Industrial Relations Dispute
In Angkasa Pura 1 - Indonesia
- Collective Bargaining Agreement failed to implement
- Intimidation against AP1 Union leaders
- Implementation of freedom on association is hampered
PT. Angkasa Pura 1 is under Ministry of State-Owned Enterprises (SOEs). Management of SOEs employee staffing is not regulated by the Ministry. According Article 87 Law No. 19/2003 on SOEs: 

"SOEs employees are employees of the SOEs whom appointment, dismissal, status, rights and obligations are stipulated under Collective Bargaining Agreement (CBA) in accordance with effective laws and regulations in labour sector."

In accordance with Law No. 13/2003 on Manpower, Collective Bargaining Agreement (CBA) is the result of negotiations between Employer (in this case, Directors of PT AP1) and Union which is binding and must be carried out.

On 1 January 2006, Directors of PT AP1 and SP-AP1 Union signed CBA. On the same year, there was a dispute between the two parties on the implementation of Article 38 of the CBA concerning basic salary. However, the dispute was resolved with intervention from Ministry of SOEs that provided direct guidance to Directors of PT AP1 on 27 November 2006.
On 2007, a dispute on the implementation of Articles 38, 66, and 67 reoccurred. SP-AP1 took the following steps:

- Convening a bipartite meeting with Directors of PT AP1.
- Convening a meeting with Board of Commissioners as shareholders of the company.
- Attending a mediation meeting between Directors of PT AP1 and SP-AP1 facilitated by Ministry of Manpower and Transmigration.
- Trying to meet Minister of SOEs, but failed.
- Holding four strikes:
  - In front of State Palace, 7 May 2007.
  - In Juanda Airport, Surabaya, 9 July 2007.
  - In head-office of AP1 in Jakarta on 3 to 7 September 2007.
  - In Ministry of Manpower and Transmigration, Ministry of Transportation, and Ministry of State-Owned Enterprises on 3 to 6 March 2008. Meeting with Secretary of SOEs Ministry (Mr. Said Didu) accompanied by the ministry officials on 4 March 2008, but with no concrete results.
Entering into "Joint Agreement" with Directors of PT AP1 on 6 March 2008 with the attendance of Director General for Industrial Relations Development at Ministry of Manpower and Transmigration

Convening bipartite meetings with the management of which agenda was to follow up the Joint Agreement (dated on 6 March 2008) on:

- 16 to 18 March 2008 in Bogor
- 17 April 2008 in Ministry of Manpower and Transmigration
- 21 April 2008 in PT AP1 Office
During 17 April 2008 bipartite meeting, management representative declared "deadlock". On 21 April meeting, Directors of PT-AP1 refused to abide CBA. Because of no consensus, according to Article 137 of Law No. 13/2003, in its explanation, that situation is categorized as “failed negotiation” which is “failure of negotiations in this article are not reaching agreement for settlement of industrial disputes which may be because of refusal by employer to conduct negotiations or deadlocked negotiation.”

On 21 April 2008, SP-AP1 with very compelled declared would exercise their right to strike because of failed negotiation in accordance with Article 137 of Law No. 13/2003
Name
Title

Name
Title

Name
Title

Name
Title

Name
Title

Name
Title
Strike is workers right stipulated under Law No. 13/2003 (Articles 137 to 145)

Strike held by SP-AP1 was legal referring to Articles 139 and 140 of Law No. 13/2003:


- The letter contained the following:
  - Time for holding the strike which was 7 to 9 May 2008
  - Venue for holding the strike (in head-office, Sepinggan Airport-Balikpapan, Pattimura Airport-Ambon, Frans Kaisiepo Airport-Biak, and Hasanuddin Airport-Makassar)
Reasons for the strike which were:

- Infringement against Law No. 13/2003 of Republic of Indonesia on Manpower and Law No 19/2003 of Republic of Indonesia on State-Owned Enterprises in form of disregard to implement CBA and Joint Agreement committed by Directors of PT AP1
- Infringement against Republic of Indonesia’s Law No 21/2000 on Union in form of criminalization against SP-AP1 leaders actively participate in union activities committed by Directors of PT AP1
- Unrest among employees due to protracted industrial relations dispute impacting on disruption in airport services, including flight safety
Setting up rules of conduct for the strike which contained in President of SP-AP1 circular No. SP.AP.I.041/DPP/IV/2008 dated on 28 April 2008 on Rules of Conduct during Strike. In point 5 (h and i) it was stated that “members of SP-AP1 who will participates in strike are prohibited from commit any criminal acts/sabotage, and requested to ensure the maintenance of services directly related to the safety of human lives”.

SP-AP1 strike was legal as stated in Decree of Employement Supervisor at Manpower and Social Agency of Balikpapan City No. KEP.560/1297/NAKER.5/2009 dated on 4 June 2008, fifth dictum.
Dismissal of Mr. Arif Islam (SKEP. 578/KP.80.4/2008 on reinstatement and involuntary dismissal with honorary from assignment at PT (Persero) Angkasa Pura I on behalf of Arif Islam)

Suspension for 3 months imposed upon 7 leaders

Issuing unilateral decisions (among others, on basic salary) contravene with CBA.

Describe team building exercises
Filing a legal suit against 3,900 employees represented by SP-AP1 at Industrial Court at Central Jakarta District Court on October 2008. Point of objection: Directors PT AP1 wanted to annul the CBA, especially Article 38 on Basic Salary. Decision of the judges at the Court dated on 10 March 2009 was: Directors claim is dismissed /N.O jo. Decision Supreme Court Registration No. 423 K/Pdt.Sus/2009 dated on 28 October 2009 with injunction that upholds Industrial Court decision. Directors appealed to Supreme Court was also dismissed. The consequence has been that the CBA is still effective. However, the Directors continues to refuse to fulfill the employees rights.
PT AP1 Directors accommodated establishment of new union which is Asosiasi Karyawan Angkasa Pura 1 (AKA) on 22 April 2009.

PT AP1 Directors has transferred 10 employees who sit in the union leaderships (4 leaders at National Board, 4 leaders at head-office branch, 1 leader at Adisutjipto Airport Branch, Yogyakarta, 1 leader at Ngurah Rai Airport branch, Bali) effective as of 1 October 2009. The transferred leaders submitted a legal suit at Administrative Court and now in process of appeal to Higher Administrative Court.
Ministry of Manpower and Transmigration of Republic of Indonesia letter Number: B.78/MEN/PHIJSK-PKKAD/III/2009 dated 4 March 2009 to President Director of PT (Persero) Angkasa Pura I which emphasized the necessary of Directors PT AP1 to implement CBA until new CBA is set up.

Ministry of Transportation of Republic of Indonesia letter. No. UM.007/7/13 Phb-2010 regarding implementation of CBA which requested Ministry of State-Owned Enterprises to immediately resolve dispute between the management and SP-AP1 so as not to hinder services at airports and endanger flight security and safety, especially in AP1 environment.
Recommendation Letter from Indonesia National Commission for Human Rights No 3.093/K/PMT/X/2009 dated on 6 October 2009. Directors PT (Persero) Angkasa Pura I was recommended to:

- implement 2005-2007 CBA until a new CBA effective for 2 following years is agreed, especially Articles 38, 65, and 66.
- immediately hold a negotiation with SP-AP1 to enter into new CBA effective for 2 following years in accordance with applicable legislation
- reinstate Mr. Arif Islam to his previous position and with full compensation as before the issuance of SKEP.578/KP.80.4/2008 dated on 7 May 2008 on dismissal of Mr. Arif Islam.
- pay lost wages of Mr. Arif Islam since 7 May 2008 up to his instatement to his previous post.
- pay for lost wages of 3 months suspended employees and restore their rights as employee
- stop job transfer activities imposed upon SP-AP1 leaders as set up in Directors of PT AP1 decree No. SKEP.1477/KP.07/2009 dated on 1 October 2009.
Opinion from Commission IX House of Representative of Republic of Indonesia:

- As doing check on the spot to PT (Persero) Angkasa Pura 1 head-office on 8 May 2008, the Commission requested the Directors to implement CBA and during dispute settlement process not to do dismissal/suspension or do other intimidations.

- During hearing with Committee for National Solidarity on 21 May 2008, the Commission stated that Indonesia House of Representatives strongly protested and called for Directors PT of AP1 to immediately stop intimidating actions, criminalization and any retaliation against leaders and members of SP-AP1.
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Decree of Employment Supervisor at Manpower and Social Agency of Balikpapan City No. KEP.560/1297/NAKER.5/2009 dated on 4 June 2009 concerning Retaliation (Sanction) Action against the Strike taken by Management of PT AP1 upon SP.AP1 Sepinggan Airport, Balikpapan. The letter stated that dismissal of Mr. Arif Islam was against Article 143 jo. Article 185 and Article 144 jo. Article 187 of Law No. 13/2003 and, therefore, the management was obliged to compensate and reinstate Mr. Arif Islam to his previous post. Because the decree was not adhered by the management, the supervisor sent first reprimand (dated 22 October 2009), second reprimand (17 November 2009), and third reprimand (2 December 2009).
International Labour Organization (ILO) Recommendation on 358th Report Committee on Freedom of Association on November 2010, which essentially are:

- To negotiate employee rights yet fulfilled in accordance with CBA

- Without delay to immediately reinstate Mr. Arif Islam to his previous job before his dismissal. If the previous job is no longer available, he should be placed at relevant available posts at PT Angkasa Pura 1 in accordance with recommendation from independent body

- To restore rights of 7 suspended employees and to reintegrate them into workforce.

- For government to actively participate in monitoring the development of settlement of AP1 case and to provide ILO with the report
Recommendation from Amnesty International in letter Ref. TG.ASA 21/2009/43 Al Index ASA 21/019/2009 dated on 2 November 2009 addressed to Government of Republic of Indonesia c.q. Ministry of Laws and Human Rights summoned the government to solve human right violations cases in Indonesia, among others Angkasa Pura 1 case.

American Amnesty on 2 March 2010 sent a letter to President of USA requesting for attention to human rights violations in Indonesia, among others, Angkasa Pura 1 case, and for settlement of them during his visit to Indonesia.

2009 Country Reports on Human Rights Practices from Bureau of Democracy, Human Rights and Employment at USA State Secretary dated on 11 March 2010 in page 16 states that on 7 May 2008, SP-AP1 conducted a strike in Airports demanding Management of PT AP1 to pay worker rights as stipulated in CBA and some leaders of SP-AP1 were dismissed and suspended as a result of the strike.
Support Letters sent by Public Services International (PSI):

- Letter from PSI Asia Pacific Regional Secretary dated on 5 October 2006
- Letter from PSI General Secretary dated on 6 September 2007
- Letter from PSI General Secretary dated on 27 March 2008
- Letter from PSI General Secretary dated on 6 May 2008
- Letter from PSI General Secretary dated on 14 May 2008
- Along with SP-AP1 submitted complaint letter to ILO on 22 September 2009
- Letter from PSI General Secretary dated on 6 December 2010
There was a change in structure of Directors of PT AP1. The Directors entered into Normalization Pact on 20 August 2010 with the union.

As follow up for the Normalization Pact, several bipartite meetings were held.

ILO recommendation yet abided by Government of Republic of Indonesia.
THANK YOU

by:

ITJE JULINAR – AP 1 UNION INDONESIA