting the research, public is expected to know the practice occurring in the field.

This research focuses on human rights violation that is likely to happen. The result of this research is expected to be the balancing tool for the asymmetric information, so that public may judge more objectively. Moreover, balanced information also encourages to achieve sustainable principle in national palm oil plantation sector.

This research is aimed to observe the labor rights violation which potentially happen, either casuistic or systemic. Therefore, this research aims to:

1. Analyze the labors condition in palm oil plantation industry affiliated with RSPO or ISPO certified company which receive funding whether from domestic or international bank or investor.
2. Study the factors related to labors rights in palm oil plantation industry and how company mitigate and responding human rights violation; and
3. Suggest recommendation regarding the improvement of labor rights fulfilment that can be followed up by the domestic and international financial institutions as the capital providers.

3. Research Limitation

This research focuses on human rights fulfilment practice in palm oil plantation industry, specifically labor rights. Labor rights in which is the focus of the research includes:

1. Decent wage, K3 (occupational health and safety), freedom of association, rights to health and social security, education, and decent living component which includes clean water, food and proper housing and sanitation.
2. Women labor rights which includes menstrual leave, maternity leave, miscarriage leave, breastfeeding leave, health insurance benefit on childbirth, and rights to avoid termination of employment (PHK) within the limits of women's right fulfilment
3. Citizen rights which includes rights to express and convey opinion with sense of security, rights to be free from discrimination and rights to participate.

This research was conducted in two provinces, West Kalimantan and Central Sulawesi. Both provinces were chosen by considering the poverty rate and high regional economy dependency on palm oil plantation sector. Furthermore, the increasing number or palm oil area in both provinces are quite significantly changing the land use. In West Kalimantan, 914,835 Ha turned into 1,497,841 Ha, or an increase of 583.006 Ha, whereas in Central Sulawesi within 2013-2017 occurred an increase from 140,882 Ha to 165,714 Ha or increasing 24,832 Ha (*TUK Indonesia, 2015*).

While choosing the district was based on the plantation area size, funding flow for plantation financing, and companies affiliated with RSPO and ISPO.

While choosing the district was based on the plantation area size, funding flow for plantation financing, and companies affiliated with RSPO and ISPO.

Choosing the location was carried out in operational area of companies affiliated with RSPO and ISPO. In West Kalimantan, companies taken as the case study is PT Palmdale Agro Makmur Lestari (hereinafter PT Palmdale) and PT Graha Agro Nusantara (hereinafter PT GAN) located in Ambawang Subdistrict, Kubu Raya District. PT Palmdale affiliated with First Resources which is RSPO certified therefore it is involved in global supply chain scheme of palm oil product trade. Meanwhile, PT GAN is included in KPN Plantation which is RSPO and ISPO certified. In Central Sulawesi, company chosen is PT Lestari Tani Teladan (PT LTT), a subsidiary of PT Agra Agro Lestari. PT LTT is located in Rio Pakaya Subdistrict, Donggala District

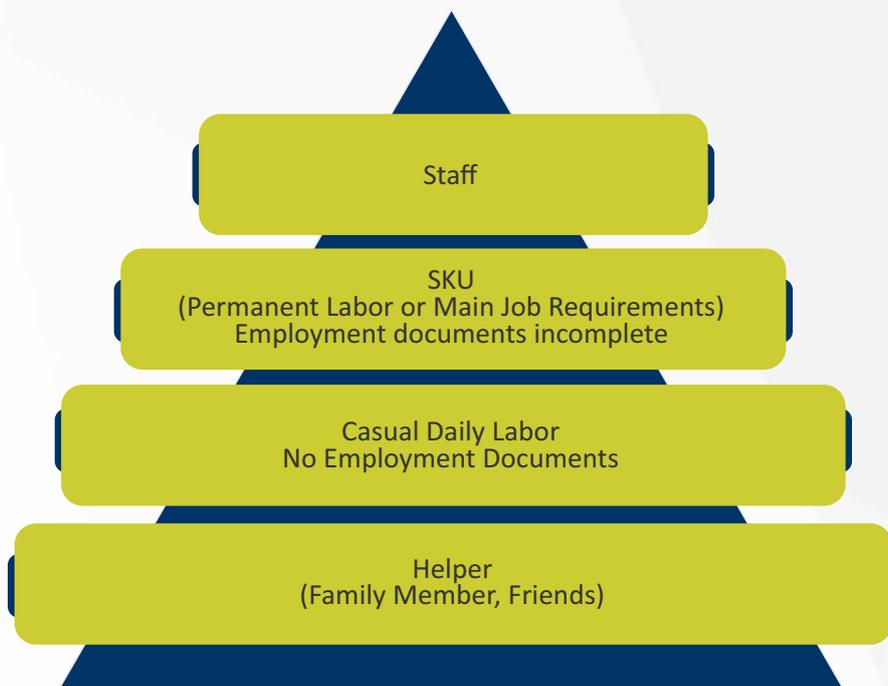
Choosing those company was based on the following measures:

1. Companies affiliated with ISPO and RSPO
2. Companies which have business and financial relationships with the parent company or supply chain.
3. Large plantations with the plantation area covering more than 10,000 Ha or with subsidiaries as the supplier with plantation areas that cover more than 10,000 Ha
4. Investment or financial flow in global scale

II. Labour Rights Sustainable Palm Oil Industry Summary

1. Labor Relation in Palm Oil Plantation

Labor relation in palm oil plantation between the company and workers are frequently illegal, without employment contract. Through illegal labor relations, businessmen can evade their obligation to fulfill the labor rights, for such casual daily labor and helpers. Reports on human rights condition in palm oil plantation in Indonesia found the fact that labor group who has complete employment documents and secured rights are only those whose status are staff (Siagian *et al*, 2011). Meanwhile, other permanent labors stated as SKU (Syarat Kerja Utama/Main Job Requirements), despite having complete employment documents, their rights are not guaranteed. Labor group outside the staff status can be easily moved to another plantation or terminated, it usually happens to the casual labor or helpers without employment document. Casual labor and helpers are generally family of the permanent labors (SKU) and the other casual labor. At least there are six labor types, permanent labor, contract labor, casual daily labor, casual daily piecework labor, subcontracted lifting labor and helper for palm oil kernels. Sawit Watch estimated 70% labor in palm oil plantation are casual daily worker (Info Sawit, 2020).



Picture 1. Employment Structure in Palm Oil Plantation (Pye, Saurlin, 2016)

2. Ratification of Convention related to Human Rights

International recognition on economic, social and culture rights first occurred in 1948 through the adoption of Universal Declaration of Human Rights (UDHR) by the General Assembly of the United Nation. On its development, in 1966 General Assembly of the United Nation adopted the The International Covenant on Economic, Social and Cultural Rights (ICESCR). Besides the UDHR and ICESR, multilateral agreements adopted by the General Assembly of the United Nations related to the human rights protection include: Convention on the Rights of the Child (CRC); The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMWF); The Convention on the Elimination of All Forms of Racial Discrimination (CEARD); The Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW); The International Covenant on Civil and Political Rights (ICCPR).

Furthermore, nations which adopt these international conventions have two obligations. First, adopting the ratified agreement into their legislation, Second, obligation to take various measures and regulation to carry out the responsibility to respect and to protect, and to fulfil human rights. Ruggie's Principle (2008) added the remedy on the violated rights.

Out of the previously mentioned number of conventions related to human rights, Indonesia has ratified ICESCR and ICCPR on 30 September 2005. In October 2005, House of Representative (DPR) issued UU no 11/2005 regarding the International Covenant on Economic, Social and Cultural Rights and UU No. 12/2005 on International Covenant on Civil and Political Rights.

Regarding the labor fundamental rights, Indonesia has ratified several conventions on International Labor Organization (ILO) as follows:

1. Convention number 29 regarding the Abolition of Forced Labor
2. Convention number 87 regarding the Freedom of Association and Protection of Rights to Organize
3. Convention number 98 regarding the Rights to Organize and Conduct Collective Bargaining
4. Convention number 100 regarding the Equal Remuneration for men and women
5. Convention number 105 regarding the Abolition of Any Form Forced Labor
6. Convention number 111 regarding the Discrimination on Employment and Occupation
7. Convention number 138 regarding the Minimum Age to be allowed to work
8. Convention number 182 regarding the Abolition of Worst Form of Child Labor

Ratified ILO convention above has consequences for the state to:

1. Respect the fundamental rights of the labors, including the freedom of speech, collective bargaining and rights to strike;
2. Practice the ethical recruitment by not charging any fee to the labors for the job and not confiscating their passports or any of their identity documents
3. Abolish the steersman of child labor, including the unrealistic high harvesting quota that requires the workers to bring their children to work,
4. Practice the responsible work ethic by employ the workers directly on regular contract, written and limit the practice of casual daily labors and sub-contractor for non-core plantation work

which is temporary and seasonal

5. Ensure the labor right to occupational health and safety by banning the hazardous pesticide and provide them free adequate protective equipment.
6. Commit to the reasonable working hours and development of the living wages payment
7. Establish a legitimate, accessible, and transparent complaint mechanism consistent with the United Nations Guiding Principles on Business and Human Rights; and
8. Commit to transparency and disclosure of the labors data and the meaningful plantation process

3. Labor Rights in Sustainable Palm Oil Industry

Based on the ISPO certification data in August 2019, out of total 1,725 companies only 566 (private and national) and people's business were ISPO certified with total area of 5.1 millions Ha. Riau and East Kalimantan are two of the provinces with biggest percentage of ISPO certified company. Based on the same data of the same period, only around 10 people's business (6 cooperative and 4 Plasma KUD (Village Unit Cooperative)) which acquired the certification with total area of 6,300 Ha or around 0.1% out of total palm oil area that is 6 million Ha (*Coaction Indonesia & Lokadata, 2021*).

Hidayat, Offermans, and Glasbergen (2018) conveyed that ISPO does not have the ability to organize the actors to cooperate for joint action. This is based on the power turbulence to set and implement the ISPO. The overlap is seen through weak inter-ministerial policies coordination, and lack of clarity on responsibilities division between the central government and regional government. Unsynchronised authority and lack of coordination between the policy makers structurally open the crack for violation of human rights criteria set by ISPO to eventuate.

Table 1 SPO criteria and Case Study which has been conducted

ISPO CRITERIA	CASE STUDY
Land Dispute	Land seizure in agrarian conflict with the farmers and the indigenous peoples as victims
Facilitating the development of community's plantation	Not implemented or the cooperation pattern resulting in the loss of community land rights and credit transparency
Plantation planning	Violation of the Free, Prior and Informed Consent (FPIC) principle
Good Farming Practice	Violation of the environmental rights due to the burning of forest and land, pesticide, waste and the destruction of areas with high conservation value

Discrimination on the Labors	Casual daily workers issues who are farm workers
Social Responsibility	Transparency and cooperation issue on plantation business
Transparency	Supply chain Abuse in Index K Participation in Pricing

Source: Gunawan (2021)

4. Human Rights and Labor

Research on the human rights aspect can refer to Ruggie Principle, a Guidance Principle of United Nations for Business and Human Right issued in 2011. Ruggie Principle is one global initiative defining the parameters to set the regulations, standards, and procedure for each responsibility and certain condition. Three pillars of Ruggie Principle is protect, respect and remedy (Ruggie 2008). Ruggie Principle consists of 31 instructions, framed in three main pillars; state responsibility to protect from human rights violation, company responsibility respect human rights and need to help the victims for recovery.

To implement the United Nations Framework, Professor Ruggie arranged Guiding Principles of Business and Human Rights: Implementing Framework 'Protect, Respect and Remedy (UNGP) propose in the 17th session of HRC in 2011. UNGP was built on three pillars of framework that are Protect, Respect, and Remedy which means that (1) state has the responsibility to protect from violation of human right by the third party, including the business, through the policy, regulations, constitution and effective enforcement; (2) company has the independent responsibility to respect the human rights; namely, to avoid the human rights violation caused by business relation and to overcome the loss that actually occure; (3) when someone's human rights is violated, they must have access to the effective recovery, either state or the company has the role to allow this to happen.

UNGPs consists of 31 principles, each of them includes the comments which explains the meaning and its implication on the law, regulation, and practice. The regulations include all the internationally recognized rights, and are applied for all countries and every business companies. UN Global Compact defines the company involvement levels on the violation of human rights into three degrees which are direct involvement, taking benefits from the violation of human rights (beneficial), and secretly agrees with the occurrence of the human rights violation (silent) (ILO, 2013). UN-SRG maps the company involvement types on human rights violation into the involvement concept (complicity concept) and the company influence scope (sphere of influence).

United Nations Guiding Principles for Business and Human Rights requires the state commitment to handle the human rights impact due to the company operation. State commitment becomes the determining factor to implement the mentioned principles as there is connection of international law

norms with the national law. The state's legal politics towards the human rights becomes one strategic step as the strengthening foundation of the corporation role to respect the human rights. The legal politic is manifested through transformation of the international law obligation into national law followed by providing the system and mechanism on human rights enforcement, including the human rights responsibility for the business rectorors to regulate the implementation of corporate responsibility and accountability.

Discrimination practice is happening in the labor context of the plantation sector as well. The discrimination forms are divided into two, direct and indirect. Direct discrimination refers to the situation in which the different treatment towards the job applicant explicitly happening referring to the grounds covered by the constitution or convention. For instance, job vacancy advertisement that is explicitly mentioned the candidate gender who can apply for the job is one of the direct discriminations.

Indirect discrimination occurs when the regulation and practice seem neutral, yet in practice, it causes loss suffered particularly by some people of same sex, ethnic, or people from certain groups. For example, job vacancy advertisement which states height requirement, which is irrelevant, since only men applicant who are likely to meet the requirements as they tend to be taller, is one example of indirect discrimination. Indirect discrimination is harder to be detected compared to direct discrimination, so that it is harder to be prevented. However, this discrimination is harmful for the workers as well as the direct discrimination. The businessmen should take some active measures to identify and abolish the indirect discrimination on its regulation and practice of the human resource by seeing the impact of its regulation and practice to all workers.

Discrimination could also happen at the level of law implementation. Legal discrimination (*de jure*) means that one law or regulation treats various labor groups differently. For instance, if one law prohibits women to work at night, this is going to limit the women free will of their job and it means as the legal discrimination towards women. Discrimination in practice (*de facto*) refers to the factual difference in opportunity and treatment towards the different groups in the labor market or in company human resources practice. As an example, strong gender stereotype and ideas on the suitable job for women and men can limit the options and job availability for men and women in Indonesia.

Disclosure of human rights violation in Indonesia is uncommon, so that the difficulty identifying the dynamics is worth discussing (Mullen et al., 2019). Important issue on human rights violation in Indoneisa is complaint mechanism service. Although 44% of the companies in Indonesia provide direct complain mechanism service in the workplace, yet the mechanism does not rely on the international standard as in UNGP's agenda (United Nations 'Protect, Respect and Remedy' Framework (UNGPs)). Indonesia is placed on the second lowest (the lowest is Philippine) in the disclosure of the UNGP agenda promoted by the Ruggie Principle (2011). Only 22% of companies in Indonesia which owns regulation on human rights (Mullen et al. 2019)

The complexity of palm oil industry may allow 'modern slavery' to happen. Referring to Anti-Slavery International, modern slavery is general term use to cover most serious violation related to work exploitation, bonded work, worst forms of child labors and human trafficking (www.antislavery.org).

Moreover, Anti-Slavery categorized someone is enslaved if they are:

1. Forced to work – through intimidation or mental or physical threat;
2. Owned or controlled by 'employer', through mental or physical harassment or harassment threat
3. Treated inhumane, treated as commodities, or bought and sold as 'property'
4. Limited physically or have limitation on moving around. Exploitation form may range from forced prostitution and forced labor and forced marriage and forced organ reaping
5. Forced labor – any job or service which is performed by forced, under their will, under threat in the form of punishment.
6. Debt bondage or bonded labor – most widespread slavery form in the world, in which people borrow some money they cannot repay and are forced to work to repay the debt, and they lose control of their working and debt condition
7. Human trafficking – involving the transport, recruitment or people protection for exploitation, using violence, threat or

5. Female Workers in Palm Oil Plantation Industry

Being casual daily workers or helping their husband without any working agreement with the plantation company is the only source of income and livelihood for some women to be free from economic pressure. This happened as their husbands' income (plantation worker) cannot cover the family needs. This particular condition pushed the women to be involved in the plantation sector by helping their husband harvesting to receive bonus, or to work as the casual daily worker for the job related to cultivation such as fertilizers, sprayers, and pruning the plantation (*Lentera, 2015*).

Generally, there are different conditions between male and female workers, although the division of labor between men and women in oil palm plantations is not as sharp and rigid as in the agricultural sector in rural areas. Female workers in oil palm plantations are involved in the production process such as scavenging (picking up oil palm fruit that has been released from the bunch), working as *menol* (casual daily labourers), even though the men (husbands) perceive their labors (women) as complementary of the family income, which role is frequently undervalued in the family

There are two form of discrimination experienced by female workers in palm oil plantation. First, gender based discrimination, in which women are marginalized in low-paying jobs. Female workers are frequently seen as supplement, consequently women are paid lower in the payroll or wage system. Women rights in the particular condition as in menstruation period, giving birth and breastfeeding are neither fulfilled. Secondly, structural discrimination occurs when the female workers experienced abuse, particularly from their husbands. Although, the women have access to the palm oil job, the have very limited power over their family income. Sexual division of role which place men as the head of the family puts women as the complementary power to meet the family needs.

As the social actor, women (and men) keep arranging the strategy to maintain and improve their position themselves in gender relation and other hierarchical power, by choosing between the current available options for them. Postcolonial writers took dynamic aspect of gender expression by examine the implication in power relation and domination (Mohanty et al. 1991 in Clark (2003), either in the household or workplace.

Julia and Ben White research (2012) in Dayak Hibun community located in Sanggau District, West Kalimantan found the fact that the expansion of the palm oil plantation and farming contract system undermine the position and livelihood of indigenous women in a patriarchal system. The land tenure shift from indigenous people to the state and the record practice of the head of the family (men) in the registration of agricultural land tenure rights erodes women's rights to land. Therefore, women's role is limited in the plantation labor. This structure implicates on the women opportunity loss to cultivate the land and loss of autonomy to seek sustainable livelihood.

Besides the discrimination, female workers are vulnerable to various form of sexual harassment. Referring ILO (2017), there are five forms of sexual harassment, namely: 1) physical sexual harassment including unwanted touching leading to sexual acts such as kissing, patting, pinching, glancing or staring lustfully; 2) verbal sexual harassment including the verbal/unwanted comment regarding the personal life or body parts or someone's appearance, jokes and comment with sexual tone; 3) gesture sexual harassment including the body language and or sexually body movement, frequent blinking, fingers gesture, licking lips; 4) written sexual harassment or pictures including showing porn picture, screensaver or sexual poster, or sexual harassment through email and other electronic communication tool; and 5) psychological/emotional harassment, including the constant requests and solicitations.

In another study, McInnes (2017) found that the regulation of labor on plantations violates almost all standards that have requirements for contract workers, namely: (1) must be fair and clearly understood, (2) provide the minimum wage requirements (3) support the labor rights to form labor union and negotiate collectively

The exploitation possibility of the palm oil worker is wide open. This is suspected to be caused by the weak ISPO framework on regulating the labor standards. For instance, one of the ISPO standards is not allowing to commit child labor. However, ISPO only stated this prohibition and did not specify which age group strictly prohibited.

ISPO standards and ISPO in terms of protection of labor rights are different. This difference can be analysed from the following table (Table 2 and 3)

Table 2 Differences in RSPO and ISPO Standards on Discrimination and Gender

DISCRIMINATION AND GENDER	RSPO AND ISPO DIFFERENCE
Prohibiting discrimination	All standards consist of mandatory criteria which prohibits discrimination (race, religion, caste, social class, origin, disability sexual origin, orientation, labor union membership, politic affiliation, age, gender, color, civil status or ethnic group). RSPO requires policy on the same available opportunities for public which is accessible, transparent, and translated into local language when it is needed
Gender sensitive complaint procedure/ Women's protection	RSPO provides the gender sensitive complaint procedure and anonym complaint mechanism and the whistleblower protection if it is requested. ISPO has gender reference in their non-discrimination policy, however in their standards there is no recognition of the need for specific indicators to protect women in the workplace
No sexual harassment/Reproduction rights protection	RSPO offers strong protection against the harassment and workplace harassment. RSPO has made additional provision to encourage equality for women. ISPO is lac of indicators related to the harassment and violence against women, relying solely on Indonesia law to act as guidance on related case.

Source: McInnes (2017)

Table 3 RSPO and ISPO difference on Labor Standards

PRIMARY STANDARDS ON LABORS	RSPO AND ISPO DIFFERENCE
Conditions and Benefits	Various protections conditions and benefits require safe working conditions, fair working conditions and social benefits. The benefits range from access to health and education services for the member families to the safe working conditions requirements through training programs and education integrated to the standards or as the independent labor policies.

<p>Minimum wage</p>	<p>RSPO owns a list of benefits which need to be taken into account (including overtime, insurance, sick leave and maternity leave) as one its indicator but fails to provide further guidance regarding these benefits. ISPO requires employees/workers to be registered in the employee social security program according to Indonesian law.</p>
<p>Rights to form labor union</p>	<p>All standards owns the criteria that support employee's rights to form labor unions and collective bargain. The RSPO and ISPO state that companies must facilitate the workers to form such labor unions</p>
<p>Child labor</p>	<p>RSPO provides clear restrictions on child labor according ILO convention. ISPO has general criteria prohibiting child labour, but does not provide any information on categories and children's age-related restriction.</p>
<p>Practice similar to Slavery/ Forced Labor</p>	<p>RSPO owns mandatory criteria prohibiting forced labor. ISPO does not satate forced labor as the standard indicator.</p>
<p>Protection for the third party</p>	<p>RSPO provides protection for the third party, however there is no referent mechanism to guarantee that it is implemented by the company. RSPO is committed to conduct ethical business operation including the independent policies on workers' rights to be communicated to all level workforces. Yet, there is very least for temporary workers in particular. ISPO standards does not include the indicator which specifically define labor regulation or human rights. Policies and procedure related to temporary workers. Although the company operations is expected to be aligned with national law.</p>
<p>Complaint mechanism</p>	<p>RSPO provides open complaint mechanism for all workers and contract workers. RSPO provide a transparent system which is mutually agreed and accepted by all parties in which the complaints can be submitted anonymously. ISPO does not offer any complaint mechanism for the workers. The only existing complaint mechanism is related to land dispute and compensations. Indonesia national law provides the protection for the workers but it is not explicitly stated in the standard.</p>
<p>Migrant Workers protection</p>	<p>RSPO offers the most comprehensive protection for the migrant and trans-migrant labor protecting their rights to bargain collectively, requiring the agreements to meet the international requirements and standard observation for the foreign workers. ISPO does not have any provisions regarding migrant workers.</p>

III. Research Methods

This research is aimed to analyze the human rights violation in the palm oil industry. The disclosure of the enforcement practice and human rights violation potential in the form of case study is necessary as the balancing information to the public, particularly the funder and the companies. This research applied ISPO and RSPO concepts as the analytical instrument.

This research applied case study method to dig and identify the cause and effect relation in the context of multi-causal explanatory (Vayda and Bradley, 2011). This method answers the questions “Why” something happens and “How” it could happen.

This research also applied feminist perspective, women as the starting point. This perspective takes women position and experience in the society and culture (Harding and Hidayat, 2006) including in the workplace. The characteristics of this approach are:

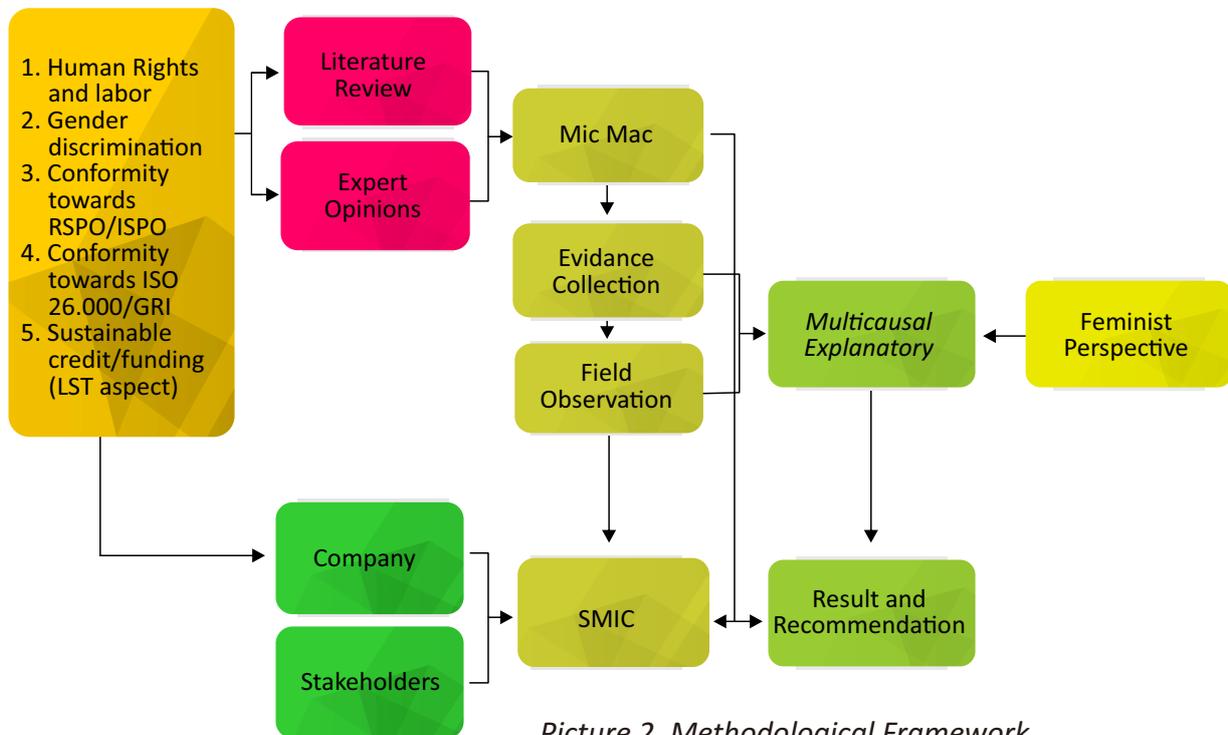
1. Women experience as the empirical and theoretical sources;
2. The analysis is aimed to benefit women; and
3. The researcher is in the same criticism room as the material.

For the number three, it means that the pre-conceptual of class, race, gender, faith and presumption must be put as the part of the critics. This approach also put the subjectivity as the procedure of 'knowing' (to know), this is to avoid the objectivity as in positivism approach. This approach is also equal to what is called as post-critical ethnography by Soyani (2005). Researchers in critical ethnography have moral obligations to contribute in the changes of the status quo towards the freedom and equality. Consequently, the critical ethnographer declines domestication and moves from “what is” to “what can be”.

1. Essential Factors on Human Rights Issue and Labors in Palm Oil Plantation

The research methodology used in this research is literature review to see the results of the previous research used to determine the variables to be used as the unit of analysis. Key variable identification also takes expert opinions including the stakeholders, academics and private parties involved in the palm oil industry.

This research applies two screenings. The first screenings applies the MICMAC analysis (*Matrice d'impacts croisés multiplication appliquée à un classement*), which sees the relation among the variables through cross-matrix. Matrix filling is conducted by quantifying the relationship among the variables. The scale applied follows Godet method (1995,1996).



Picture 2. Methodological Framework

MICMAC result analysis subsequently becomes a guidance to observe which variables serve as the focus of the study. Furthermore, evidence collection and the field observations were carried out by applying multi-causal explanatory approach developed by Vayda, includes applying feminist perspective.

Second screening is using the Interpretative Structural Modeling (ISM) tool to analyze the direct observation. ISM is a modelling technic developed for strategic regulation planning. ISM is one methodological planning which is applied to identify and summarize various inter-factors relation of specific issues or problems by connecting and organizing the idea into the visual maps in the form of whole structure and has the graphic output model consisting of quadrant and level variables. Before analyzing, the variables which have been identified are discussed together with the companies and stakeholders.

The first step in processing the ISM is creating Structural Self Interaction Matrix (SSIM), in which the variables are contextually connected by combining one variable i and variable j . Next step is creating reachability matrix (RM) by replacing V,A,X and O with numbers 1 and 0.

In ISM technic, there is *transivity* rule as the complementary rule of the cause-effect loop (causal loop), such as:

A affects B

B affects C

Therefore A (should) affects C

D improves E

E improves F, therefore D (should not) reduce F

Table 4 Connection between the inter-sub element of ISM technic

NO.	JENIS	INTERPRESTASI
1	Comparative	A is more important/bigger/prettier, than B
2	Definitive	A is and attribute of B A includes in B A defines B
3	Influence	A cause B A is the reason of B A develops B A moves B A improves B
4	Spiral	A is the south/north of B A is above B A is on the left of B
5	Tempo rate/Time Scale	A precedes B A follows B A is more prioritized than B

2. Respondent and Instrument

Choosing respondent was carried out by purposive sampling and snowball exponential for hidden population. Purposive sampling is one of the non-random sampling technic where the researcher determines the sample collection by setting the specific characteristic aligns with research objective so that it is expected that it will answer the research issues. This technic is applied because of the nature of the population characteristic has been know previously based on the researchers experience and the used literature.

Meanwhile, the snowball exponential technic is the non-probability sampling technic, in which sample is hardly found or hidden or limited in the sub-group of relatively small population. This instrument is chosen because this research has hidden population characteristic as in the child labor.

The respondents were chosen based on these following criteria:

1. Individual members or the indigenous communities, local communities and trans-migrant communities living around oil palm plantation areas, both who experience issues and those who do not experience issues with the palm oil company. This criterion was chosen as most of the people in the research location (West Kalimantan) is in the area of indigenous Dayak community, and the local community of the Central Sulawesi is a mix of the local communities dominated by the Kaili and Bugis tribes, also the transmigration area from East Nusa Tenggara and East Java.
2. Individuals who work as the palm oil plantation labor. This criterion was chosen as they are the actors who experience the direct impact of some issues, either the political or company regulation.
3. Office manager and plantation manager, including the company security forces. This criterion was chosen as the company is the actor who issues the managerial decision which results in human rights condition in the plantation. Meanwhile the company security forces were chosen because they are the company instrument who is responsible to ensure the application of managerial decision in the plantation.
4. Elected local government officials at the provincial and districts levels, who are directly and indirectly involved with the palm oil plantation industry. This criterion was chosen as the palm oil issues such as plantation business permit issuance, industrial conflict mediation as part of state responsibility (local government).
5. Palm oil industry association and independent palm oil farmers. This criterion was chosen as they are part of the stakeholders in the palm oil industry.

IV. Influential Factors on Human Rights Issue and Labors in Palm Oil Plantation

This chapter explains the first screening to look for the most decisive factor in the global supply chain system for palm oil plantation related to human right violations. This analysis uses the MIMAC application (Matrice d'impacts croisés multiplication appliquée á un classment) to see the relation between the variables through cross-matrix.

The first screening analyzes the considered most strategic issues by direct actors (companies and workers) and other stakeholders. Micmac analysis applies the experts' judgement. This analysis will look into the key factors on improving the human rights condition and labors welfare.

1. West Kalimantan MICMAC Study

1.1. MICMAC Result

Respondent from the first screening stakeholders are as follows (1) Plantation Academics from IPB, (2) Woman labor form the Labor Union Federation, and (3) Plantation Head of Kubu Raya District. This screening analyze the issues considered strategic, by looking at the key factors on improving the human rights condition and labors welfare

The key factors are as follows; (1) determinants, stimulant, (2) affected variable, levers, (3) variable afflicted and (4) vulnerable variable. The followings are the variables which have influence on the human rights implementation and the improvement of labors welfare and palm oil farmers. This matrix consists of 22 variables which includes 6 main themes

- 1.1 Labors (ensuring that there is affirmation of labors rights by the company HAKB))
- 1.2 Labor Union (ensuring that the Labor Union applies the transparent and gender discrimination free (DISK)
- 1.3 Company ensures the applied standard is aligned with the applied regulation IPO/RSPO (TAAT)
- 1.4 Plasma Farmer (Ensuring the profit sharing is known by the plasma farmers and independent farmers (PLSM)
- 1.5 RSPO/ISPO commission ensures the community rights to the precautionary principles and public information disclosure (SERT)
- 1.6 State ensures the Protection and Empowerment of the Farmers and Planter policy (STAT)

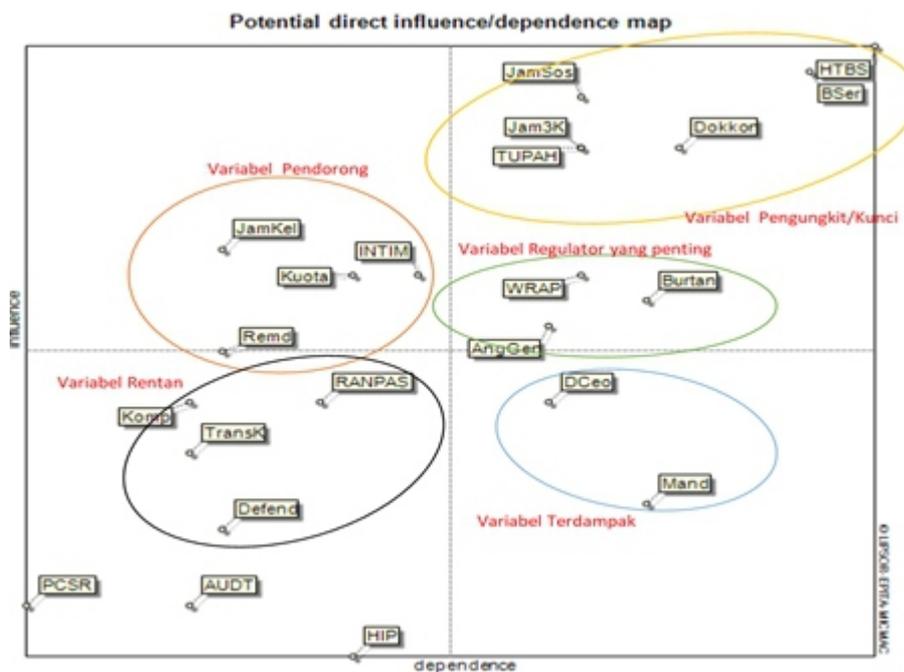
Table 5

Variable identification which affects the human rights improvement and labors welfare

NO	LONG LABEL	SHORT LABEL	DESCRIPTION	THEME
1	Written Contract Document	Dokkon	The availability of written employment agreement contract document	HAKB
2	3K Assurance	Jam3K	The availability of occupational safety and security assurance	HAKB
3	Wage rate	TUPAH	Wage rate assurance in accordance with the workload	HAKB
4	Health Social Security	JamSos	The availability of Health Social Security	HAKB
5	Union Freedom	Bser	Freedom in association	HAKB
6	Complaints Assurance	JamKel	Assurance on the certainty of the complaint settlements and labor conflicts period	HAKB
7	Remediation	Remd	Recovery from the atrocious impact of human rights violation	HAKB
8	Gender Member Discrimiation	AngGen	No gender discrimination in the Labor Union affiliation	DISK
9	Board Quota	Kuota	Gender-based management quotas in labor unions	DISK
10	Meeting time	WRAP	Meeting time and friendly negotiation for female workers	DISK

11	Assessment Intimidation	INTIM	Certification unit does not commit violence and intimidation in the certification	TAAT
12	CEO support	Dceo	Support from shareholders and upper management (CEO) for SOPs according to ISPO/RSPO and GRI/ISO 26,000 standards	TAAT
13	Supply Chain Assessment	RANPAS	Assessment of significant suppliers and contractors who have undergone a screening/filtration process for human rights aspects	TAAT
14	Complaint System	Komp	The availability of mutually agreed and documented system for handling complaints	TAAT
15	CSR Participative	PCSR	Participative process in CSR program	TAAT
16	Credit transparency	TransK	Credit transparency	PLSM
17	FFB pricing	HTBS	To participate in the Fresh Fruit Bunch pricing	PLSM
18	Impartial Auditor	AUDT	Ensuring the neutral auditor in the certification process	SERT
19	Public Information Rights	HIP	Ensuring the rights to public information in the assessment and evaluation	SERT
20	Farm Labor Policy Adjustment	Burtan	Welfare policy adjustment between the plantation workers and farmers	STAT

21	Independent Palm Oil Certification	Mand	Assistance towards certification for independent palm oil farmers	STAT
22	Human Right Defender	Defend	Ensuring protection for human rights defenders	STAT



Picture 3. Matrix of Direct Influence Map (MDI)

In picture 3, it can be seen that the biggest booster variables are (closer to the centre of the quadrant): (a) Free of intimidation in certification, (b) Fair management quota (gender), (c) Complaints Assurance, (d) Recovery from the harmful impact of human rights violation. These four variables are the basic rights of labors and the company's obligations when human rights violations occur (Grigg Principles, 2011).

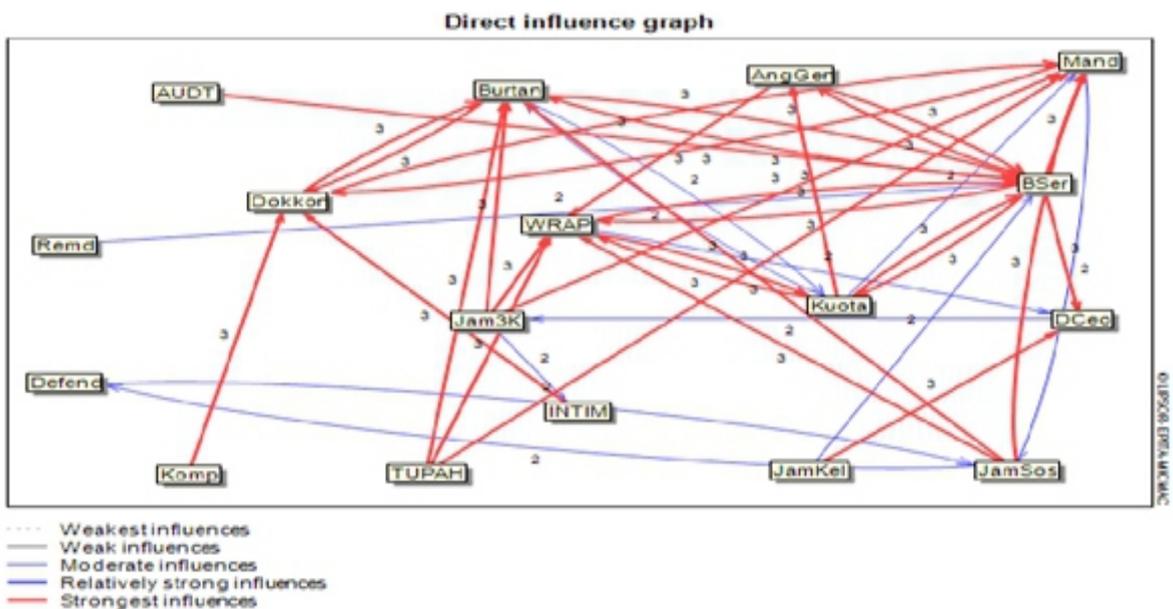
Meanwhile, the most strategic variable (upper right variable) is: (a) to participate in FFB pricing, (b) Freedom of union, (c) the availability of written employment contract agreement, (d) the availability of health and social security, (e) the availability of occupational safety and security assurance, and (f) wage rate. These six variables will greatly affect the labors welfare.

Regulatory variables are variables that can be leveraged or a change in the situation if this variable is implemented. The most essential variables are as follows: (a) No gender discrimination in the Labor Union association, (b) Meeting and negotiation time which is friendly for female workers, and (c) Welfare policy adjustment between the plantation workers and farmers.

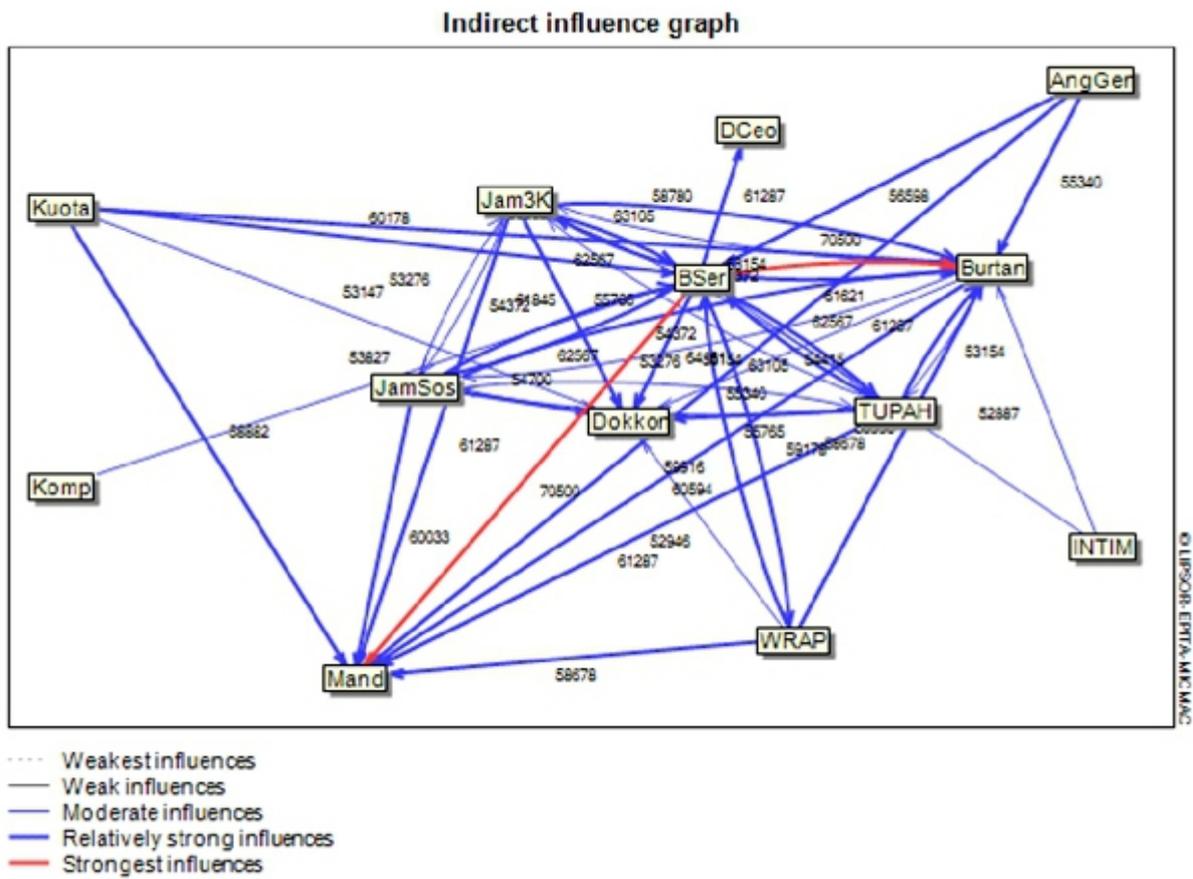
While the most affected variables are: (a) support from the shareholders and upper management (CEO) on the SOPs according to ISPO and RSPO and GRI/ISO 26000 standards, and (b) Certification assistance for independent palm oil farmers. These two variables are influenced by other variables.

Vulnerable variables influenced by all variable on the right and upper-left in the MDI are: (a) Assessment of significant suppliers and contractors who have undergone a screening/ filtration process on human rights aspects (b) the availability of the mutually agreed and documented system to handle complaints, (c) ensuring the protection for human rights defenders and (d) credit transparency.

The variables with the least influence are found in the lower-left corner of MDI, namely: (a) participation process in the CSR program, (b) ensuring the fairness of the auditors in the certification process, (c) ensuring the rights to public information in assessment and evaluation. It means that these three things are far from day-to-day labor issues. For further details, see the below graph. By looking at the arrow which means direct influence, it can be seen that the most essential issue is the issues which become the regulatory variable



Picture 4. MDI Graphic

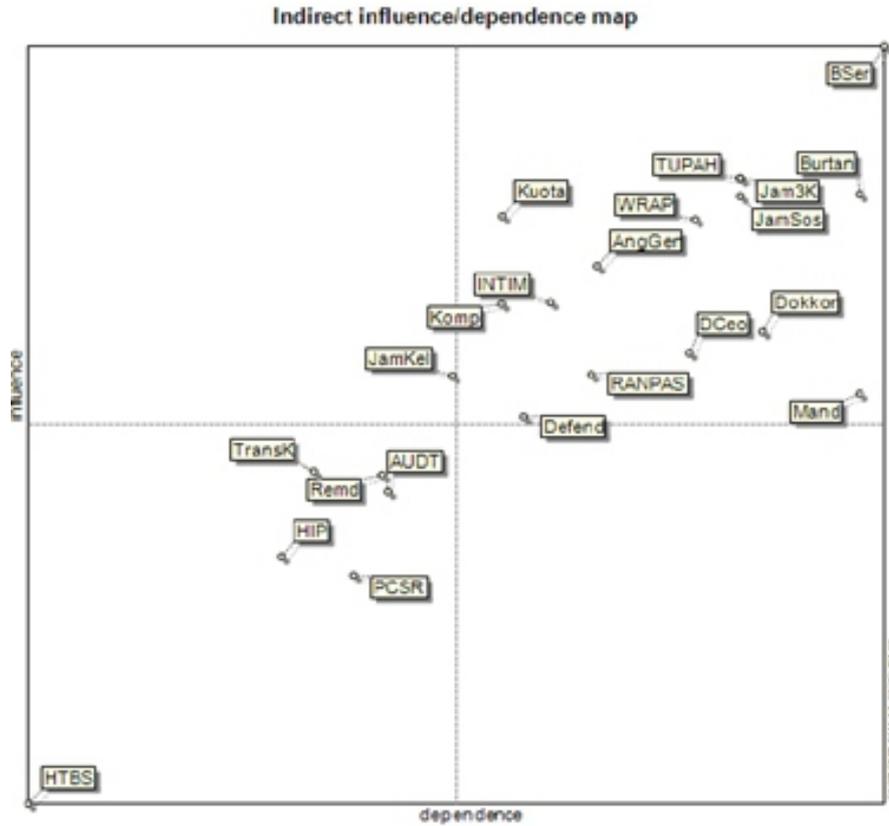


Picture 5. Indirect Influence Graphic

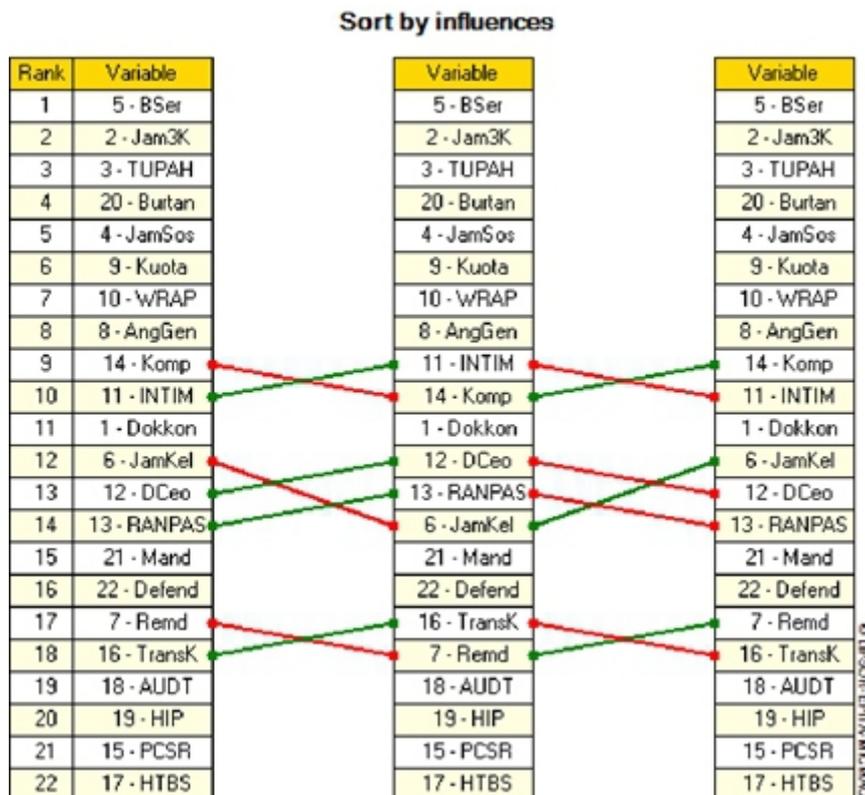
It can be seen that participating in the FFB pricing become the factor affecting the farmers welfare, however it does not directly connected with the labors. The most vital labor issue is freedom of association (look at picture 5. Indirect Influence Graphic) freedom of association influences no gender discrimination in the labor union.

Picture 5. Also shows that the wage rate becomes the strategic variable which is closely related to the welfare policy adjustment among the plantation worker and farmer, independent farmer certification, social security and occupational K3 assurance, while contract document is affected by the wage rate and social security and safety and security assurance.

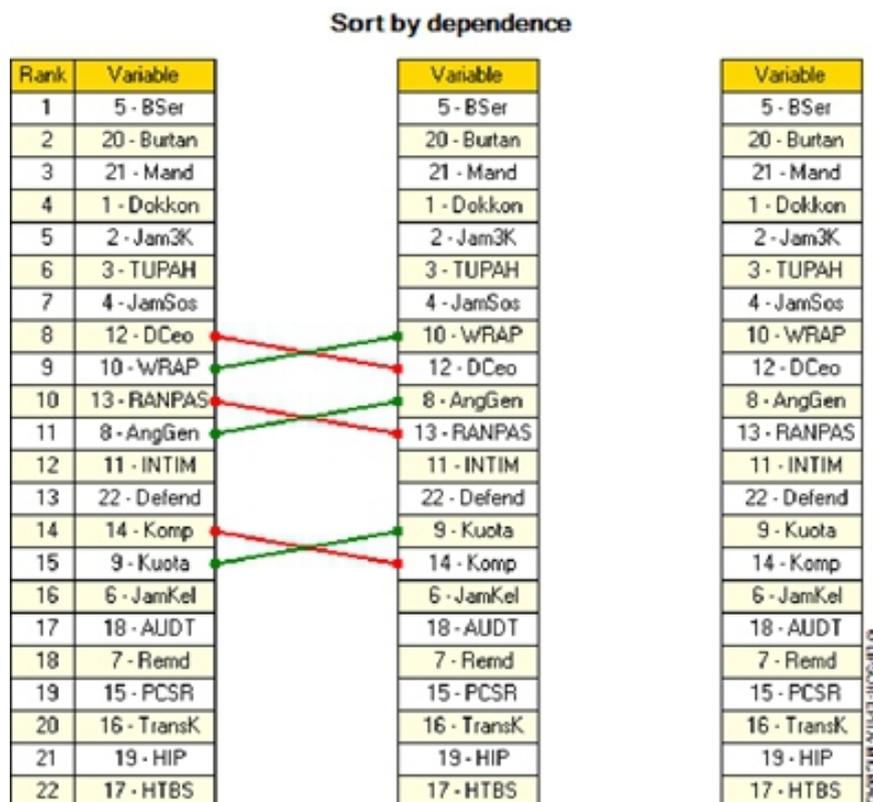
Ensuring the protection for human rights defenders for the vulnerable variables, in the indirect influence graphic (picture 5) becomes the key variables which tend to become the essential variable for regulation



Picture 6. Indirect influence Map



Picture 7. Ranking Changes by Influence



Picture 8. Ranking Changes by Dependency

In picture 7. Highlight based on the Influence explained the comparison of ranking between variables according to their influence, this occurs after the indirect influence was calculated. There are several movement between variables, as an example, complaint and intimidation system in the RSPO/ISPO assessment regularly change the level of its strategic importance. Correspondingly, the complaint assurance with CEO support and assessment towards the supply chain changes in terms of the strategic importance. As well as the restoration of the transparency violation in the contract.

The variables changing after the indirect influence calculated in the dependency, is the CEO support replaced by the friendly time for women in the decision making forum. Following this step, the variable assessment in the sub-contract of the supply chain changes it strategic necessity level into no gender discrimination in the labor union. Lastly, complaint mechanisms is replaced with a strategic level of importance with a quota of female members/managers in the labor unions.

The MICMAC analysis results influence the course of further data collection, namely by emphasizing on:

1. Freedom of union
2. Occupational Health and Safety
3. Policies on farmers and farmer labors welfare
4. Certification for independent palm oil
5. Wage rate
6. Employment contract

7. Discrimination in the labor union
8. Women representative in the labor union
9. Sub-contract assessment related to the human rights and RSPO/ISPO standard

1.2. MICMAC Analysis

From the above MICMAC result, variables affecting the recommendation in this finding are: (a) free of intimidation, (b) Management quota of Labor Union is not gender biased, (c) Complaint Assurance, and (d) Recovery from harmful impact of human rights violation. It means that the labors welfare depends on these variables if the company is willing to improve their performance, as these variables are the cause of the inertia.

Meanwhile the key variables affecting the labors welfare are: (a) FFB price, (b) contract document, (c) farmers certification. The other key variables are wage rate, K3 assurance, and employment security.

Variable (a) support from the upper management (CEO) on the related SOP corresponds to the ISPO/RSPO standards and GRI/ISO 26000 and (b) Certification Assistance for independent farmers is the affected variable which is outside the supporting variable influence. However, it is affected by other key variables.

Variables that can change the variable condition to go higher up or lower down the axis are: (a) No gender discrimination in the labor union affiliation, (b) Meeting time and friendly negotiation for female workers and (c) Welfare adjustment rule between the plantation workers and farmers.

Lastly is the autonomous variable which is divided into that are close to the bottom of the axis to the left of the matrix which can be influential variables, namely: (a) Assesment of the significant suppliers and contractors who have undergone the screening/filtration process of human rights aspect.(b) the availability of the mutually agreed and documented system on handling the complaints, (c) ensuring the protection for human rights defenders, and (d) credit transparency. These variables are called secondary lever, which can change variables along the diagonal line.

Variables with least influences are (b) participative process in the CSR program, (b) ensuring the auditor impartiality in the certification process, (c) ensuring the rights to public information in the assessment and evaluation. It means that these three variables are far from labors daily issues.

Table 6. Projection in the MICMAC Analysis

INFLUENTIAL VARIABLES	TENDENCY	FUTURE PROJECTION
High Influence, Low Dependency		
Complaint Assurance	It gets stronger if the company experiences endogenous inertia (does not improve). Influence top management's decision to respond/change in management	Being part of the variable regulator which means having function as the lever which means having function as the lever which changes other variables position along the diagonal, particularly the upper left and lower left part Strategy needs to improve the SOP and the complaint processing department
Intimidation free, no gender biased management quota of labor union, Recovery from the human rights violation impact	Increasingly influenced by the issue of regulatory variables and variables in the cluster, namely being free from intimidation to affect remediation or recovery from the impact of human rights violations	Intimidation free is affected by the complaint mechanism as the secondary lever which changes the position along the diagonal as well. Strategy changing in the complaint mechanism (which affect the contract document as well) will also change the fully intimidated atmosphere in the company operation
Women quota in labor union and company management	Stronger tendency to become the key variable which moves to the upper left side and affecting each other on the decision making participation	Strategy women quota is not regulated in the employment agreement in Indonesia, however the Labor Union organization suggest affirmative act regarding the women labor presence in the negotiation process

High Influence, High Dependency		
Contract Document	Increasingly influenced by wage rate issue, social security, and employment security	<p>Contract document sets the rights and obligations, as well as main job description to support the company productivity. While the labor productivity is influenced by their welfare.</p> <p>Strategy Creating the contract document and distribute the copy to all employee without exception. Explaining the colleagues to do the same thing, regarding the importance of contract document which ensure the labor rights and obligations.</p>
FFB price	Fresh Fruit Bunch price becomes an important factor for the independent/plasma company farmers	<p>The future tendency that FFB will affect the independent farmers certification with ISPO/RSPO, so that the independent farmers can be accepted in the market</p> <p>Strategy Providing the service/facilities to the independent farmers to adopt ISPO/RSPO especially related to labors regulation</p>
Freedom of Association	Freedom of association is influenced by all elements related to the female workers participation in the labor union. Freedom of association becomes the key factor to a role in labors welfare.	<p>Future trends of freedom of association will influence the workers in independent palm oil farmers and the improvement of labors and farmers welfare regulation.</p> <p>Startegy Strengthening independent palm oil farmers needs certification. Exploitative working pattern is not only found within big companies but also farmer labors without land ownership.</p>

High Dependency Low Influence		
Support from the upper management (CEO) for the SOP which corresponds to ISPO/RSPO standards	This tendency is now influenced by the top management affected by the freedom of association and responsive complaint management.	<p>Future projection if the complaint management problems is solved therefore the bipartite relations of the company and labor union becomes the determinant on the labor welfare</p> <p>Strategy Establishing and obeying all the Manpower and Labor Law in the industrial relations solutions</p>
Independent Palm Oil Farmers Certification	The current tendency is that the certification is influenced by the demands of independent palm oil farmers to comply with the ISPO/RSPO as the part of the supply chain	<p>The future projection in the certification role is influenced by the demand for the labor welfare rights</p> <p>Strategy Conducting the socialization and providing assistance for independent palm oil farmers to fulfill human rights aspects in their business</p>
Low Dependency, Low Influence		
Participative Process in CSR Program	The current tendency, community participation is very low so that this variable is not connected with the current system	<p>The future projection is that the participative process heads to the center of the matrix, becoming the part of variable regulator</p> <p>Strategy Community involvement in the making of the CSR program to avoid elite bias which tends to take personal and group benefits. Farm workers and other marginalized groups aspirations and needs must be heard for the sustainable living</p>
Ensuring the auditor impartiality in the ISPO/RSPO certification process	The current tendency that auditor independence influence the work in the labor union	Future projection that this auditor result will be part of the variable regulator

		<p>Strategy Auditor auditing result on the certification system becomes necessary. ISPO/RSPO Commission speeds on responding the various findings of the determining factors in resolving various human rights violating within the company.</p>
<p>Ensuring the rights to public information in the assessment and evaluation</p>	<p>The current tendency HIP is not included as the part of the system</p>	<p>The future projection, Rights to Public Information becomes variable regulator</p> <p>Strategi Law No. 14/2008 on Public Information Disclosure and Government Regulation No. 61/2010 on Public Information Disclosure has regulated the mechanism for which information can be accessed and which is excluded from public information applicant. Information on Cultivation Rights (HGU) becomes important as it is related to the land dispute solving, especially agrarian conflict, which is closely related to the HGU information. Company and the related parties (BPN) are demanded to open the related public information to decrease land dispute cases and for agrarian rights through agrarian reform.</p>
<p>Assessment of the significant suppliers and contractors who have undergone screening/filtration process on the human rights aspects.</p>	<p>The current tendency, supply chain related to the labor becomes a vulnerable variable that is taken out of the system.</p>	<p>The future projection the labor supply chain becomes the important regulation variable.</p> <p>Strategy Ensuring the contractor partners regards the Labor Law that explains outsourcing model or PKWT receive the same treatment (in the terms of work, rights, and obligations).). If this model is applied, labor rights is not fulfilled therefore the contractor is already approaching the human trafficking concept.</p>

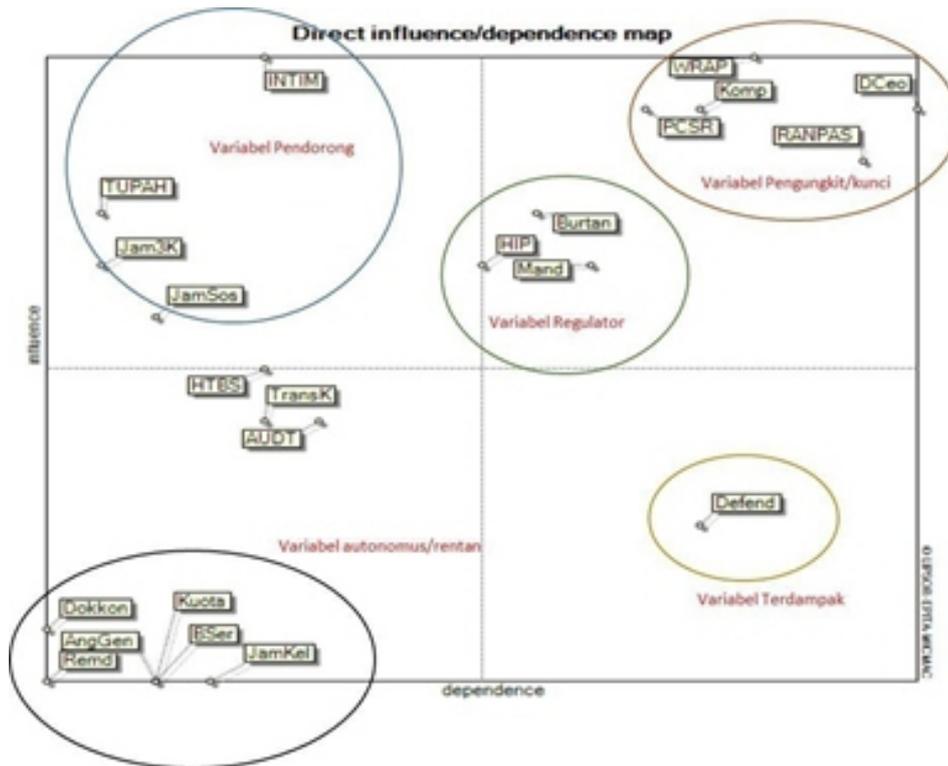
<p>The availability of the mutually agreed and documented system to handle the complaints</p>	<p>The current tendency is the complaint handling system is part of company policy.</p>	<p>The future projection complaint handling system becomes variable regulator and influence the freedom of association.</p> <p>Strategy Improving the SOP and staff who handle the complaint and relationship between the company and the workers.</p>
<p>Ensuring protection of the human rights defenders</p>	<p>The current tendency is that the company regards human rights defenders as the variables with no relation to the company policy.</p>	<p>The future projection, human rights defenders becomes the variable regulator and Proyeksi masa depan <i>human right defender</i> menjadi variabel regulator and closely related to the labor rights defense in the company</p> <p>Strategy Establishing the SOP and regulation regarding the violations and complaints handling Reporting the Report Continuity openly and periodically so that it can be accessed by public.</p>
<p>Credit Transparency</p>	<p>The current tendency becomes the secondary lever for variable regulator</p>	<p>The future projection becomes the important variable regulator for welfare fulfilment.</p> <p>Strategy Plasma core cooperation, cooperative formation, and payment mechanism of the harvest, replanting program is made based on the multiple parties involvement so it is right on the target</p>

Variable Regulator		
1. No gender discrimination on the association of the Labor Union	The current tendency happens that Labor Union does not have role and in apparent death in PT	Future projection in which women participation issues influence the welfare in terms of workers control and independent palm oil farmers as
2. Pemilihan waktu rapat dan perundingan yang ramah bagi pekerja perempuan	GAN3, in PT Palmdale, the Labor Union member and board are being threatened.	the unpaid labor model also happens in the palm oil community. Strategy Introducing the ISPO/RSPO certification regulation as part of the palm oil supply chain to the independent palm oil farmers. Establishing Labor Union openly in which the association is not limited by company's jurisdiction
3. Welfare regulation adjustment between the plantation workers and farmers	The current tendency, farmers and workers welfare is influenced by contract document and independent palm oil certification	Future projection on workers and farmers welfare is significantly influenced by the freedom of association and affects the independent palm oil certification. Strategy Strengthening the labor organization and farmers group

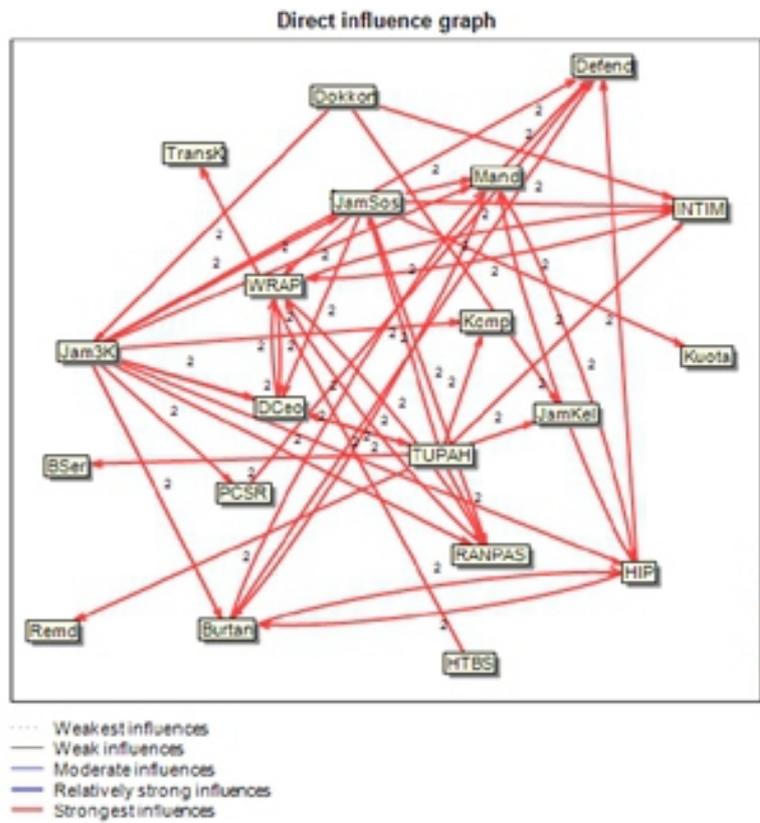
2. Central Sulawesi MICMAC Study

2.1. MICMAC Result

Respondent are the stakeholders in the first screening for Central Sulawesi, namely as follows: (1) Plantation Academics from IPB, (2) Woman labor from the Labor Union Federation, (3) *Walhi* Activist, and (4) Women Union Activist. This screening is to analyze the issues considered strategic, by looking at the key factors to improve human rights condition and the labor welfare. The result can be seen from this below picture (Picture 9)



Picture 9. Central Sulawesi MICMAC Result
(Direct Influence Map Matrix (MDI))



Picture 10. Direct Influence Map

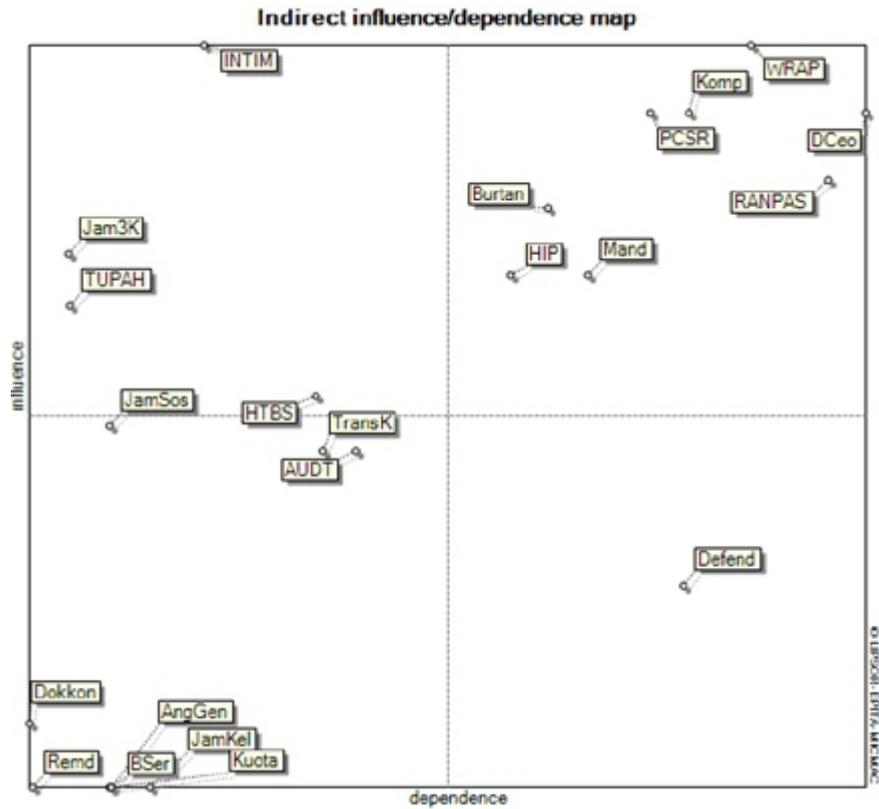
Picture 9 shows that in the effort to achieve prosperity, stakeholders' perceptions see that the boosting variable (Upper-Left Quadrant) is most importantly free from intimidation. In the research location and almost in every plantation in Central Sulawesi, there are stories about land seizure through military (and *Brimob* (Mobile Brigade Corps)) since the New Order until mid 2018 (now it is committed by Brimob). The other boosting variables are (a) wage rate, (b) K3 assurance, and (c) Social security.

While the lever variables (Picture 9, top-right quadrant) are: (a) Support from the CEO or top manager to fully implement the provisions of RSPO/ISPO, (b) assessment on the supply chain in the human rights fulfilment, (c) participative process in the planning and implementation of CSR, (d) effective complaint mechanism, and (e) meetings time in the labor union which can be attended by the women labor representative.

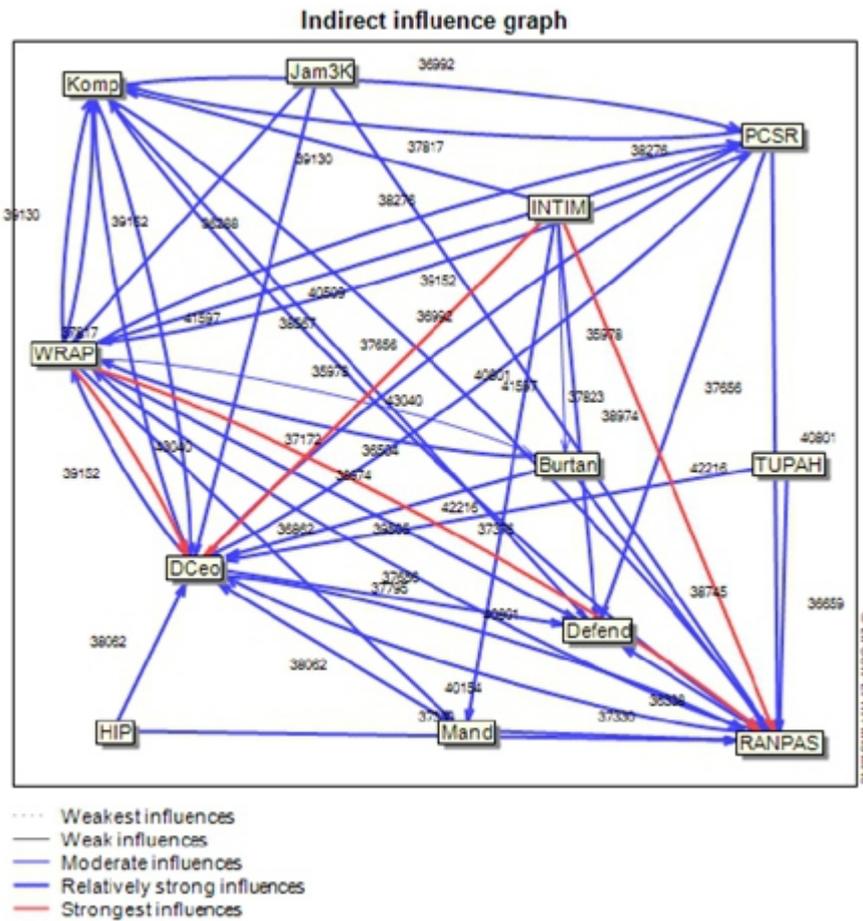
Variable regulator (Picture 9, middle quadrant) which is considered as important to be implemented are : (a) rights to public information, (b) certification for independent palm oil farmers, and (c) adjustment of the regulation between the plantation workers and independent farmers.

Affected variables or having high dependency is the variable of protection for the humanitarian workers in the human rights protection.

Vulnerable variables which is influenced by boosting variables are: (a) contract documents is the availability of working agreement understood by both parties, (b) Recovery or remediation of the human rights violation victim, (c) gender discrimination in labor union, (d) women quota in the labor union management, (e) Family security, (f) freedom of association, (g) fair FFB pricing (in the indirect graphic/indirect influence) change into boosting variable, (h) credit transparency for independent farmers, and (i) audit (and consultant) on the assessment result.



Picture 11. Indirect Influences Map Position

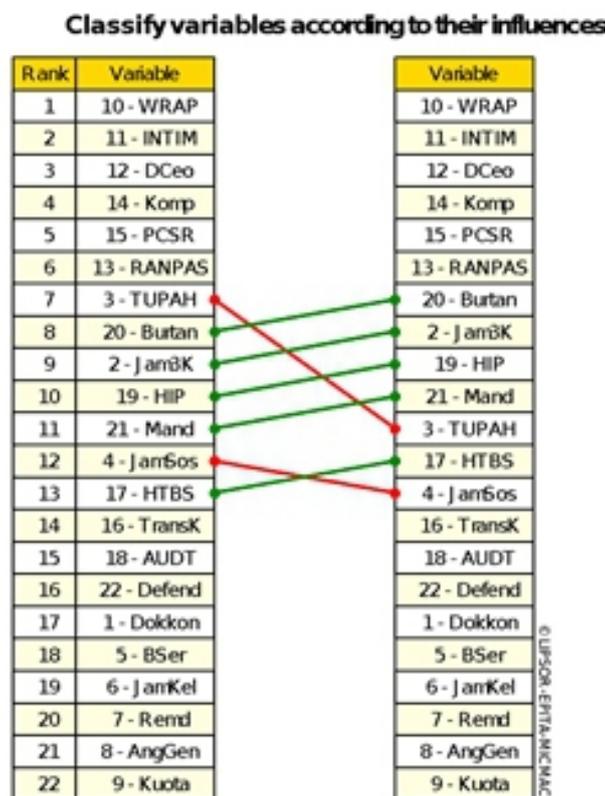


Picture 12. Indirect influences Map

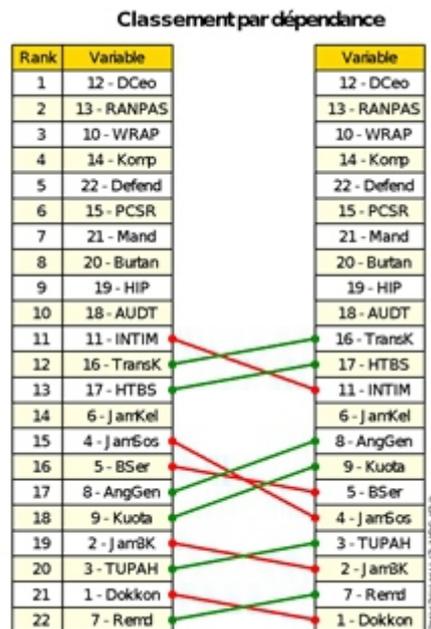
In the Picture 12, there is strong correlation between intimidation in company operation to the supply chain (in this research is the labor provider and the independent palm oil farmers) and to the plantation chiefs (on site management). Then, there is strong correlation between the timing of member meetings and humanitarian workers regarding the human rights, a possible explanation of this correlation is that a friendly meeting working hours for women (corresponding schedule) is indirectly related to the humanitarian workers presence that monitors the violence against the labors in the plantation fields.

If it is seen from Picture 13, the ranking comparison based on the influence has shifted, as examples the wage rate changes its position with the variables: (a) welfare regulation adjustment between the plantation labors and the farmers, (b) K3 assurance, (c) rights to public information, (d) Certification assistance for the independent palm oil farmers. Previously the wage rate position was above those variables (rank 7). Likewise, to the social security variable which shifted downwards, was replaced by the FFB price variable.

As the level of dependence changes (see Picture 14), the intimidation variable changes its position with the variables (a) credit transparency, (b) fresh fruit bunch price. The variables of Social Security and the variable of Freedom of Association change positions with the variables (a) Women's membership in labor unions and (b) Women's Quota. Meanwhile, the K3 Assurance variable changes its position with the Wage Rate variable, and the Contract Document variable with the Remediation or rights to recovery variable.



Picture 13. Graph of Variable Changes by Influence



Picture 14. Map of change by Dependency 32

Central Sulawesi MICMAC result focuses on the following issues

1. CEO support for human rights enforcement and RSPO/ISPO certification;
2. Intimidation in company operations;
3. Assessment of the supply chain (for labor and FFB)
4. Selection of meeting times for women members of the Labor Union;
5. Complaint mechanism;
6. Security for humanitarian activist in the human rights fields;
7. Welfare regulation adjustment for plantation workers and farmers;
8. Wage rate;
9. Public information disclosure
10. Occupational Safety and Security (K3)

2.1 MICMAC Analysis

The above MICMAC result shows the unstable system tendency. Intimidation variable in the company is a variable that affects all recommendations in this study. It means that the workers welfare depends on this variable if the company is willing to improve their performance and to avoid inertia. Other influential variables are Wage Rate, Social Security and K3 Assurance.

Meanwhile, the key variables/levers along the top-right diagonal (picture 9) influence the labor welfare through supply chain variables labor welfare through supply chain variables (including the labor supply chain and FFB) and the top management decision variables.

The upper-left diagonal variables have high influence as well as high dependency, as apart from being influenced by other variables, they influence other variables as well. These variables are proper

meeting times which allow female workers to participate. The complaint mechanism and the community participation in the CSR program establishment are included in the key variables.

Human rights defenders variable is the affected variable which is outside the influence of the upper left variables matrix. Yet, it is influenced by several variables in the middle and upper-right matrix (picture 9).

The middle variable acts as the main lever, which can change the condition of the variables to go upwards or get downwards the axis point. These variables are (a) ensuring the rights to public information in the assessment and evaluation, (b) welfare adjustment between plantation workers and farmers, (c) certification assistance for independent palm oil farmers.

Lastly are the autonomous variables divided into the variables which are close to the bottom of the axis to the left of the matrix which can be influential variables, namely: (a) Contract Documents, the existence of the working agreement understood by both parties, (b) recovery or remediation of human rights violations victims, (c) gender discrimination in labor unions, quota of women in labor union management, (d) guarantees for settlement of complaints, and (e) freedom of association. Meanwhile, the variables becoming the secondary levers are FFB price, independent auditor and credit transparency.

Table 7. Projection in the MICMAC Analysis

INFLUENTIAL VARIABLES	TENDENCY	FUTURE PROJECTION
High Influence, Low Dependency		
Intimidation	Getting stronger if the company experiences endogenous inertia (not improving)	Mutual influence between the supply chain and the top management Strategy needed to improve supply chain management and the top management policy
Wage rate, Employment Security, Social Security and Health	Increasingly influenced by the issues outside the company policy	Wage rate affects variables in the same cluster, namely Social Security and Employment Security and are influenced by top management policies The company's strategy to determine the wage rate together with other permanent allowance

		<p>based on the regional aspects (real expenses for Decent Living Needs)</p> <p>Wage Policy only regulates Minimum Wage, while wage above the minimum wage-which increase in stages- is purely the domain and agreement area of the parties who eventually refer to and regards the structure and wage scale set by the company (Article 17 [new] Permenakertrans No. 01/1999)</p> <p>Wage rate also influences the remediation when the workers find their rights being violated Strategy providing remediation to the workers whose rights being violated</p>
<p>High Influence , High Dependency</p>		
<p>Top Management Decision</p>	<p>Increasingly influenced by rights to public information, labor and farmers regulation policies, policies towards independent palm oil farmers</p>	<p>Top management decisions become the most decisive factor in the welfare of the workers.</p> <p>Strategy conducting the precise adjustment toward the welfare demands and open the access to the other actors, such as regional government and the public who are interested to the improvement of the labor welfare</p>

<p>Supply Chain</p>	<p>Influenced by all the variables which are influential and variable regulator. The change tendency depends on the availability factor if the intimidation from company related to the contract arrangement and the female workers participation.</p>	<p>Supply chain in the labor sector is the party who provide the labors to the company. In the context of PT LTT, the company does not pay attention to its partners</p> <p>Strategy conducting the assessment on the human rights towards the contractor partners and the outsourcing company.</p> <p>Women participation fulfilment in the decision making at the management level and facilitate the women participation in the labor union.</p>
<p>The right meeting time for female workers to participate. Complaint mechanism and community participation in the CSR program establishment</p>	<p>Tendency influenced by intimidation.</p>	<p>Complaint mechanism is the most influenced factor by intimidation.</p> <p>Strategy fixing the company mechanism towards the complaint mechanism and the responsible officer for receiving and processing the complaints.</p> <p>Community participation in the CSR program is also influenced by their own cluster part such as complaint mechanism and the women participation.</p> <p>Strategy including the gender perspective and facilitate the decision making which is not group biased in the CSR management.</p>

High Dependency, Low influence		
Human Rights Defender	The tendency is highly influenced by the top management decision and intimidation	<p>Policy to use threat or intimidation is influenced by the top management attitude towards how company operation fulfills the human rights</p> <p>Strategy fully adopting the human rights framework in the business</p>
Low Dependency, Low Influence		
Contract Document, the availability of working agreement understood by both parties, Recovery or remediation for the human rights violation victims. Gender discrimination quota in the management of the labor union, Family security, Freedom of association.	The tendency is increasingly influenced by the key variable	<p>Top management decision influences the improvement of this group, especially the arrangement of the contract document, remediation</p> <p>Strategy: Open room of change conducted by the top management such as family security, enlarge the freedom of association in this case making the agreement and solving the labor dispute.</p>
FFB Price, independent auditor and credit transparency	The tendency to be influential variable or the variable regulator. The FFB price tends to be the influential variable. Meanwhile, credit transparency and independent audit has the tendency to be variable regulator	<p>FFB policy, in this case for the independent and plasma farmers in the company supply chain has the role as the welfare lever for the labors and farmers</p> <p>Strategy calculating the FFB price by bottom up, by taking into account the production input</p> <p>Independent auditor in this case needs to ensure the human rights and business convention implementation and the regulation related to the manpower into the variables which move towards influential variables or regulator</p>

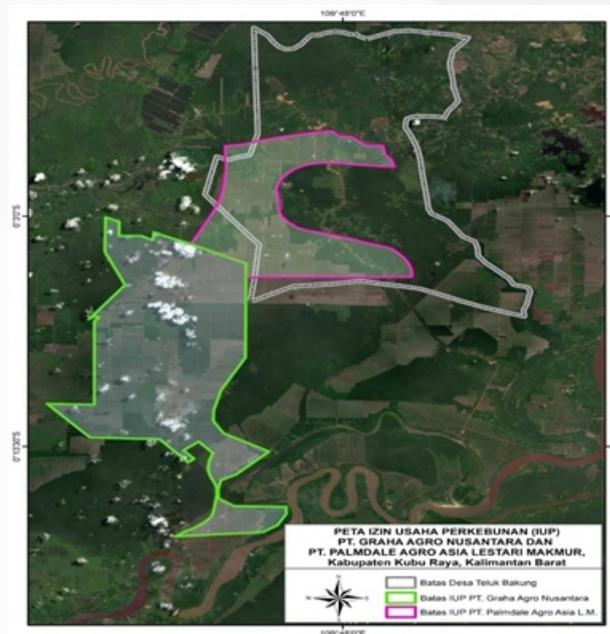
		Strategy including the variable regulator namely the openness of the public information to review the assessment result.
Variable Regulator		
Rights to Information, Regulation adjustment on the plantation workers and farmers welfare, Certification assistance for the independent palm oil farmers	The tendency to become the key variable and, vice versa, becomes the most influential variable if there is no intimidation in the company	Strategy to fully adopting the regulations regarding this case.

V. Labors Condition in West Kalimantan and Central Sulawesi Palm Oil Plantation

1. PT. Palmdale Agroasia Lestari Makmur

1.1. Company Profile

PT. PALMDALE AGROASIA LESTARI MAKMUR (onwards: PT Palmdale) operates in Kubu Raya District. PT Palmdale is located in Jakarta and has branch in Sungai Raya District, West Kalimantan. PT Palmdale has mining business license (IUP) No. 503/1941/BKPPM C dated 20 September 2007, with plasma area of TBM (Fruit Plants Producing) 779.82 ha and TM (Plant Producing) around 2,040.34 ha¹. The second business license was issued with the No. 331 year 2008 dated in 10 December 2008 with the IUP area of 12,806 ha. As in June 2018, business permit location of PT Palmdale is not identified. PT Palmdale is included in the Fangiono group (First Resources) (*Jong, H. N., Mongabay.com, 11/2/2021*). Since it was socialized to public PT Palmdale has changed its management three times: Gozco, First Resources and now Borneo Agri or PT Kalimantan Agro Sejahtera.



Picture 15. IUP Map of PT Palmdale (with purple border) located in Teluk Bakung Village

¹ Audit Board of Indonesia (2019) Report on Audit Result for Particular Purposes. For Licensing, Certification and Implementation of Sustainable Palm Oil Plantation and its compliance to the International Policy on the Ministry of Environment and Forestry, Ministry of Agriculture and Other Related Agencies in DKI Jakarta, North Sumatera, Riau, South Sumatera, West Kalimantan, Central Kalimantan, and West Papua. Published by the Main Auditorate of State Finance IV. February 28, 2019.

1.2. Recruitment system and working contract

After the demonstration in 2018 involving around 500 (five hundred) villagers who are members of the Palm Permai Lestari Cooperative regarding refinancing and conversion issues (returning the company's investment to plasma plantations) to PT Palmdale, PT Palmdale's relationship with the community of Teluk Bakung Village, who are the plasma farmers, rather tenuous. According to the Loncek and Re'es Village residents, post-demonstration PT Palmdale now recruits more workers from outside the village, mostly from around Landak and Bengkayang districts.

The labor recruitment system from Landak District involves recruitment agents operating in villages. Workers from Landak District are usually on a three-year contract. According to the testimony of a female worker (INT.12.01), the recruitment agency deducted the wages of workers from Landak District for the first three months.

It is different from the workers who apply directly to the company, for the first three months they work as the piecework labors. After three months, their performances are being evaluated with the criteria of being able to harvest 250 fruit bunches each day in the harvesting department or three gates in the maintenance section, they who passed this standard are appointed as Permanent Daily Workers (BHT) (INT.13.01).

According to one respondent (INT.002.01), the recruitment process was passed with “tough” interviewing process and the process of being appointed as BHT is also passed by having excessive workloads. The first three days as BHT, the workers receive a training for using the tools and how they work. In the next day, they enter the daily working procedure with morning assembly at 5 am and starts working from 07.00 to 12.00.

“...in the interviewing process it was also tough, fell and beaten with blackboard, maybe it was a technique to test the patience, consequently resigned after two weeks, and by the time it is quite hard, we almost backed down, the pressure is not worthy the result and the workload.. (INT 002.01)”

Either the labors who work through the agent or directly applied to the company, neither of them hold working contract (SPK). Since the management change, the labors work without working contract.

Working without contract is also experienced by the labors in the transportation department. The respondent (INT.04.01) who works as the truck driver in PT Palmdale stated that has no working contract and work as piecework labor. In fact, the task in the transportation department plays an important role, such as transporting palm oil workers, delivering fertilizer from the warehouse to the plantation, and so on. In addition, the extra working hours are not compensated with overtime wage.

1.3. Wage

Wage rate for BHT is adjusted with the FFB (fresh fruit bunch) price and updated annually. However, if the FFB price increases, the wage level does not automatically increase. But if the price of FFB falls, wages will also fall, as what happened in 2019 where the value of wages fell by 50 percent.

“we are the piecework worker once protesting as well, why when the FFB price and CPO increase, the company pays the worker so low, even can be decreasing up to 50% with so much workload. Why I said it is too high, we do the work like seed, but also for the rotten seed, from last year leftover, so it is doubled, they should be paying more with such workloads.. price drops for piecework in the seed, slashing and wood cutting section. We take all the jobs that are appropriate and can be done (women), and the price is right. It can't be helped, we need work. Even though I'm tired, but this is for other people who need work too” (INT08.01).”

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Every piecework contractor (which provides the labors) is demanded to notify the latest wage rate and working regulation from the company to the BHL (Casual Daily Workers) in August. The workers frequently receive 10 % late payment commission for the piecework target. Usually the contractor delays the commission in one month, however this time the commission for March and April 2021 (two months) are not paid yet (INT.08.01).

In addition, wages have been cut. The cut was based on performance appraisal by assistant (contractor). Every working mistakes result on the HK (weekdays) wage cut. In average, it is cut by 30%. In fact, according to contract workers, the daily wage is relatively low, only IDR 97,500. This is very burdensome for casual workers, because they also have to pay for their own transportation costs.

“For the gas, it could spent around 1.5 liter and it is not financed by the company. It is burdensome, but what can we do, just hold on. It is hard to find a job , There are many mistakes in harvesting, such as cutting unripe bunches, remaining loose fruit, incorrectly placing the cut stems, not arranging the bunches properly, not cleaning the bunches, and many other criteria. And it will cut wages: (INT02.01).”

Meanwhile the working target set by the company is not realistic with the available human resource, either from the number of the workers or the physical ability to work. As an example, the harvesting target is set based on the palm age and quality. For the harvester this is hard, moreover, if the palm age is more than 10 years, with the FFB weight around 25-40 kgs, they will hardly reach company target. However, if the target is no completed, the company will give sanction in the form of daily wage cut.

Cheap wage is also experienced by the labors in transportation. As what had been experienced by the Respondent (INT.04.01), he started to work at 07.00 until the job is done. Although he frequently work more than the normal working hours, he never receive overtime wage. Yet, if he leaves, the wage is cut. With this waging system, he receive wage around Rp80,000 each day which is calculated below the UMK ((District/City Minimum Wage) of Kubu Raya, Rp2,443,000

1.4. Occupational Health and Safety (K3)

In addition to having to pay for the work equipment used, such as the *angkong* (FFB transport cart), which is deducted from wages for six months, the quality of the work equipment is also poor. For example, gloves that are not suitable for use can cause sores on the palms such as scratch or blisters. This certainly interferes the work activities, both in the plantation and outside the plantation. Moreover, if the equipment is damaged, the workers must work on their own before a replacement is available (INT.12.01). It means if they want to change gloves, they have to pay for it themselves. As for piecework workers, they use their own K3 tools. Regarding fertilizing that causes blisters and swelling, a worker (INT.18.01) suggested that they take a shower after work, not delay bathing at home, especially for those with sensitive or allergic skin, after showering, spread eucalyptus oil on the skin.

1.5. Freedom of Association

In 2014-2016, there was a labor union at PT Palmdale under the Serikat Buruh Sejahtera Indonesia. However, when First Resource took control of the management in 2016, the union was abolished. In addition, there is a renewal of a clause in the employment agreement which states that workers may not join labor unions. As from the beginning the workers did not hold a work agreement, this could not be proven by the workers (INT.011.01).

Despite being banned by the company in 2016, the labor union continued to protest until October 2017 until the head of the union was dismissed unilaterally. During the struggle to maintain freedom of association (2016-2017), labor union activists also received intimidation from Brimob officers who helped to guard plantation areas. According to one respondent (INT.015.01), the Brimob relation with PT Palmdale extends to the training of the company security officer team. Not only Brimob, intimidation is also carried out by companies through excessive workloads on workers or rotating workers' positions from their original positions listed in the SPK (INT.14.01). There is a fact that the company transfers workers who are 'vocal', so they are not comfortable to work (INT.02.01).

“I was transferred to Afdeling for night watch, then I became a harvest worker, other employees who used to be together were prohibited from communicating, everything did not match the work document that I signed. Then without knowing some mistakes arose then SP1, SP2, SP3 (warning letters). I am suspected to support the Chairman of the Labor Union who was fired (INT.14.01).”

Although the formation of labor unions is guaranteed by Law No. 21/2000 concerning LABOR Unions/Labourers, in addition, ILO Convention No. 87 on Freedom of Association and Protection of the Right to Organize, and ILO Convention No. 98 on Right to Organize and Collective Bargaining, have been ratified by the government. But the facts on the ground illustrate that the applicable national and international legal norms do not apply.

“In fact there is not, back then in 2014 in Palmdale was formed (labor union) I am also in the committee, we join the SPSI back then, but was not really active, in 2016 the company was took over, so here it is, only then when I signed the working agreement, I did not take the photo either, but the point is that those who are still active in the labor union, are told to resign by the company, there were indeed many irregularities we experience, this company is “cowboy” company, they like using the authorities(institution). It is because the parent company was also like that. (INT 12.01)”

1.6. Forced Labor

A BHT who has worked for two years without ever filing a complaint about living in an afdeling housing estate one day filed a complaint regarding the condition of the house he lived in, such as damage to the electricity and water network, and a leaky roof. Instead of having complaints heard, these workers received threats of suspension for four working days, meaning they would lose Rp388,000 (INT.12.01).

In addition, long working hours without counting overtime with heavy work targets are often experienced by workers, both BHT and BHL.

“Going from home at 3 AM. Morning assembly at 04.45 am, with the assistant, after that briefing evaluation for yesterday work and what we will do today and tomorrow, deciding strategy, after that going to the plantation, and start in our working position, around 05.15 we are at the plantation. Employees are waiting, permanent employees and casual employees. After that it was attendance checking again. Both the foreman and employees with the new system, first packed the scattered midribs. Then the starting the activity to routine work. Maximum time we are the field at 15.00. There is an excess of working hours that is not calculated as overtime but by using a target, namely as premi (bonus). The target is 1 ton, they have to reach 1.5 ton. Half a ton is considered a premi (bonus). Usually chasing th “premi” until 22.00 ... No overtime, sometimes assistants give cakes or vitamins. This is standard and is considered loyalty. Salary equivalent to UMR (around 2.4 million), health insurance is deducted from salary for BPJS (INT 002.01).”

1.7. Complaint Mechanism

There is no complaint mechanism in the company. Usually all the complaints will be addressed to the foreman, then the foreman will share it to the assistants. Even though there are complaints, the assistants still authorize to give verbal order without being protested. There is no complaint mechanism in the company. The stagnation of the complaint mechanism in the field, acknowledged by workers, has occurred since First Resource took over the management. (INT.12.01). For piece workers, complaints can be submitted to the general manager as the maker of the work contract through the contractor.

“If you can bear then continue, if you cannot bear it then feel free to resign from the office, there are documents needed for you to sign, and the company will proceed it directly, just like that, they just straight to the point and there is not any small talk. (INT.12.01)”

One example from the stagnation of the complaint mechanism when workers file a sick complaint. If they are getting sick, the worker must submit a letter from the company clinic and even if the worker is unable to work due to illness by showing the doctor's letter from the *Puskesmas* (public health center), the company still does not accept it, the company still cuts wages of Rp. 97,750 (daily wage).

1.8. Severance Pay

Old workers are being laid-off without any severance pay at PT Palmdale. There are also other cases of workers resigning due to the heavy workload that do not match with his current age, this usually occurs in workers at the age of 55 years old. Moreover, the company does not provide old-age insurance for workers, making it burdensome for aged workers to stop working (INT.12.01).

“There is no story of how many years it has been that one person has been given severance pay at this PT, all of them were forced to resign, the term is by transferring them far away to East Kalimantan, to Riau, they will automatically resign because they

cannot afford it, then if we are not paying attention to little mistakes, he immediately gets emotional, those are their tricks, sometimes we as supervisors become direct workers (INT.12.01)”

1.9. Housing Allowance

Housing (*afdeling*) is available for Permanent Daily Worker (BHT). However, those housings are unfurnished. So that workers must buy the equipment they need themselves, starting from curtains, mattresses, stoves, gas, and even repairing leaky roofs themselves. All household technical problems are regulated with fellow housing residents. For example, they joint water pumps to meet the needs of clean water. With these unfit living conditions, some workers prefer to go home (quit work).



Picture 16. One of *Afdeling* (housing) Atmosphere

1.10. Protection for Human Rights (HAM) Activists

One member of a smallholder farmers in Teluk Bakung Village, deemed to have violated and harmed the Palmdale company, was sentenced to 4 years in prison in accordance with Decision Number 540/PID. B/2019/PN Mpw. This started when a demonstration related to the conflicting rights of smallholder farmers over transparency of refinancing and conversion funds (returning of company investment to plasma plantations) covering an area of 2877.95 hectare in 2018.



Picture 17. Land owned by the locals which turns into core Palmdale operations schemes

Previously, in 2014 there was a similar case, the issue of profit-sharing injustice of smallholder farmers that was sued by the community. Initially, the community tried to have a dialogue to get justice, but PT Palmdale responded slowly and not transparently causing the community to mobilize demonstrations, threaten strikes and sabotage such as confiscating FFB trucks. However, this led to a case, Lintang Batang Village Chief was jailed for 100 days through cassation decision No. 26 L/PID/2018. When the Village Chief was the Head of Teluk Bakung Village, he took legal action by suing PT Palmdale and in the end winning the smallholder profit-sharing case between the landowner and PT Palmdale in 2019 (TribunKubuRaya.com, 2/7/2019).

However, the challenge of defending the human rights of workers and indigenous peoples in the future seems to be even more difficult with the inclusion of oil palm plantations as a National Vital Object (SawitIndonesia.com, 12/6/2018).

2. PT Graha Agro Nusantara (PT GAN)

2.1. Company Profile

PT GRAHA AGRO NUSANTARA (PT GAN) has Industrial Business Permit No. 248/2010 dated 7 September 2010 with an area of 3,605 hectare and smallholder area of TBM 162 and TM 163. The second IUP was issued with Number 343 of 2010 dated December 8, 2010 with an area of 14,273 ha and plasma area TBM 1,552 and TM 184. As of June 2018, the location for PT GAN's business license was not identified.

The company is a member of KPN Plantation (Spott.org, 2020) and has RSPO and ISPO certifications for the group. PT GAN in this study was not open to filling out self-administered questionnaires given to staff at its office in Ambawang, West Kalimantan. The management through its CSR manager suggested that the questionnaire be given to the Head Office in Jakarta.

2.2. Recruitment System and Working Contracts

The promotion system is not yet clear, whether based on achievement or based on years of service. However, people who have worked previously, and have obtained Permanent Daily Worker (BHT) status can ask an assistant to promote someone to Permanent Daily Worker (BHT). This is often discussed by casual workers who have worked, even for three years in the company (Key Informants, INT.02.02, INT 05.02).

Workers need to ask for a copy of the working contract, because the company doesn't provide it if they don't ask for it. The absence of a work contract in the hands of workers can result in the vulnerability of workers' positions in the working relationship (INT.05.02). For example, without a working contract, laid-off workers do not receive any severance pay.

“My experience during the interview is unique. The interviewer never looked at me, he turned his back on me while underestimating my abilities, maybe he was reading through my CV. While continuing to turn his back on me, he kept saying that I did not deserve to be accepted working here, although in the end I was accepted. To be accepted I said that I needed a job and would be loyal to the company. The interviewer's response always says if you do not like it, please leave (INT.02.02)”

2.3. Remuneration

The basic salary of foreman with Permanent Daily Worker (BHT) status is Rp. 2,400,000 with overtime of Rp. 12,000 per hour. For a month Permanent Daily Worker (BHT) foreman gets Rp. 3,100,000. In PT GAN, daily absenteeism is deducted from salary of more than IDR 100,000, exceeding the daily minimum wage of Rp. 97,500 (INT.05.02). For the insurance (BPJS), Rp. 24,000,- and there is an Old Age Security program (JHT).

A husband and wife who work will earn Rp. 3.000.0000 per month for the two of them. The salary they receive is often not enough because it is often deducted as a penalty (INT.02.02, INT.03.02).

“Often time the harvest department is given sanctions even though the fault lies within the company, permanent workers are also given a target of 170 bunches of FFB, but because the block positions have not been completed, nothing is harvested. I want to complaint, but still the assistant wins at the end of the day. (INT03.02)”

The plantation situation in PT GAN still has a lot of old shrubs, the plants and weeds are taller than humans. While there are wooden saplings that are as big as a palm tree, about 2.5 meters. Meanwhile, the tool is only simple, namely a machete, so that the treatment for women feels heavy compared to the results (around Rp. 1,462,500,-/15 working days).

2.4. Labor Union

In PT. GAN there was once a labor union under Serikat Buruh Sejahtera Indonesia with Tony as the head of the union, now Chief Village Rees. Labor union is gradually suspended because there was no recognition (Key Informant, INT.02.02).

In 2019, PT GAN formed its own labor union with one of the clerks serving as Secretary General. However, to this day the workers have never been recorded, have not received union membership cards, or being invited to meetings. If there is a complaint, the worker still reports it to the foreman.

“To this day, there has been no information regarding membership, neither accepting new members nor the meetings of the members in labor union. If there is a protest, it is usually people who have participated in SBSI who are asked to come forward to calm the atmosphere, but even SBSI, which is a branch of Pontianak, has never met union members, so we do not know what the rules of the current labor system are” (INT. 02.02)

2.5. Working Status and Severance Pay

The transition of status from Casual Daily Workers (BHL) to Permanent Daily Workers (BHT) does not have clear standards, for example regarding the length of time for Casual Daily Workers (BHL) status to be able to become Permanent Daily Workers (BHT). Some have worked for five years but have not been appointed as Permanent Daily Workers (BHT). This means that workers do not know the terms and conditions of the transition of work status.

“Yes, for most of us, we have not had HT (permanent daily – writer) for more than 5 years, until we have reached the old age. Yes, still KHL. Unless one becomes a foreman,

then one is appointed as HT (INT.06.02).”

Most workers aged 50 years and above want to keep working rather than resigning with low severance pay. A 51-year-old worker (INT.05.02) stated that he wants to keep working, because if he quits, the severance pay he would receive was only one month's salary. Even for workers who have worked for more than five years, if they stop, the severance pay that will be received is set at Rp. 3 million.

2.6. Occupational Health and Safety

If they are getting sick, workers are required to get a letter from the company clinic. Without a company clinic letter, the worker is considered absent from work and one working day is deducted. Although the clinic at the company always has a nurse, the only medicine available is paracetamol. For sick workers who need medicines that are not available at the company's clinic, they buy their own at a shop that sells more complete medicines. If the clinic nurse cannot handle it, the workers are referred to the Lingga Health Center for free.

Working tools in the form of shoes are given by the company for a year. But it usually breaks before a year due to poor shoe quality. So that workers often buy their own shoes, especially workers in the harvest department.

“Midwives (nurses) are always there, but the medicines available are usually just paracetamol, there are stalls in afdeling (housing) that provide more medicine. I usually just go there (INT05.02).

Working on the plantations there are still a lot of reeds, a lot of rat pests, a lot of venomous snakes like cobras, if we live with a machete, we can eat the rice field snake. The risk is high, even though no one has ever been bitten, because it managed to dodge (INT. 04.02, INT05.02)”

Alat kerja berupa sepatu diberikan perusahaan untuk setahun. Tetapi biasanya rusak sebelum setahun karena kualitas sepatu yang buruk. Sehingga buruh lebih sering membeli sepatu sendiri, khususnya buruh di bagian panen.

Work instrument in the form of shoes are given by the company for a year. But it usually damages before a year due to bad shoes quality. Thus, labors often buy their own shoes, especially labor in the harvest section.

Always exist, but the available drugs usually just kind of paracetamol, there is a stall in afdeling (house) which provides more medicine. Usually we go there (INT05.02).

Working in the plantation still consist a lot of reeds, a lot of mice, many poisonous snakes such as cobras, we can cut it if it is a rat snake, we can eat it. It is highly risk, although no one ever got bitten, because they successfully run away (INT. 04.02, INT05.02)

2.7. Complaint Mechanism

By knowing the experience at PT Palmdale, the labor of PT GAN did not dare to protest (complain) except to the foreman. The foreman discusses the complaint to the assistant who is also the instructor of verbal orders. The average worker are recommended to be patient in facing a heavy workload, which they consider to be inconsistent with the contract that have been discussed earlier, both by the foreman, as well as the sub-contractor of the wholesale workers.

We think all of you (researchers) will make a complaint about the company's mistakes, it will threaten our work, it's over. It can be fired or transferred such as the Palmdale case. Two of my friends said that I was wanted by people, I was afraid. My friends are also afraid to be asked questions. (INT. 01.02,INT. 04.02)

2.8. Living Cost

Housing that is available for harvest labor, both Casual Workers (BHL) and Permanent Daily Worker (BHT). For home repairs, the labor repair their houses themselves from the first time they stayed. The electricity usage is limited up to 11.00 p.m., and turns the lights on again at 03.00 a.m. Fasilitas sanitasi serba kurang dengan ketiadaan fasilitas MCK, sehingga buruh membersihkan diri di parit-parit. Sanitation facilities are completely lacking with no toilet facilities, so that labor take a bath in the ditches.



Picture 18. Housing atmosphere one of afdeling PT GAN 3

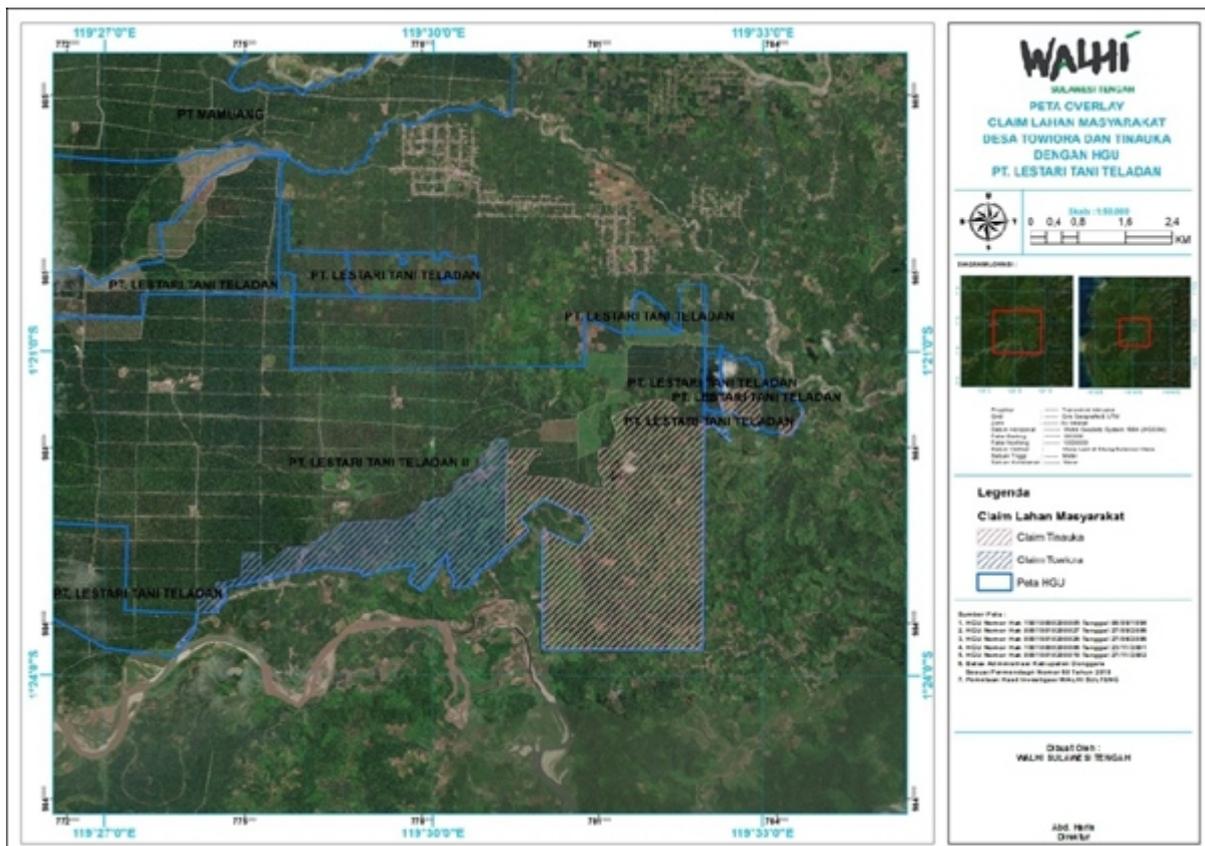
3. PT Lestari Tani Teladan

3.1. Company Profile

PT Lestari Tani Teladan (PT LTT) is a subsidiary of Astra which has been active since 1993 in Rio Pakava District, Donggala Regency with a land area of 6/254,325 ha (Mongabay.co.id, 2018).

Starting in 2006, no less than 1,200 ha of community land have been planted with oil palm as an effort to cooperate with the company and the community through the IGA (*Income Generating Activity*) program, the loan of oil palm seeds to the community. Starting from 1,200 ha, the IGA program currently covers the area of oil palm plantation community which has reached more than 4,000 ha, the result of farming community self-sufficiency (Astra-agro.co.id, 2021).

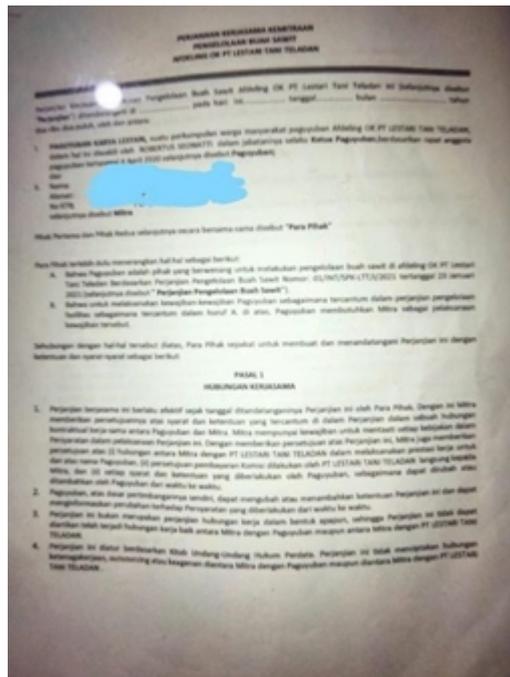
PT LTT is a pioneer of the Astra Group which has obtained the right to manage oil palm plantations across borders, specifically in Taviora Village, Rio Pakava District. The right was published by BPN with Number 47/HGU/BPN/1994 with a land area of 6,254, 325 hectares in Donggala Regency (Mongabay.co.id, 2018).



Picture 19. Rights to Cultivate Map of PT LTT

1.2. Employment Agreement and Status

Among the workers at PT LTT are the Afdeling Association, which is part of the plantation management. Workers who are considered working partners regardless of labor regulations and in the working agreement are referred to as civil agreements. The weaknesses of this agreement are: (1) the terms of the agreement which give full authority to change at any time to the employer, in this case Afdeling PT LTT; (2) changes made orally can be made at any time as part of a work instruction; and (3) an agreement which is essentially an employment relationship denies an employment relationship by mentioning it as 'not an employment relationship in any form'.



Picture 20. Civil Work Agreement

Based on a worker's statement (INT.07.04), contract extensions are carried out every three months, with an average working day of more than 20 days. The respondent has extended the contract (in the respondent's perception it is still a working contract), so based on existing experience, it can be appointed as an SKU.

“Before working here, I help my father who has already worked in AAB first. Only my father gets paid, we shared the salary. The main job is making palm oil cake, weeded circle oil. If it is for weeded circle oil 54 staples per day. If it is making palm oil cake (paras) 82 staple per day. For weeded circle oil, it will be paid Rp. 2.209 per staple, it is cheaper for palm oil cake, I forget how much it is. We only sign the contract, but did not get the copy, but I can take a picture of it. As of now I'm working as infilled labors, earlier I got 150 fruit bunches, it costs 930 rupiah per fruit bunches (INT.07.04.)”

As for piecework labors, they do not have working contracts, they only give ID card and Family card to get a job. One worker (INT.02.01) started to work as maintenance worker, then go through AAB (Adalah Anak Bangsa: outsourcing company under PT Astra). After working for one year, he got

promoted to be a foreman. There are three foremen maintenance for all LTT afdeling (housing), maintenance department is moving around to all afdeling (housing). The ability to achieve premiums depends on field conditions, and often field conditions are not met in achieving the premium target by 1 HK (see picture below).



Picture 21. Piecework Workers for Palm Oil Empty Bunch



Picture 22. Piecework Workers for Palm Oil



Picture 23. Rake of Making the Weeded Circle

Casual Daily Worker (BHL) in the maintenance department generally work 8 hours a day. However, referring to Ministerial Decree No. 100/2004, Casual Daily Worker (BHL) in the maintenance department should be appointed as Permanent Daily Worker (BHT), because according to Ministerial Decree No. 100/2004:

1. Daily Freelance Work Agreements are implemented for certain jobs that vary in terms of time and volume of work and wages are based on attendance,
2. The casual daily work agreement is made on the condition that the worker/laborer works less than 21 (twenty-one) days in 1 (one) month;
3. In the event that the worker/laborer works 21 (twenty-one) days or more for 3 (three) consecutive months or more, the daily casual work agreement changes to a Permanent Contract (PKWTT).

3.3. Remuneration

The wage system does not guarantee overtime pay even after working hours have passed. The absence of overtime pay is due to the wage system based on work targets. The working relationship through a contractor/contractor as a third party causes the company to transfer the obligation to fulfil labor rights to a third party, such as wages and other fixed benefits. This outsourced employment relationship also eliminates the opportunity for workers to switch to Permanent Daily Worker (BHT) and also does not allow them to be involved in labor unions.

Discrimination against female workers is carried out through the practice of job specification, where maintenance work is mostly carried out by contractors, while women workers are mostly in the maintenance sector. This working relationship is not only vulnerable, but also discriminatory, because most female workers are unlikely to become SKU/BHT (Main Work Conditions/Permanent Daily Workers) when they are bound by contract as casual workers in the piece-rate system.

With a basic income of Rp. 55,225 to Rp. 88,360, piecework laborers receive wages under the Donggala minimum wage (UMK) of Rp. 2,303,711 or Rp. 92,148 per day (2020 UMK).

“Making weeded circle oil like this, clustered like this cannot fulfil 1 HK because we also do the palm oil cake. It is still in dry weather, if it is in wet weather, it will get even harder. Because the grass and the weeds will be harder to scratch. Then, the higher the tree is, the wider the weeded circle oil will be due to ease the process of taking the loose fruits. (INT. 06.02, INT. 06.03). If it does not meet the staple, then the principal amount is calculated. Last year, only 41 staple was calculated or around Rp. 2900/staple. Now with the scrub field, we can get 25-40 staple or around Rp. 55.225-88.360,-“

According to the maintenance worker (INT. 06.03) who has been working for two years, the first time he joined LTT was around 2019, they got Rp. 3.020.000,- as their basic salary (given with the fixed amount every month), but then there was a lay-off and the new contracts were made. There is no basic salary model; however, it uses a 54 discs target. By using this target system, the workers only have two million rupiah per month because the performance is affected by the weather (when it rains it is difficult to make a disc because the soil is soft), the slope of the land, and the condition of the land (scrub or grass).

3.4. Forced Labor

The value of wages for contract workers and casual workers (BHL) is the same as the minimum wage's value (UMK). However, the work target is considered too high to be met alone, so that only a handful of young workers are able to meet the target. The consequence of this excessive working target resulted in unpaid labor.

One of the workers (INT. 08.01) said that it takes a day and a half to fill one pile of Empty Fruit Bunch (EFB) as a work target. The daily work targets can be met with the help of his wife.



Picture 24. Piecework Workers for Palm Oil Empty Bunch



Picture 25. Piecework Workers for Palm Oil

3.5. Complaint Mechanism

Complaints of piecework laborers are usually responded with threats of lay-off by the foreman (INT. 05.03). Supposedly, the threat of lay-off cannot be carried out arbitrarily, there are warning procedures that begin with verbal warning, level-1 written warning (SP-1) to level-3 written warning. However, the warning procedure does not apply to some workers who do not understand the lay-off procedure. Therefore, lay-off threats often occur and this makes workers afraid of losing their job.

3.6. Child Labor

The excessive working target causes some workers to involve their family members, including children, to meet the working target. This happens due to the age manipulation mode factors in making ID cards, so that the children can work.

There is one family that has been working since 2012 involving their family members who are still children. This family has changed companies and moved from one *afdeling* (housing) to another. Their main reason is that the real wages they receive do not match their workload, so they need to involve other family members. This incident happened to many piecework laborers.

Child labor cases in oil palm plantations in the contract work system is also caused by the negligence of the contractor in supervising the workers. In fact, the contractor is obliged to comply with company regulations not to involve child labor. Nevertheless, the main factors of contract workers involve their children because the workload is too heavy. On the other hand, the company seems to allow the practice of child labor to occur in oil palm plantations



Picture 26. Child Labor in Palm Oil Plantation.

3.7. Occupational Health and Safety

According to the workers, the health check process is detrimental to the workers. Almost every medical check-up results are always told to go back to work. One respondent (INT. 03.01) stated that he had a toothache with swollen gums, but the doctor recommended him to return to work by giving him paracetamol tablets. Another harvest worker (INT.03.02) stated that he was sick and could not get up, his wife took care of him (reported to the foreman that he was sick) because he could not get up, so he must be willing to lose HK worth Rp. 120 thousand.

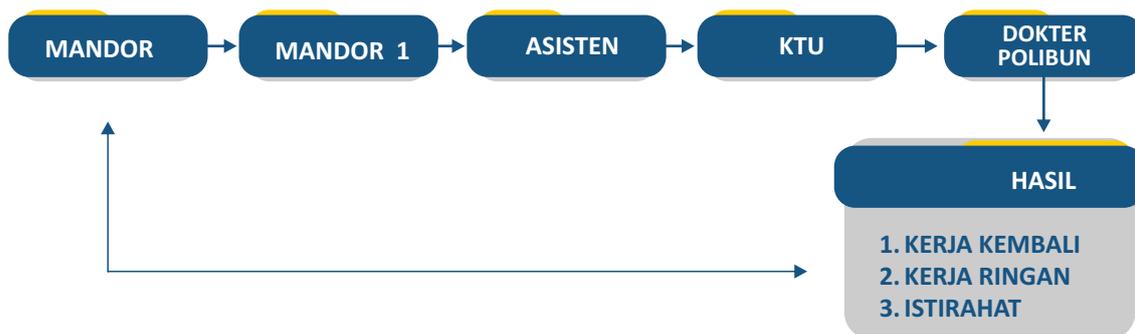


Image 27. Sick Leave Process

One female worker (INT.07.04) with contract status stated that she did not get her menstrual leave. If she is on a period and not working, she will lose the daily wages as a consequence. She was once asked about menstrual leave, but the company still ordered the *menstruating workers to work*.

The company does not provide working tools for its workers. Empty Fruit Bunch workers usually buy and make their own working tools such as hats, shoes and rakes (INT.06.01)

The company does not provide working tools for Empty Fruit Bunch workers. Hats, shoes, rakes are handmade and bought by personal funding. AAB is crucial in the jungle, so it needs tools to work. (INT.06.01)

3.8. Labor Union

According to the head of the union, the role of labor unions is considered quite good. However, there is a tendency for labor unions to only act as mediators of industrial relations conflicts between workers and companies. In this case, the role of labor unions is limited to complaint management (a complaint mechanism). The labor union has a Unit Team in each department as a channel for complaints and holds a meeting with Team Nine every three months. Meanwhile, Team Nine has an agenda for regular meetings with companies to discuss labor issues.

3.9. Gender Discrimination

Gender discrimination occurs within the labor union. The reason is, according to the labor union, the involvement of female workers in Team Nine will have an impact on the effectiveness and efficiency of the labor union movement because the average status of female workers is casual workers who do not have a direct working relationship. In addition, the involvement of female workers in unions is also considered to be a burden for the family, for example when there is a meeting in the area, the family will be left behind. However, this was denied by a former female Permanent Daily Worker (BHT) who stated that women were always ready to participate in labor unions.

VI. Interpretive Structural Modelling (ISM) Result

1. West Kalimantan ISM Result

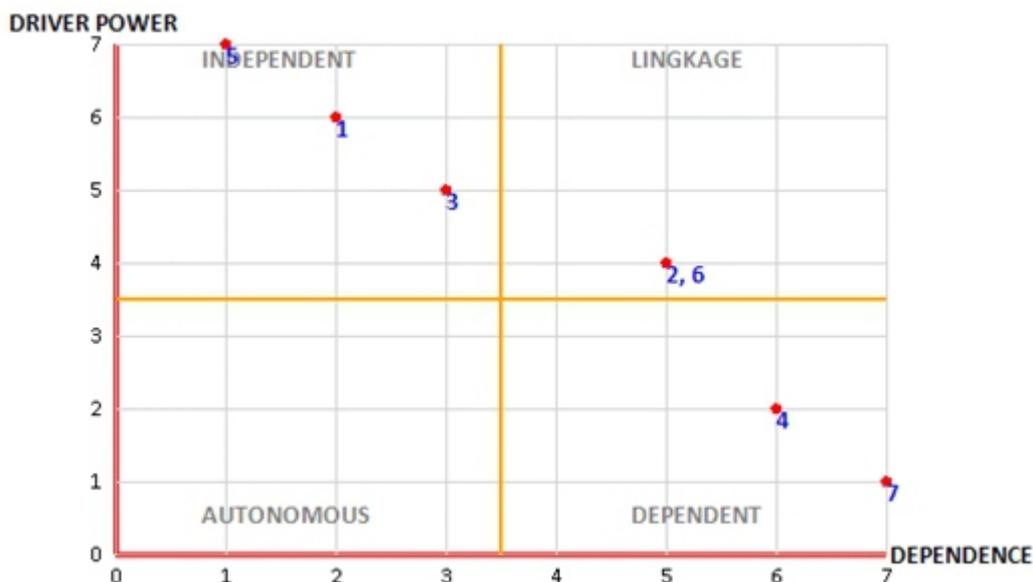
Based on the data findings on the field, there are seven variables that affect the welfare of workers in relation to human rights practices (HAM). The seven variables are as follows:

Table 8. Variables that affect the workers' welfare

NO	ELEMENT	DESCRIPTION
1	Letter of Employment	Is an agreement between an employer and a worker that contains job descriptions and career paths.
2	Benefits and Allowances	Is the benefits received by workers in the form of money, objects, with presents and future terms.
3	Complaint Mechanism	Is the order and person in charge of documented complaints and quick response
4	Slavery-like Practice	Is a working condition that forces workers to work over their capabilities or working hours regulated by applicable regulations
5	Labor Union	Is an independent workers organization residing in the company
6	Minimum Wages	Is a clear remuneration system in accordance with applicable regulations (UMR) and transparency in terms of cutting fines
7	Work Safety and Security	Are working conditions that reduce the risk of work accidents.

Based on driving power and dependence power, enabler in this research is classified into four categories as follows:

1. **Autonomous Variable:** These variables do not have high influence or high dependence. They are apart from the system, where they have some links that may be powerful. Quadrant I represents the autonomous variable (autonomous). There are no autonomic variables found in this study.
2. **Dependent Variables:** Quadrant II is dependent variable that has low influencing power and high dependence: (1) Slavery-like practices depend on linkage variables and independent variables. If the regulation is wrong, then slavery-like practices will likely to take place (occur). Likewise with Occupational health and safety (K3), work accident risk is influenced by linkage and independent variables.
3. **Linkage Variables:** These variables have both high influence and dependence. Its characteristic is that any action on them will have an effect on the variables above their level and a feedback effect on themselves. Quadrant III is a linkage variable: (1) Benefits and allowances and (2) Minimum wages. This variable will be influenced by policy shifts from independent variables.
4. **Independent Variables:** These variables have high influencing and low dependency. This variable can be called a variable of change. They represent Quadrant IV. In this research, they are: (1) the condition of freedom of association in the company, (2) the condition of recruitment and letter of employment (working contracts) between worker and the company, and (3) responsive complaints mechanisms.

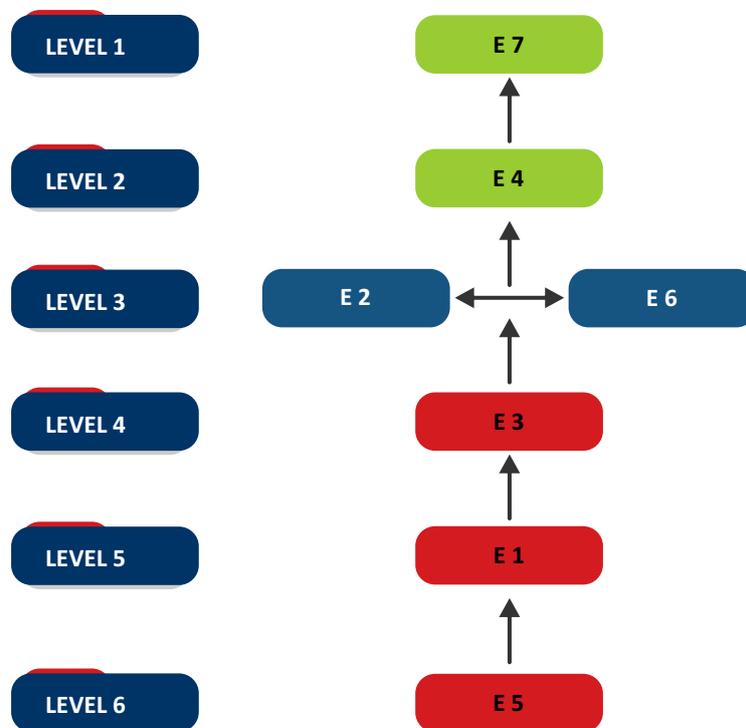


Picture 28. The result of Driver and Dependence Power ISM analysis

The hierarchy of interests and effects of the ISM analysis can be seen in Figure 28 above. On the basic level (i.e. level 5), what must be changed are: 1) Freedom of association condition in the company (E5), 2) Recruitment and letter of employment condition (working contracts) between workers and companies (E1), and 3) Responsive complaints mechanism (E3).

On the next level are variables regarding: 1) Benefits and allowances (E2) and 2) Minimum wages will affect workers welfare (E6). Both of these things were influenced by three variables before. Finally, 1) Slavery-like practices (E4) will keep occurring, if there is no clear measurement of the given minimum wages as well as benefits and allowances. The last level is Work Safety and Security (E7).

This ISM analysis can be read as illustrated in Figure 26, priority changes that will affect the overall system shifts starting from the transformation of conditions in freedom of association for workers. This change will encourage other changes according to the hierarchy of interests as explained above.



Picture 29. ISM variable graphic hierarchy

If it is associated with the context of regional development in the area of West Kalimantan to one of the areas with large oil palm area, Teluk Bakung village is a developing village meanwhile the largest labor reserves are coming from the surrounding districts, namely Ketapang and Mempawah. According to Lokadata (2021), in West Kalimantan there are only 3% developed villages, 6% independent villages, 31% developing villages, the remaining 41% are underdeveloped villages and 18% of extremely underdeveloped villages.

The sustainable development of the oil palm plantation sector is closely related to state policies, including; a. Act Number 39 of 2014 concerning Plantations; b. Presidential Instruction (Inpres) No. 6 of 2019 concerning Regional Action Plans for Sustainable Palm Oil (RAD-KSB); c. Presidential Instruction Number 8 of 2018 concerning the Suspension and Evaluation of Oil Palm Plantation Licensing and Increasing the Productivity of Oil Palm Plantations; d. Presidential Decree (Perpres) Number 44 of 2020 concerning the Indonesian Sustainable Oil Palm Plantation Certification System; e. Presidential Decree Number 86 of 2018 concerning Agrarian Reform; f. Presidential Decree Number 88 of 2017 concerning Completion of Land Tenure in Forest Areas.

Thus, the state is obliged to fulfill the human rights aspect in business through the following steps:

1. The availability of various alternative jobs to give freedom to the community in choosing the desired job.
2. Ensuring workers experience fair and favorable working conditions, including fair wages, equal pay for work of equal value, safe and healthy working conditions, and adequate work and rest time.
3. Giving workers the legal power to organize themselves and negotiate collectively with employers, so that employers do not use their stronger bargaining power to provide unfavorable work arrangements.

Table 9. Recommendations for policy makers and stakeholders.

NO	Priority	ISPO Point	Indicator	Instruction	Weakness	Recommendation	Actor
1	Conditions of freedom of association in companies	5.4	<p>1. Availability and implementing policies associated with Labor Unions.</p> <p>2. There are documentation lists of workers who become union</p>	<p>a. Plantation companies provide trainings and support to labor unions</p> <p>b. Plantation companies provide facilities for labor</p>	According to workers labor union are disbanded	Companies are required to create/facilitate independent labor unions	<p>Company</p> <p>Disnaker</p> <p>District Labor Union Federation</p> <p>ISPO Committee</p>

			members 3. Availability of labor union formations documents and meetings between plantation companies with labor unions and internal unions.	union activities c. Labor unions that have been formed must comply with applicable regulations			
2	Recruitment condition and letter of employment (working contract). Workers with companies and workers with employment agencies	5.3	2. Implementing policies on opportunities and the fair treatment to get job chances. 3. The availability of employee document lists.	a. SOP of workers/employees acquisition d. Having records of employee list containing information about name, education, position, place and date of birth and so on	Recruitment is carried out by intimidation, so that prospective workers accept with forced conditions Workers do not understand their rights and obligations because they do not have time to read the contract document carefully Not all workers have a copy of the contract documents	Eliminate all forms of intimidation in the recruitment system The company reads the informed consent to prospective workers until it is understood The company provides copies of contract documents to all workers The company makes SOP	Company Disnaker ISPO Committee

					Outsource does not comply with labor regulations, documents and employee lists are not up-to-date	require partners to have contract documents in accordance with labor regulations	
3	Responsive complaints mechanism	5.3	<p>4. The availability of submission complaints and employee complaints .</p> <p>5. The availability of submission complaints and employee complaints documents .</p>	c. Plantation companies are obliged to maintain work safety and comfort.	<p>Workers who share their complaints will be threatened with lay-off.</p> <p>Given complaints are not responded quickly.</p>	<p>The company creates a confidential and intimidation-free complaints system (complaints).</p> <p>The company makes Minimum Service Standard (Standar Pelayanan Minimal) norms for the complaints mechanism</p>	<p>Company</p> <p>Disnaker</p> <p>ISPO Committee</p>

4	Benefits and allowances		<p>4. The availability of Plantation Companies to involve their employees in the Worker Social Security Program (Jamsostek) according to the applicable laws and regulations .</p> <p>5. The availability of training programs to improve employees' capabilities and its documentation.</p>	<p>b. List of employees participating in the Worker Social Security Program.</p> <p>c. List of employees' needs and training plans.</p> <p>d. List of employees who have joined the training.</p> <p>e. Workers' facilities and infrastructure include: housing, polyclinic, religious facilities, facilities education and sports facilities.</p>	<p>Workers' facilities and infrastructure are inadequate, there is a lack of clean water and workers have to provide it themselves. New employees occupy the damaged house. The damage to plantation emplacements/housing is done by employees. Complaints on the damaged house (electricity and water system) are rarely getting responses. The existing source of clean water (PT GAN's ditch) is likely to get polluted by contaminants from plantation activities.</p>	<p>Provision of facilities and infrastructure for the basic needs of workers. Creating a clean water control and monitoring system</p>	<p>Company Disnaker BLHD ISPO Committee</p>
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5	Minimum wages	5.2	<p>1. The implementation of regulations on minimum wages.</p> <p>2. There is a standard payroll system that set.</p>	a. Minimum wage paid in accordance with the local minimum wage	1. The Minimum wage applied is deducted by inhuman targets and sanctions.	<p>1. Implement minimum wages system that is equal to the workload</p> <p>2. Revise the rules of premiums and sanctions</p>	<p>Company</p> <p>Disnaker</p> <p>ISPO Committee</p>
6	Slavery-like practice				<p>Slavery-like practice do not have Procedure Standard Norm (Norma Standar dan Prosedur) specified in ISPO.</p> <p>Target, unreasonable sanctions occurred in both companies.</p>	Eliminate all forms of forced labor practices	<p>Company</p> <p>Disnaker</p> <p>ISPO Committee</p>
7	Occupational Health and Safety (K3)	5.1	1. OHS documentation is available as determined by the Plantation Company	a. It is necessary to conduct training and campaigns on OHS.	No periodic checks on high-risk workers (harvest and transport workers)	Ensuring the implementation of OHS SOPs that are created related to	Company

			<p>2. OHS organization has been formed with adequate facilities and infrastructure</p> <p>3. The availability of applied OHS documentation including the reports.</p>	<p>b. Hazard identification, assessment and control of accident risk are carried out.</p> <p>c. Regular health checks are conducted for workers with a high risk of work accidents.</p> <p>d. History of accident/injury must be kept.</p> <p>e. There are existing reports of Management System OHS (SMK3) periodically to the ministry carrying out government affairs regarding labor in accordance with the laws and regulations</p>	<p>Workers who report their unhealthy condition are given options of light work or return to work even in high-risk jobs.</p>	<p>workers with high risk or experienced working sickness/accidents causes lack of productivity.</p> <p>Make a fair diagnosis of each case of pain complaints</p>	<p>Disnaker</p> <p>ISPO Committee</p> <p>Plantation polyclinic doctor</p>
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2. Central Sulawesi ISM Results

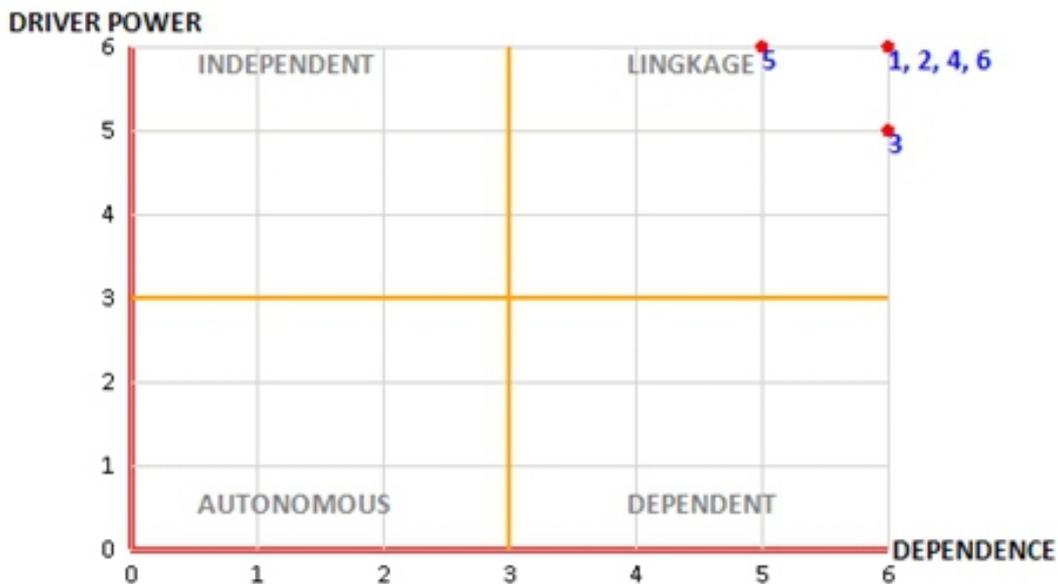
Based on the data findings on the field, there are seven variables that affect the welfare of workers in relation to human rights practices (HAM). The seven variables are as follows:

Table 10. Variables that affect the workers' welfare

NO	INTITULÉ LONG	INTITULÉ COURT	DESCRIPTION
1	Outsourcing	OutSources	Workers/Labors that are a part of outsource labor, Temporary Appointment Work Agreement (PKWT), contractor
2	Remuneration System	Wages	Remuneration system is how the wages are calculated fairly, including premiums/bonuses and fine deduction.
3	Gender Issue in Labor Unions	PerSP	Representation of women in labor unions
4	Child Labor and Forced Labor	Children	Child labor is unpaid labor. Forced labor is a slavery-like practice, unpaid labor.
5	Contract Documents	Dokon	Documents whose contents are understood by workers
6	Occupational Health and Safety (OHS)	OHS	Conditions and benefits of various protections that require safe, comfortable, and healthy working environments.

If seen based on driving power and dependence power, enabler in this research is classified into four categories as follows:

1. Autonomous Variable: These variables do not have high influence nor high dependence. They are detached from the systems, where they have some powerful linkages. Quadrant I represents autonomous variables. In the research of Central Sulawesi ISM, there is no autonomous variable found.
2. Dependent Variable: Quadrant II is a dependent variable that has low influence and high dependence. In this research of Central Sulawesi ISM, there is no dependence variable found
3. Linkage Variable: These variables have high influence and high dependence. Its characteristics are that every action toward them will affect other variables above their level and feedback effect on themselves. Quadrant III is a linkage variable. Six variables above are linkage variables.
4. Independent Variable: These variables have high influence and low dependence. This variable can be considered as a variable of change. They represent Quadrant IV. In this research of Central Sulawesi ISM, there is no independent variable found.



Picture 30. Result of Driver and Dependence Power ISM analysis

The result of the ISM analysis can be seen on Picture 30. The things that should be changed on the first level are (1) Contract documents (E5). On the next level is regulation on 1) Outsource labor, Temporary Appointment Work Agreement (PKWT), and contractor (E1) and 2) Minimum wages will affect workers welfare/remuneration should be calculated fairly, including premiums/bonuses and fine deductions (E2), (3) Child labor and Forced labor, child labor is unpaid labor. Forced labor is a slavery-like practice, unpaid labor, unpaid labor, includes female workers who accompany their husbands working (E4), (4). OHS (K3), conditions and benefits of various protections that require safe, comfortable, and healthy working environments (E6). Meanwhile, on the last level that does not always relate to other factors is Representation of Women in the Labor Union (E3).

If it is associated with the context of regional development in the Central Sulawesi region where there is not much research on the ratio of oil palm area per district to poverty rates, Tawiora Village is included in the developing village in the Developing Village Index (IDM, 2020). Sustainable development of the oil palm plantation sector is closely related to the government's policy.

The government is obliged to fulfill human rights aspect in business with following steps:

1. Providing various job alternatives to give freedom for the communities/citizens to choose their desired jobs;
2. Ensuring that all workers experience fair and comfortable working conditions, including decent wages, equal wages to similar work with the same amount/value, safe and healthy working conditions as well as work time and proper rest time.
3. Guarantee the freedom of workers to associate and negotiate collectively with employers, so that employers do not use their stronger bargaining power to provide unfavorable work arrangements

**Table 11. Recommendation for policy makers and stakeholders
(the order is based on the ISM result)**

NO	Priority	ISPO Point	Indicator	Instruction	Weakness	Recommendation	Actor
1	Recruitment and letter of employment (working contracts document). Workers with companies and workers with employment agencies	5.3	2. Implementing policies on opportunities and fair treatment to get job chances. 3. The availability of employee lists.	a. SOP of employee/workers acquisition. d. Having records of employee list containing information about name, education, position, place and date of birth and so on	1. Workers do not understand their rights and obligations because they do not have time to read the contract document carefully 2. Not all workers have a copy of the contract documents 3. Outsource does not comply with labor regulations, documents and employee lists are not up-to-date. 4. There are serious violations of ISPO principles	1. The company reads the inform consent to prospective workers until it is understood 2. Labor Unions demand company to give copies of contracts, not just to workers who ask for copies 3. The company conducts an assessment of its supply chain, for both of the workers procurement and Fresh Fruit Bunch	Company Disnaker ISPO Committee

					and Labor Law regarding civil agreements which are not employment agreements of any kind.	(TSB) to comply with ISPO rules or company policies 4. Eliminating partnership pattern as in the Association of Section Partnership with Partners (workers)	
2	Outsourcing, Temporary Appointment Work Agreement (PKWT), and contractor				1. ISPO does not explicitly regulate Temporary Appointment Work Agreement, outsourcing, and contractor. 2. Outsourced labor causes remuneration system to not pay close	Establishing SOPs according to human rights and business principles. Providing employment security certainty to partners (contractors)	Company Disnaker ISPO Committee

					attention on other workers' rights, such as Worker Social Security Program		
3	Minimum wages	5.3	<p>1. The implementation of regulations on minimum wages</p> <p>2. There is a standard payroll system that sets.</p>	<p>a. Minimum wages paid in accordance with the local minimum wage</p>	<p>1. Minimum wage is difficult to earn due to the inhuman targets.</p> <p>2. The use of contractors/outsourcers on the maintenance field, infilled/ricks haw causes the minimum wage is difficult to earn.</p>	<p>1. Creating humane targets with the assumption that one worker per HK can do it.</p>	<p>Company</p> <p>Disnaker</p> <p>ISPO Committee</p>
4	Child Labor and Slavery-like Practices	5.3	<p>1. Implementing policies regarding workers age requirements and maintaining ethics</p>	<p>a. SOP of workers/employees acquisition.</p> <p>b. There are no specified underage workers.</p> <p>c. Plantation companies are obliged to maintain work safety</p>	<p>1. Slavery-like practice do not have Procedure Standard Norm (Norma Standar dan Prosedur) specified in ISPO.</p> <p>2. Unreasonable targets</p>	<p>1. Creating SOP regarding humane targets, eliminating all forms of threats and intimidation at work.</p> <p>2. Updating employee data,</p>	<p>Company</p> <p>Disnaker</p> <p>ISPO Committee</p> <p>Outsource</p> <p>Labor Unions</p>

				<p>and comfort.</p> <p>d. Having records of employee list containing information about name, education, position, place and date of birth and so on.</p>	<p>occur in the company's operations.</p> <p>3. The company does not have an updated records of employee lists regarding the working conditions of employees, including employee' age</p>	<p>including outsource/contractors.</p> <p>3. Labor Unions include all workers' statuses in legal defense.</p>	
5	OHS (K3)	5.1	<p>1. OHS documentation is available as determined by the Plantation Company</p> <p>2. OHS organization has been formed with adequate facilities and infrastructure</p> <p>3. The availability of applied OHS documentation including the reports.</p>	<p>a. It is necessary to conduct training and campaigns on OHS.</p> <p>b. Hazard identification, assessment and control of accident risk are carried out.</p> <p>c. Regular health checks are conducted for workers with a high risk of work accidents.</p> <p>d. History of accident/injury</p>	<p>1. No periodic checks on high-risk workers (harvest and transport workers)</p> <p>2. Workers who report their unhealthy condition are given options of light work or return to work even in high-risk jobs.</p>	<p>1. Conducting regular checks on workers who are at high risk and have history of illness causing the decline in productivity.</p> <p>2. Providing recommendations based on the actual situation patients feel.</p>	<p>Company</p> <p>Disnaker</p> <p>ISPO Committee</p> <p>Plantation polyclinic doctor/nurses</p> <p>Labor Unions</p>

				<p>ry must be kept.</p> <p>e. There are existing reports of Management System OHS (SMK3) periodically to the ministry carrying out government affairs regarding labor in accordance with the laws and regulations.</p>			
6	Conditions of freedom of association in companies	5.4	<p>1. Availability and implementation of policies related to trade unions.</p> <p>2. There are documentation lists of workers who become union members.</p> <p>3. Availability of labor union formations documents and meetings between plantation companies with labor</p>	<p>a. Plantation companies provide trainings and support to labor unions</p> <p>b. Plantation companies provide facilities for labor union activities</p> <p>c. Labor unions that have been formed must comply with applicable regulations.</p>	<p>1. Labor unions are not independent, and tend to accommodate Company's interest</p> <p>2. Labor Unions do not take sides, especially regarding forced resignation requests from the company during the Covid-19 pandemic.</p>	<p>1. Facilitating free and independent Labor Unions</p> <p>2. Labor Unions do not procedurally fight for labor rights (by forming Cooperation Institute (LKS)); however, in matters of insurgent nature, such as labor cases</p>	<p>Company</p> <p>Disnaker</p> <p>ISPO Committee</p>

			unions and internal unions.		<p>3. Labor Unions do not take initiative to fulfill women's representation.</p> <p>3. Labor Unions do not take initiative to fulfill women's representation.</p>	<p>during the Covid-19 Pandemic</p> <p>3. Labor Unions promote anti-gender discrimination.</p> <p>4. Labor Unions hold updated training on the new labor regulations.</p>	
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VII. Discussion

From the results of the research using Micmac and ISM analysis, the different priorities for workers welfare in each province has been found.

Table 12. The Comparison of Labor Priority Issue in West Kalimantan and Central Sulawesi

NO	ELEMENT	
	WEST KALIMANTAN	CENTRAL SULAWESI
1	Freedom of Association (Company)	Contract Documents (Company)
2	Contract Documents (Company)	Temporary Appointment Work Agreement (in this case, casual workers) (Government)
3	Complaints Mechanism (Company)	Remuneration system and minimum wages regulation (Company)
4	Benefits and Allowances (Company)	Child labor and forced labor (Company)
5	Remuneration system and minimum wages regulation (Company)	Occupational Health and Safety (Company)
6	Slavery-like Practices (Company)	Women's Representation in Labor Unions (Company and Labor Union)
7	Occupational Health and Safety (Company)	

If we look from stakeholders in West Kalimantan, the main actor that can solve the priorities issue above is companies. Meanwhile, in Central Sulawesi, the company has loose spaces to implement Temporary Appointment Work Agreement (PKWT) in accordance with internal operation mechanisms, even though harvesting and maintenance are seen as daily tasks.

Both provinces have similar situations, where workers face the problem with no power of collective bargaining. In both provinces, contract documents issue is essential, where not all workers understand the content of their working contracts. Other following issues also cover living wages, occupational health and safety insurance.

The issues of workers welfare in oil palm plantations have worsened with the Covid-19 pandemic. Since pandemic hits, lay-offs have been rampant. On the other hand, the enactment of Law No. 11/2020 on Job Creation confused workers and labor union activists because they do not understand the labor context in the law. Another problem that is not overlooked is the vulnerability of the position of female workers on plantations. All of these labor problems certainly harm the targets of the Sustainable Development Goals (TPB).

1. Workers Condition in Covid-19 Pandemic

Workers are getting worse during this Covid-19 pandemic. According to the Chief of Labor Unions at PT LTT, the pandemic causes companies to offer resigning from the company to staff and. It resulted in the reduced number of Permanent Daily Worker (BHT). The company calls it efficiency. Based on field observations, the possibility of efficiency is also due to the replanting period by the company.



Picture 31. Landscape ready to replanting

A worker (*INT.06.01*) who does not stay in the housing (*afdeling*), when he wants to return to the company from Palu, is required to do a PCR Swab Test for Rp. 1,3 million. He paid for it with his own fundings. Even though the foreman asked for the PCR swab test payment receipt, the worker did not receive the promised PCR test replacement money.

A similar incident was experienced by a Permanent Daily Worker (BHT) in the harvesting field (*INT.03.02*). He and his wife along with his children are required to do the PCR swab test which cost Rp. 5,2 million, plus a round trip fee of Rp. 800 thousand to Palu. However, the company has not reimbursed these costs. The total cost of the PCR swab test is IDR 6 million, equivalent to two months of living expenses for him and his family. Because the company has not yet reimbursed him, he filed complaints to the company and Labor Unions that did not help him.

2. Labor Regulations After Law No. 11/2020

Labor regulations after Law No. 11/2020 on Job Creation were assessed by all respondents as daydreaming, and they have not been socialized with the new rules. In fact, so many workers have been laid-off with little severance pay, only two months' salary. Even though some of them have worked for 5 to 10 years. This causes workers to maintain their tenure, even though the regulations are not considered in their favor and unequal work targets and wages.

The average spending of workers living in the housing (*afdeling*) is around Rp. 3 to 4 million per month. This amount is only enough for subsistence, and nothing left to save the money. The only saving they rely on is Old Age Protection (JHT) savings which they contribute on (deducted from wages) every month. For piecework and contract workers, they receive wages below the minimum wages value. They have no choice because they are vulnerable to lay-offs. According to a worker (*INT.01.01*), the workers are more anxious about whether or not they get their severance pay if they get laid-off by the company.

According to the chairman of All Indonesian Worker Union (SPSI) of Donggala District, there has been no study about the Omnibus Law on Job Creation and its derivative regulations. So that every industrial relations dispute is resolved by taking into account the characteristics of its case. The conflicts at PT LTT have been resolved in a bipartite manner so far, between the labor union and the company. The best experience from one of the workers (*INT.01.01*) is his involvement in the union when he fought for plantation premiums back in 2017, even though the bonus was given too late starting in 2020.

In 2020, due to the large number of lay-offs in Astra Group, some Permanent Daily Worker (BHT) at PT LTT were seconded, around 100 people.

Table 13. The comparison of labor regulations between Law 3/2003 and derivative Regulations of Law 11/2020

TOPIC	LABOR ACT 13/2003	Government Regulation 35/2021 Government Regulation 36/2021 Government Regulation 37/2021
Employment Agreement	<p>Article 51 (1) The employment agreement is made in writing or orally.</p> <p>(2) The employment agreement required in writing is carried out in accordance with the applicable laws and regulations</p>	<p>(1) The Employment Agreement is made in writing or orally</p> <p>(2) The work agreement required in writing is carried out in accordance with the applicable laws and regulations (article 2/PP 35/2021)</p> <p>Article 13 Temporary Appointment Work Agreement (PKWT) shall at least contain:</p> <ul style="list-style-type: none"> a. name, address of the Company, and type of business; b. name, gender, age and address of the Worker/Laborer; c. position or type of work; d. place of work; e. the amount and method of wages payment; f. rights and obligations of Employers and Workers/Labourers <p>in accordance with the provisions of the legislation</p> <p>and/or the working conditions stipulated in the</p> <p>Company Regulations or Collective Labor Agreements;</p>

		<p>g. commencement and period of validity of the Temporary Appointment Work Agreement (PKWT);</p> <p>h. the place and date the Temporary Appointment Work Agreement (PKWT) was made; and</p> <p>i. the signatures of the parties to the Temporary Appointment Work Agreement (PKWT).</p>
Remuneration	Article 88	There is piece and time rate wages. Piece-rate wages are wages that are set based on one time set such as daily, weekly, or monthly. Meanwhile, piece-rate wages are wages that are determined based on the results of the work that have been agreed upon. (Article 14/Government Regulation (PP) 36/2021)
Wages Description		<p>Article 52 Section 1/Government Regulation (PP) 37/2021</p> <p>Workers/Laborers are entitled to receive the description of wages</p>
Overtime Hours	<p>Article 78 (1) Employers who employ their workers/laborers exceeding the working hours as referred in Article 77 Section (2) must meet the following requirements: a. There is consent between the concerned workers/laborers.; and b. Working overtime can only be done for a maxim of 3 (three) hours in 1 (one) day and 14 (fourteen) hours in 1 (one) week.</p>	<p>Overtime Hours/ Government Regulation (PP) 35/2021</p> <p>Article 26 (1) Overtime can only be done for a maximum of 4 (four) hours in 1 (one) day and 18 (eighteen) hours in 1 (one) week.</p> <p>Article 29</p> <p>(1) Companies that employ Workers/Laborers on overtime are obliged to: a. Pay overtime allowance; b. Giving opportunities for adequate rest; and c. providing at least 1.400 kilocalories food and drink, over, if overtime work is carried out for 4 (four) hours or more.</p> <p>(2) The provision of food and drink as referred to in Section (1) point c cannot be replaced in any form of money.</p>

<p>Employment Status</p>	<p>Article 59 of Labor Law regulates the Temporary Appointment Work Agreement (PKWT) to workers that can be carried out for a maximum of 2 years, then it can be re-extended within 1 year.</p> <p>The rules regarding daily casual workers are regulated in the Decree of the Minister of Manpower and Transmigration No. KEP-100/MEN/VI/2004 of 2004 concerning Provisions for the Implementation of Temporary Appointment Work Agreement (“Decree of the Minister of Manpower and Transmigration 100/2004”).</p> <p>In Article 10 Section (1) Decree of the Minister of Manpower and Transmigration 100/2004 regulates:</p> <p>For certain jobs that vary in terms of time and volume of work and wages are based on attendance, it can be done with a casual daily work agreement.</p> <p>Since it has been regulated in the Decree of the Minister of Manpower and Transmigration 100/2004, it can be concluded that basically the work agreement for casual daily</p>	<p>Article 4/Government Regulation (PP) 35/2021</p> <p>(1) Temporary Appointment Work Agreement (PKWT) is based on: a. Certain periods of time; or b. Completion of one particular job.</p> <p>(2) Temporary Appointment Work Agreement (PKWT) cannot be held for permanent work.</p> <p>Article 8/ Government Regulation (PP) 35/2021: (1) Temporary Appointment Work Agreement (PKWT) as referred to in Article 5 Section (1) can be made for a maximum 5 (five) years.</p>
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workers is part of Temporary Appointment Work Agreement (PKWT).

However, it should be noted that daily casual work agreements are excluded from the provisions of the Temporary Appointment Work Agreement (PKWT) period in general due to less than 21 days working period in 1 month . [1] If employed for 21 days or more for 3 consecutive months or more, then the status changes to a Permanent Employment Contract (“PKWTT”).[2]

Because it is a form of Temporary Appointment Work Agreement (PKWT), in the case of daily casual workers being laid-off, their rights are subject to the Temporary Appointment Work Agreement (PKWT) rules.

Temporary Appointment Work Agreement (PKWT) turns into Permanent Employment Contract (“PKWTT”).

We do not fully understand the meaning of your statement for “9 years of work in our environment.” beforehand.

However, as previously explained, if the workers work for 21 days or more

	<p>for 3 consecutive months or more, the daily casual work agreement will turn into a Permanent Employment Contract (“PKWTT”).</p> <p>If it turns into a Permanent Employment Contract (“PKWTT”), then the workers' right if being laid-off, the employer is obliged to give severance pay and/or Long Service Pay (“UPMK”) and Compensation Pay (“UPH”).</p> <p>Thus, it is essential to note down whether or not your company has been employing its daily casual workers for 21 days. If it is true, then the status of the concerned worker has become a Permanent Employment Contract (“PKWTT”), so if the worker is being laid-off, your company must give them severance pay and/or Long Service Pay (“UPMK”) and Compensation Pay (“UPH”).</p>	
<p>Severance Pay</p>	<p>Article 161 of the Labor Laws defines that: (1) In case the worker/ laborer violates the provisions that are specified under his or her individual work agreement, the enterprise's rules and regulations, or the enterprise's collective</p>	<p>Article 40 (1) In the case of labor dismissal, employer is obliged to pay the severance pay and/or gratuity and right compensation which should be received.</p> <p>(2) The severance pay as meant in paragraph (1) shall be stipulated as follows:</p>

	<p>work agreement, the employer may terminate his or her employment after the employer precedes it with the issuance of the first, second and third warning letters consecutively.</p> <p>Article 163 (1) of the Labor Laws states that: The employer may terminate the employment of his or her workers/laborers in the event of change in the status of the enterprise, merger, fusion, or change in the ownership of the enterprise and the workers/laborers are not willing to continue their employment, the worker/ laborer shall be entitled to severance pay 1 (one) time the amount of severance pay stipulated under subsection (2) of Article 156, reward pay for period of employment 1 (one) time the amount stipulated under subsection (3) of Article 156, and compensation pay for entitlements that have not been used according to what is stipulated under subsection (4) of Article 156</p> <p>Article 164 and 165 of the Labor Laws supervise the workers/laborers that is discharged because the company goes bankrupt and liquidated shall entitle to severance pay.</p>	<p>a. work period of less than 1 (one) year, 1 (one) month of wages;</p> <p>b. work period of 1 (one) year or more but less than 2 (two) years, 2 (two) months of wages;</p> <p>c. work period of 2 (two) years or more but less than 3 (three) years, 3 (three) months of wages;</p> <p>d. work period of 3 (three) years or more but less than 4 (four) years, 4 (four) months of wages;</p> <p>e. work period of 4 (four) years or more but less than 5 (five) years, 5 (five) months of wages;</p> <p>f. work period of 5 (five) years or more, but less than 6 (six) years, 6 (six) months of wages;</p> <p>g. work period of 6 (six) years or more but less than 7 (seven) years, 7 (seven) months of wages;</p> <p>h. work period of 7 (seven) years or more but less than 8 (eight) years, 8 (eight) months of wages;</p> <p>i. work period of 8 (eight) years or more, 9 (nine) months of wages.</p> <p>(3) The gratuity as meant in paragraph (1) shall be stipulated as follows:</p> <p>a. work period of 3 (three) years or more but less than 6 (six) years, 2 (two) months of wages;</p> <p>b. work period of 6 (six) years or more but less than 9 (nine) years, 3 (three) months of wages;</p> <p>c. work period of 9 (nine) years or more but less than 12 (twelve) years, 4 (four) months of wages;</p>
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	<p>Article 166 of the Labor Laws regulates the worker's/labor's legal heirs. In the case of the worker/ laborer dies, the enterprise must provide a sum of money to their heirs.</p> <p>Article 167 of the Labor Laws regulates the severance pay for the workers/laborers that are discharged because they enter the mandatory age of retirement.</p>	<p>d. work period of 12 (twelve) years or more but less than 15 (fifteen) years, 5 (five) months of wages;</p> <p>e. working period of 15 (fifteen) years or more but less than 18 (eighteen) years, 6 (six) months of wages;</p> <p>f. work period of 18 (eighteen) years or more but less than 21 (twenty one) years, 7 (seven) months of wages;</p> <p>g. work period of 21 (twenty one) years or more but less than 24 (twenty four) years, 8 (eight) months of wages;</p> <p>h. work period of 24 (twenty four) years or more, 10 (ten) months of wages.</p>
<p>Insurance</p>	<p>Article 167 paragraph (5) of the Labor Laws stipulates that: If the employer does not include workers/laborers whose employment is terminated because they enter pension age in a pension program, the employer is obliged to pay them severance pay twice the amount of severance pay as stipulated under subsection (2) of Article 156, reward pay for period of employment amounting to 1 (one) time the amount stipulated under subsection (3) of Article 156 and compensation pay for entitlements according to subsection (4) of Article 156</p>	<p>Article 58 (1) Employer who has included the workers/laborers in a retirement benefit program in accordance with the provisions of laws and regulations in the field of pension funds, the contributions paid by the Employer shall be calculated as part of the fulfilment of the Employer's obligations for severance pay and gratuity pay as well as separation pay due to Termination of Working Relation as meant in Article 41 to Article 52 and Article 54 to Article 57.</p> <p>(2) In the case of the amount of the pension benefit received in lump sum in the pension program as meant in paragraph (1) turns out to be lower than the severance pay and the gratuity as well as separate money, the difference shall be paid by the Employer.</p>

<p>Job Loss Guarantee</p>	<p>In the case of termination of working relation being unavoidable, it shall be negotiated by employers and labor union/ Trade Union.</p> <p>In the case of negotiation as mentioned under subsection (2) fails to result in any agreement, the entrepreneur may only terminate the employment of the worker/laborer after receiving a decision from the institution for the settlement of industrial relations disputes.</p> <p>The Rights of Worker on Regular Contract who are Laid Off</p> <p>Termination of working relation that is implemented prior to the expiration of the agreement, Article 62 of Act No. 13 of 2003 concerning Manpower is applied (“Labor Act”) as follows:</p> <p>In the case of party terminating working relations prior to the expiration of the period stipulated in working agreements for a specified period, or the expiration of working relation has to be ended for reasons other than what is given under subsection (1) of Article 61, the party that terminates the relation is obliged to pay</p>	<p>Regulated in Government Regulation 37/2021</p> <p>In the case of terminating working relation being unavoidable, then it shall be informed by the employer to all laborers or Labor Union/Trade Union</p> <p>Another amendment is article 151 A The employer does not responsible if the labor resigns on the basis of their own will</p> <p>Workers/laborers and employers end their working relation in accordance with Temporary Appointment Work Agreement (PKWT)</p> <p>The worker/laborer enter the mandatory retirement age as stipulated under the work agreement, company regulations, collective working agreements or the worker/laborer pass away</p>
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	<p>compensation to the other party in the amount of the worker's/ laborer's wages up to the expiration of the period of working agreements.</p> <p>Referring to the provisions above, the severance pay is not the right of worker on regular contract who are laid-off, but compensation as much as the amount of worker's wages up to the expiration of the period of working agreement.</p>	
<p>Labor Union</p>	<p>Forming labor union is the right of all workers / laborers. It is stipulated under subsection (1) of Article 104 in the Labor Laws 13/2003 concerning Labor. ("Labor Laws"). The explanation in article 104 paragraph (1) of Labor Law also confirms that freedom to form, enter or not become a member of a trade union/labor union is one of the basic rights of workers/laborers.</p> <p>The rights of labors to form labor union are also strengthened in Law No. 21 of 2000 concerning Labor Union ("Labor Union Laws"). Article 5 paragraph (1) of Labor Act stipulates that every worker/laborer has the right to form and become member of a trade/labor union.</p>	<p>Article 1 concerning General Provisions</p> <p>A trade union/labor union is an organization established from, by and for workers/laborers both inside and outside company, which is free, transparent, independent, democratic and responsible to fight for, defend and protect the rights and interests of workers/ laborers as well as enhance the welfare of workers/laborers and their families.</p>

	<p>Then in Article 28 of Labor Union Act, it is regulated the protection of the workers/laborers' rights to form trade union, that is prohibiting someone from preventing or forcing laborers/workers not to form a trade union.</p> <p>Whoever violates the provision as meant in Article 28 shall be subjected to a criminal sanction in the form of imprisonment for one year at the minimum and five years at the maximum and/or or a fine of Rp100,000,000 (one hundred million rupiahs) at the minimum and Rp500,000,000 (five hundred million rupiahs) at the maximum (Article 43 of Labor Union Act).</p>	
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3. Female Workers in the Palm Oil Plantation

This research has found that women's labors tend to get discrimination at work. Workplace discrimination occurs in the maintenance department, such as fertilizing, weeding circle palm oil, appearance is not the 'main job' in the plantation operations. As well as the job of placing empty fruit bunch. In fact, both maintenance and placement of empty fruit bunch on a daily basis must be carried out in the company's operation. This vulnerability is aggravated by the absence of working documents for casual workers or labors that are calculated based on dehumanizing work targets per day. Harvesting is the only job which is considered as work that deserves to be included in the principal working condition (SKU) or permanent labor. Maintenance working activities using chemical materials such as chemical fertilizers and pesticides have a high risk for women, as occurred in West Kalimantan, a blister occurred due to fertilizer. It is because there is no supervision from the company towards their business partners to K3. Women's labor in the oil palm plantation in both Provinces work more than eight hours to achieve their targets and premiums, it does not include travel time if they live outside the *afdeling* (housing) or they do not have their own transportation (walking).

For instance in the West Kalimantan, the travel time to the workplace approximately around 30-60 minutes from home. In the morning ceremony at 5.30 a.m., women's labors often stay at the *afdeling* (housing) so that they leave their families at home, both children and other dependents, such as

the elderly. Women's labor has no access to employment documents (contract), labor's rights (such as menstrual leave as well as maternity leave right), other benefits such as pension funds, and health insurance.

The flexible working relationship led to the persistence or an unequal position between employers and women's labor, it is easy for employers to lay off the labors, impose sanctions, or provide low minimum wage because of inhumane targets. Regarding to the domestic responsibilities of women, they oftentimes leave their children with their closest family. If there is a child who can take care of his little brother, so the younger child care is assigned to the older child while the mother is working in the garden. Child abuse cases are occurred due to the lack supervision of family and community (case in Central Sulawesi)

This type of family care eventually developed in the plantation labor's family. In terms of involvement in labor unions, the role of women tend to be marginalized due to various reasons such as being considered as incompetent because they do not have good negotiating skills and other limitations caused by domestic affairs (such as taking care of children and having no permission from husband). In fact, both men and women have similar barriers if so. This type of gender bias in labor union occurs in both provinces. Women were not also involved in community activities, except for matters that have been regulated by tradition. Decision making matters about how CSR programs are implemented, what priorities should be made, who should be involved and so on, rarely involve women unless they have a position as urban village head.

In West Kalimantan, ecological change led to increase the role of women within the family farmers' environment. This change related to the workload, both domestic and productive. For social roles, ecological changes do not bring much impact considering that patriarchal culture is still inherent in society in general. Related to the regulation about the benefits of work, this study found that there is no gender discrimination committed by the company. The company implemented wage regulations and non-discrimination types of work.

List 14. Workload between women and men labors in West Kalimantan

WORKLOAD ITEM	MAN	WOMEN	TIME DEVOTED (HOW MANY HOURS OF TIME)	NOTES
DOMESTIC		Yes	3 Hours	<p>If the husband and wife work in the morning, they will not do their morning work, because they have to leave at 4 am from home.</p> <p>The job is accomplished by people who stay at home, it could be their grandparents or their relatives who did not work.</p>
1. Morning Shopping		Yes		
2. Cooking		Yes		
3. Washing		Yes		
4. Lifting Water		Yes		
5. Sweeping the Yard		Yes		
6. Preparing the Children to School		Yes		
7. Preparing Breakfast		Yes		
8. Preparing Work and School Supplies		Yes		
9. Preparing Work Instruments		Yes		
10. Childcare (toddler)		Yes		

SCOPE OF WORK (according to the contract status)				
1. Sprout / Harvest	Yes	Yes	In the contract, the average finish hour is at 3 p.m., it means approximately about 11 working hours start from 04.00 a.m. up to 03.00 p.m., in fact, it can be up to 10.00 p.m. or approximately 18 hours.	Harvest workers (due to heavy workload, are performed by men, whereas a woman from NTT keep worked when her husband was sick and she took part to harvest in Palmdale because she was afraid if her husband would lose his daily wage)
2. Tidy Up The Midrib	Yes	Yes		
3. Cutting the Palm Stalks	Yes			
4. Quoting Empty Fruit	Yes			
5. Lifting and Arranging The	Yes			
6. Bring to TPH	Yes			
7. Arranging	Yes			
8. Spray		Yes	8 hours starts from 04.00 up to 12.00	
9. Cultivate		Yes		
10. Population census		Yes		
11. Cleaning The Weeds		Yes		
12. Chopping The Wood		Yes		
13. Participate in group decision making (labor organizations)				Woman's labor tend to be less involved, it can be seen when there was an SBSI establishment at PT GAN

SOCIAL / DECISION MAKER			4 Hours	
1. Children's school	Yes	Yes		
2. Sick	Yes	Yes		
3. Party / celebration	Yes	Yes		
4. The traditional ceremony of Naik Dango, Baroah	Yes	Yes		

The unique findings in the *afdeling* (housing) reveal that, women who work as laborers or women who only take care of their household were looking for food as well, specifically the vegetables around the *afdeling* (housing) area. Most of the vegetables were ferns. In Central Sulawesi, after the existence of palm oil plantations, there is a cultural change coming out of a society that does not have personal interest towards cash and farming with a polycultural cropping pattern, to a society that depends on cash. The outcome shows that working for daily wages, weekly wages, or monthly wages changes into 'work' orientation. Beforehand, people worked for achieving their daily life necessary and they have mix gardens such as cacao, durian, langsats, coconut, areca nut, and jatropha.

List 15. Workload between women and men laborers in Central Sulawesi

WORKLOAD ITEM	MAN	WOMEN	TIME DEVOTED (HOW MANY HOURS OF TIME)	NOTE
DOMESTIC			3 Hours	This village is in the Right to Cultivate (HGU) and it has only settled the land dispute around 2018.
1. Morning Shopping		Yes		

2. Cooking		Yes	There are several plantations in the HGU which are still in dispute that is around 300 Ha.
3. Washing		Yes	
4. Lifting Water	Yes	Yes	
5. Sweeping the Yard	Yes	Yes	
6. Preparing the Children to School		Yes	
7. Preparing Breakfast		Yes	
8. Preparing Work and School Supplies		Yes	
9. Preparing Work Instruments	Yes	Yes	
10. Childcare (toddler)	Yes	Yes	
SCOPE OF WORK (according to the contract status)			
1. Sprout / Harvest	Yes	Yes	
2. Tidy Up The Midrib	Yes	Yes	
3. Cutting the Palm Stalks	Yes		
			Workers here attended the morning ceremony at 06.00 a.m. and went to their home around 2 p.m. for maintenance labor
			Meanwhile, the average of working hours end around 3 p.m. for harvest worker as well as porter
			If there is a lot of fruit, harvest workers can work about 10 up to 12 hours, with the excess rule calculated from the amount of Fresh Fruit Bunch (FFB)

4. Quoting Empty Fruit Bunch	Yes			
5. Lifting and Arranging The Palm Fruit	Yes			
6. Bring to TPH	Yes			
7. Arranging	Yes			
8. Spray		Yes	8 hours with travel time starts from 06.00 a.m. up to 02.00 p.m.	
9. Cultivate		Yes		
10. Population census		yes		
11. Cleaning The Weeds	Yes	Yes		
12. Chopping The Wood	Yes	Yes		
13. Participate in group decision making (labor organizations)				Women's laborers were not involved in decision-making within labor union.
SOCIAL/DECISION MAKER			4 hours	
1. Children's school	Yes	Yes		
2. Sick	Yes	Yes		

3. Party / celebration	Yes	Yes		
The traditional ceremony of Naik Dango, Baroah	Yes	Yes		

4. The Condition of Oil Palm Labors and SDGs Achievement

4.1. Social Pillar

Objective 1. Ending Poverty

Poverty has been seen as one of the situations in which one cannot fulfill their minimum basic needs to live well and dignified, with the low wages or unachieved minimum wages with inhuman targets and workload, then upstream oil palm industry on big plantation is difficult to reach this target. The latest research from Coaction (2021) shows that the IDM rate is 41% of underdeveloped villages and 18% of extremely underdeveloped villages around Right to Cultivate (HGU) of oil palm plantations.

Objective 1.3. Implementing social protection system and effort measures for all nationally

In West Kalimantan, particularly PT Palmdale, the company's location is isolated from the village. Therefore, the real situation cannot be recognized by the village. For workers who live outside the village, both permanent and casual workers (BHL), the village is responsible for their BPJS and workers are given social assistance (bansos). However, for workers who live in one housing (afdeling), it is still not clear what kind of social security program is provided to them. For casual workers (BHL), no social security is given, and the same condition also applies in PT LTT. All the casual workers (BHL) have no social security program in the employment field.

Objective 2. Ending Starvation, Achieving Food Security and Good Nutrition, and Increasing Sustainable Agriculture

In the hunger of land in the upstream of oil palm industry, extensification continues. In the case of West Kalimantan, some people still cultivate crops because their local custom requires the availability of local rice seeds (for both big rice and sticky rice). Loncek Village still has rainfed/dry land farming which produces 1.5 tons per hectare. This stock is enough to fulfill the needs of carbohydrate for one year. Meanwhile, the people in Taviora village almost all of them buy rice to fulfill their carbohydrate needs. For other carbohydrate needs, the village community's food mix is filled by corn and bananas.

But along with the rise of oil palm commodities, they convert their food land with oil palm plantations, so that many families are now categorized as poor, because they no longer grow crops on the remaining lands, for example in river borders which are now filled with community and company palm oil.

In both provinces, inadequate wages causing the workers to stay in one housing (afdeling) consuming low nutrition food, they can only rely on instant noodles and fern leaves as their main course.

Many protein needs are obtained from eggs, and even then not every day because they have to share with their children and closest relatives who are left at home.

Objective 3. Ensuring a Healthy Life and Improving the Well-being of All People from All Ages.

A worker who works in PT LTT (previously worked in PT Mamuang) after losing one of his limbs, he decided to resign from the company because he cannot work optimally. In the condition of having no money at all, two of his children have to quit primary school because they have to work without being paid as conductors to help their parents. Such conditions are so concerning, the existing structural work relation has allowed the children of workers to lose their education in order to work as a conductor to help their parents. Child labor in oil palm plantation starts working under the age of 12. Child labor as conductor generally occurs in the piecework systems.

Objective 5. Achieving Gender Equality and Empowering Female Workers

The case of the Labor Union in PT LTT which is gender biased in placing women in its management is an indicator of low participation of women in important decision making. The loss of menstrual leave, poor bargaining position of women such as asking their rights in swab PCR test cases during Covid, and lay-off threats become indicators that there are discrimination against women. Women placement in certain fields are considered “not heavy”, “lower risk” as in the field of fertilization and spraying is another form of existing discrimination that makes it difficult for women to work with decent employment security because these two fields are mostly hired by male workers.

4.2. Environment Pillar

Objective 6. Ensuring the Availability and Sustainable Management of Clean Water and Sanitation for All

By 2030, reaching access to adequate and equitable sanitation and hygiene for all, and ending open defecation, paying particular attention to the needs of women and vulnerable groups. In PT GAN case, the practice of toilets in ditches (open areas) is still common. In PT Palmdale housing (afdeling), the needs for drilling wells/pumps are provided by each house (emplacement).

4.3. Economy Pillar

Objective 8.3. Promoting development policies that support productive activities, creating decent employment opportunities, entrepreneurship, creativity and innovation, and encourage the formalization and growth of micro, small and medium enterprises, including through access to financial services

With the inhumane workload, the concept of decent employment becomes an apparent concept because the real wages received are not in accordance with the applicable minimum wages (UMK). In addition, it is indicated that there is a working system which leads to forced labor, starting from the recruitment, intimidations and threats at work, as well as unilateral layoffs, all of which are contrary to the spirit of achieving a decent life.

Objective 8.5. By 2030, achieving permanent and productive employment and decent work for both women and men, including youth and persons with disabilities, and equal pay for work of equal value

Equality and decent work for persons with disabilities are difficult to implement because the decision of not working in an unwell condition is also difficult to achieve. One case found is that a person with disability refused to apply for a job in PT LTT because he feels that he does not meet the criteria as a permanent worker.

Objective 8.7. Take urgent action and to eradicate forced labor, ending enslavement and human trafficking, securing the prohibition and elimination of the worst form of child labor, including recruitment and use of child soldiers, and by 2025 end child labor in all of its forms.

Companies in both provinces try to cover child labor case by age manipulation. However, one respondent states that there is a kid that has been working as a conductor under the age of 12 in PT Mamuang (previously PT LTT) to help his parents who works as piecework labor. In PT Palmdale, there are also children around the age of 15 to 16 years old who work as piecework laborers.

Objective 8.8. Protecting labor rights and promoting a safe and secure working environment for all workers, including migrant workers, in particular women migrant workers and those working in hazardous work

Companies in both provinces try to promote a safe working environment, but they do not involve contractor partners in monitoring and implementing OHS functions. In the case of working partners and AAB in PT LTT, workers are not equipped with Personal Protective Equipment (APD). There is a dangerous work environment with threats of snake bites and inhumane targets for logging in young thickets at PT GAN.

Objective 10.3. Ensuring equal opportunities and reducing gaps in outcomes, including elimination of discriminatory laws, policies and practices, and promoting appropriate legislation, right policies and actions related to such legislations and policies

One aspect of this goal that relates to the fulfillment of the human rights of plantation workers is the right to freedom of association as an effort to fight for basic rights and to avoid exploitation. However, the study found that there is a suppression of unions in PT Palmdale.

Objective 10.3 (b) Number of the handling of complaints of violations of Human Rights (HAM)

The study found that human right activists who file complaints about alleged human rights violations are criminalized. This happens in PT Palmdale. In addition, public opinion is not responded to, and the complaint mechanism is unclear. Workers who complain are threatened with lay-offs, the position of workers is extremely subordinated.

4.4 Law Pillar

Objective 16. Strengthening Inclusive and Peaceful Societies for Sustainable Development, Providing Access to Justice for All, and Building Effective, Accountable, and Inclusive Institutions at All Levels.

This objective requires the state to ensure public access to information and protect fundamental freedom, in accordance with national regulations and international agreements. In fact, public information disclosure has still become a problem. The head of Teluk Bakung Village stated that it is difficult to access certain information to companies and related institutions. During the data collection process in this study, all companies refused to be interviewed, both at operational area and head office level.

CONCLUSION AND RECOMMENDATION

West Kalimantan

Labor-related human rights issues at PT Palmdale and PT GAN are rooted in the recruitment process and working contracts. For PT Palmdale, the problem began to emerge after the transfer of management from Gozco to First Resource, continued by Borneo Agri. Meanwhile, for PT GAN, the problems are related to remuneration issues, OHS, and housing allowances. Human rights issues in both companies are summarized as follows:

1. Workers do not get the copy of their working contracts, only read and sign in advance. Workers do not have room to ask about their rights and obligations in detail, let alone negotiate wage rates. For piecework laborers, they are initially lured by a decent salary and housing allowance, but the reality is the opposite. The job interview process is colored by acts of bullying against prospective workers and given the absolute option of being laid-off if they do not feel comfortable.
2. Remuneration value follows the amount of minimum wages (UMK). However, workers received below the minimum wages (UMK) due to the large numbers of cuts (20-30%) of daily wages.
3. The workloads are based on targets so that workers often work overtime.
4. The condition of the labor union at PT GAN is "suspended", it exists but cannot function well, unclear membership and there are no union meetings. At PT Palmdale, Labor Unions are prohibited.
5. OHS (K3) in both companies are inadequate. Although both companies provide clinics, they do not have the necessary medicines. Health workers at the clinic seem to only function to provide recommendations whether or not the workers are allowed to take sick leave. Working tools and equipment are provided by the company once a year. If the tools are damaged or broken in less than one year, the worker must buy it with their own fundings. For harvesting equipment in the form of a cart, from the beginning workers are charged in installments.
6. Both companies do not have a clear complaint mechanism. Workers often feel intimidation when there are complaints or protests. For workers who are "disliked", they are usually transferred to another housing (afdeling) with a heavy workload so they do not feel comfortable.
7. At PT GAN, workers do not know for sure whether or not there is severance pay, and how it is calculated. At PT Palmdale, the company does not register its workers to any of the employment security programs.

8. Housing allowance received by workers is far from adequate. Workers occupy the housing (afdeling) from the beginning, are responsible for all deficiencies and damages in the housing (afdeling). In PT GAN housing (afdeling) there are no toilet facilities available, so all workers clean themselves in the river ditch.
9. There is often criminalization of human rights activists who advocate for plasma farmers and plantation workers. If the activist comes from plantation workers, then the person concerned is transferred and given a heavy workload so that he does not feel comfortable.

Central Sulawesi

Human Rights (HAM) issues at PT LTT are as follows:

1. There are some forms of intimidation done by the company in response to workers' complaints or land disputes with the local community. For workers, the intimidations take the form of threats of lay-offs or transfers.
2. The lack of job opportunities around PT LTT area makes the company have high bargaining power towards workers. Companies can easily recruit and cut workers because of the large reserves of prospective workers. This discourages working workers from protesting because they can easily be dismissed.
3. Discrimination against women in labor unions. Female workers are stigmatized as individuals who are unable and skilled in running the organization's wheels.
4. Companies often intimidate the community over land disputes that occur. In 2018, the company involved the security forces (Brimob) to deal with public pressure.
5. Casual daily workers with a working period of 10-18 working days are unlikely to receive wages equal to the applicable minimum wages (UMK) due to the short working period. That is, the problem of living wages is intertwined with the problem of job security.
6. PT LTT is considered by the local community to have not been transparent in terms of the availability of public information.
7. PT LTT has complaint mechanisms through the establishment of units in each housing (afdeling) headed by a worker. Regular meetings (Tim Sembilan) are held once a month. This study has not yet been able to assess the effectiveness of existing complaints mechanisms at PT LTT.

RECOMMENDATION

RECOMMENDATION

Based on the research findings, PRAKARSA Group give certain recommendations to the government as follows:

1. The government creates a Government Regulation/Minister of Labor concerning the Protection of Oil Palm Plantation Workers to regulate the working relationship between companies and casual and piecework laborers within the framework of industrial relations so as to ensure that labor rights are accepted by casual and piecework laborers.
2. The Government through the Ministry of Labor/Manpower (Kemnaker) together with the Regional Government strengthens labor inspection in oil palm plantations through education and supervisory training for regional work units (SKPD) related to involving village governments and labor unions;
3. The government through the Ministry of Manpower involves Wage Councils at the national and regional levels (provincial and district/city) to set sectoral minimum wages in oil palm plantations as a measure to ensure a living wage for workers in oil palm plantations;
4. The Financial Services Authority (OJK) ensures that all financial institutions prioritize sustainability policies in providing capital for the palm oil industry so that they become trustworthy (accountable) financial institutions through the establishment of the Sustainable Finance Task Force;
5. The government through the Financial Services Authority (OJK) requires oil palm plantation companies to publish reports on Environmental Social Governance (LST) periodically so that the public can monitor the company's activities;
6. The government makes a Government Regulation/Minister of Manpower concerning the Protection of Oil Palm Plantation Workers to regulate the working relationship between companies and casual and piecework laborers within the framework of industrial relations so as to ensure that labor rights are accepted by casual daily and piecework laborers;
7. The government through the Ministry of Women's Empowerment and Child Protection together with Komnas Perempuan monitors and reports on gender-based human rights violations in oil palm plantations;
8. The government through the Ministry of Women's Empowerment and Child Protection together with the Indonesian Child Protection Commission supervises, protects and fulfills the rights of children in oil palm plantations;

9. Local governments are required to carry out identification, monitoring and evaluation of the potential impacts arising from oil palm plantation operations;
10. The President ensures that TNI/POLRI security forces are not involved in company security operations;
11. The government is downstreaming the palm oil industry as an effort to diversify the national palm oil industry which in its journey has an impact on the development of human resource skills (human development and skill development), so as to improve the welfare of palm oil workers;

FOR FINANCIAL INSTITUTIONS PROVIDING CAPITAL OR INVESTORS, PRAKARSA GROUP RECOMMENDS:

1. Observing the implementation of human rights standards stated in the RSPO/ISPO in oil palm plantation companies;
2. Verify that the production process does not violate human rights such as living wages, forced labor, and child labor;
3. Not providing capital or continuing capital for a company that is in a land dispute with the community;
4. Not providing capital or continuing capital for companies that are being sued related to environmental damage issues;
5. Pay attention to aspects of decent work for workers in companies such as living wages, health insurance and employment insurance;
6. Incorporating human rights criteria into early warning detection and problem solving in monthly monitoring (watchlist report);

PRAKARSA GROUP RECOMMENDS BUYING COMPANIES (BUYERS) TO:

1. Conduct comprehensive assessments related to human rights enforcement in each supply chain company;
2. Tracing the origin of FFB whether it comes from a production process that violates human rights, such as living wages, forced labor, and child labor;
3. Require the supply chain to provide adequate PPE for workers and other OSH aspects;
4. Pay attention to aspects of decent work for workers in companies such as living wages, health insurance and employment insurance;
5. Ensure that the supply chain operational area is free from children's activities and requires afdeling to provide children's play facilities.

Handling human rights issues in oil palm plantations cannot be resolved in a short time. Therefore, the handling of human rights issues requires a continuous process. PRAKARSA Group believes that the enforcement of human rights in oil palm plantations will bring the following benefits:

1. Welfare of the Indonesian people, especially palm oil workers;
2. Reducing social conflicts and the costs arising from these conflicts;
3. Making social relations between stakeholders more harmonious;
4. The company can reduce the potential for social conflicts that can cause worse losses; and
5. Contribute to the achievement of Indonesia's Sustainable Development Goals and good global recognition of Indonesia.

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