

ILO Technical Co-operation Project

**ILO Declaration Project On Promoting And Realizing Fundamental
Principles And Rights At Work To The Indonesian National Police**

FINAL EVALUATION

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EXECUTIVE SUMMARY

Has the project achieved its stated objectives?

The objectives are:

Objective 1: At the end of the project the Indonesian National Police will have an organizational understanding and institutional capacity to implement the fundamental principles and rights at work.

Objective 2: At the end of the project the Indonesian National Police will have an organizational understanding and institutional capacity to act upon their responsibilities in the handling of the law-and-order aspects of industrial disputes.

In respect to those Police Officers who have undertaken the training the objectives have been achieved.

To achieve the *organizational and institutional* objectives across the entire Indonesian National Police (INP) will require further training over a period of time. Furthermore, it will require that the training be institutionalized into the Police training curriculum.

The effects of the project activities and outputs on the target groups:

The training of Police Officers as defined within the immediate objectives, major outputs and indicators of the project have been met, (in fact the numbers of Police Officers to be trained has been exceeded) other than for the incorporation of the principles and rights at work in the curriculum syllabi of the INP. The target groups indicated in discussions with the Evaluation Team that the activities and outputs of the project were satisfactory to their requirements and they expressed the view that the training should be included in the INP training curriculum.

The project conducted training to raise the awareness of Police Officers to the fundamental principles and rights at work. Training of Master Trainers was conducted and is intended to build the institutional capacity within the INP.

A process involving inputs and discussions between the INP and officials from the Ministry of Manpower and Transmigration (MOMT), employers' and workers' organizations, with technical assistance from the International Labour Organisation (ILO), resulted in the development of a booklet titled "*Guidelines on the Conduct of Indonesian National Police in Handling Law and Order in Industrial Disputes*" (the Guidelines). The Guidelines were adopted by the INP and provide a measure against which unreasonable and inappropriate police action may be judged as well as providing a new standard to be observed by Police Officers throughout Indonesia when attending strikes and demonstrations.

The Guidelines are a very important outcome of the project and it will be the practical and organizational commitment to those Guidelines and the application of them in operational situations which will demonstrate their value. The Guidelines will assist

and encourage good police practices and make a contribution in removing police (and military) from active involvement in labour issues. The Guidelines booklet is pocket size and can be carried by Police Officers at all times. This will allow police to perform their rightful role in maintaining law and order. Such an outcome is in accord with the overall objectives of the project.

The Guidelines assist Police Officers *“to act upon their responsibilities in the handling of the law-and-order aspects of industrial disputes”* which is an objective of the project.

The likelihood of sustaining the project outputs:

Whilst a number of Police Officers have been trained the sustainability of the project outputs will require ongoing and regular training particularly to ensure application and implementation of the Guidelines. It is possible that further assistance in the form of financial and human resources may need to be provided to achieve the objective.

Lessons learned and best practices:

It may be that the objective to achieve an *“organizational understanding and institutional capacity in respect to the fundamental principles and rights at work and to act upon their responsibilities in the handling of the law and order aspects of industrial disputes”* was overly ambitious due to the volume of training required to provide some 300,000 members of the INP, or as many officers as considered necessary, with the requisite training to meet the objectives of the project.

That is not to say that the project was deficient in any way as to its content and delivery.

Need for follow up programmes:

The Police Officers already trained have requested refresher courses and further training. Follow up programmes will depend on whether the International Labour Organisation (ILO), or others, are in a position to further fund the project. It is the view of the Evaluation Team that if possible the ILO should maintain a role in the further training for Police Officers and offer assistance as far as is practicable and desirable to incorporate the training into the INP training curriculum. All of the partners interviewed by the Evaluation Team identified the need for further training in some form.

ACRONYMS

INP	Indonesian National Police
MOMT	Ministry of Manpower and Transmigration
APINDO	The Employers' Association of Indonesia
LEMDIKLAT	The Institute of Education and Training
USDOS	United States Department of State
ILO	International Labour Organisation
PMP	Performance Monitoring Plan
NGO	Non-government Organization
POLRI	Kepolisian Republik Indonesia [Indonesian National Police]
ICITAP	International Criminal Investigative Training Assistance Program
ABRI	Armed Forces of the Republic of Indonesia (Now known as TNI: National Armed Forces of the Republic of Indonesia)

BACKGROUND AND PROJECT DESCRIPTION

Through its labour law reform programme initiated in 1998, the Government of Indonesia ratified all eight of the ILO fundamental Conventions by the year 2000 and adopted three new and modern labour laws, namely; Law No 21/2000 on Trade Unions, Law No 13/2003 on Manpower, and Law No 2/2004 on Industrial Disputes Settlement. Meanwhile, the INP has undergone a number of reform efforts towards an independent civilian police force since the year 2000, when it was separated from the Armed Forces of the Republic of Indonesia (ABRI). Articles 2 and 4 of Law No 2/2002 on the Police Force of the Republic of Indonesia stipulate that the main responsibilities of police are to serve, protect, guard the community and enforce law while upholding human rights.

Previously the military and the police played a dominant role in dealing with strikes and labour relations matters.

The three new labour laws have created a new structure of industrial relations that requires changes of perspectives and attitudes of the tripartite constituents towards industrial disputes. In different industrial dispute situations the Police have continued to be called upon by government officials, employers, workers or members of the community to take action in relation to concerns about property damage, threats to public order, unfair treatment of workers, protection of workers from mobs engaged to break up worker strikes or protests etc.

The action taken, or inaction, by police may lead to criticisms being made about conduct or improper interference by police in industrial disputes that can lead to mismanagement of industrial disputes and even violation of the fundamental principles and rights at work that can result in losses for the enterprises and workers concerned, can lead to violence and property damage, and can deter foreign and domestic investment; investment which would create more job opportunities.

The project objectives were:

- Immediate Objective 1 – At the end of the project the Indonesian National Police will have an organizational understanding and institutional capacity to implement the fundamental principles and rights at work.
- Immediate Objective 2 – At the end of the project the Indonesian National Police will have an organizational understanding and institutional capacity to act upon their responsibilities in the handling of the law-and-order aspects of industrial disputes.

The INP, MOMT, employers' and workers' organizations were consulted and involved in the development of the project and its strategy as well as the development of the training manuals and the Guidelines. Whilst representatives from The Employers' Association of Indonesia (APINDO) and the unions were not part of the project advisory committee this does not appear to have had any negative implications on the way in which the project was developed and presented. It is the view of the Evaluation Team however that the project would have benefited if union and APINDO representatives had been included in the development stages thereby

providing an early opportunity to address any concerns those parties may have raised.

Initial research in respect to the project was conducted by a Research Team from the Department of Criminology of the Social and Political Sciences, University of Indonesia, with an external collaborator from ILO Jakarta. That research identified *“that the understanding of police personnel on the fundamental principles and rights at work need improvement, although it seems that they have a good insight, but in many things there is still some misunderstanding. It is related for example to the understanding of the definition of child age and the government’s role in controlling workers’ or employers’ organizations. Meanwhile, concerning the role of police in maintaining peace and enforcing law in industrial disputes, based on the experiences of our police respondents, generally they concentrate on crime prevention as an access of workers strikes for example. But they also try to mediate the parties.”*

The research team made a number of recommendations, most of which have been incorporated into the project.

PURPOSE OF EVALUATION

The purpose of the final evaluation is to:

- (a) determine if the project has achieved its stated objectives and explain why/why not;
- (b) assess and document the effects of project activities and outputs on target groups’;
- (c) assess the likelihood of sustaining project outputs;
- (d) report on lessons learned and best practices;
- (e) identify needs for follow up programmes.

To achieve the evaluation’s purpose the Evaluation Team shall examine the following key evaluation questions.

- Validity of project strategy, objectives and assumption
- Impact/benefits accrued to the target groups
- Implementation status, specifically as concerns planned activities, materials, schedule and budget
- Sustainability of project results
- Effectiveness of project management
- Effectiveness of project performance monitoring

EVALUATION METHODOLOGY

The evaluator will review the following documents before conducting any interviews or trips to the region.

- Project Document
- Quarterly reports
- Reports from events
- Training Materials from the events
- Strategic Framework and PMP
- Work plans
- Any other relevant documentation

Pre-Trip Meeting.

The evaluator will have a pre-trip conference call with ILO Geneva project staff and ILO Jakarta. The objective of the call is to reach a common understanding among the evaluator, stakeholders and project implementers regarding the status of the project, the priority evaluation questions, the available data sources and data collection instruments and an outline of the final evaluation report. The following topics will be covered:

- status of evaluation logistics;
- project background;
- key evaluation questions and priorities;
- data sources and data collection methods;
- roles and responsibilities of Evaluation Team;
- outline of the final report.

The Evaluation Team met in Jakarta for a pre-evaluation conference. The Evaluation Team reached a common understanding of the requirements of the evaluation and considered the status of the project, key evaluation questions, roles and responsibilities of the Evaluation Team and the form and outline of the final evaluation report. It was agreed that the questions posed in the Terms of Reference were appropriate.

Individual Interviews

Individual interviews will be conducted with the following:

- (a) United States Department of State (USDOS) Project Manager (by phone if necessary)
- (b) ILO Project Staff in Geneva and in the region (by phone if necessary)
- (c) Randomly selected individuals from the following groups (partners):
 - Workers and employers who have received training
 - Employer groups, unions, NGO's that have received training or otherwise worked with the project
 - Police Officers who have received training
 - MOMT staff who have worked with the project
 - United States Embassy
 - Officials from other relevant development organizations.

Interviews were held with the following:

- Mr Mark Clark, First Secretary of the US Embassy in Indonesia.
- Police Commissioner General Adang Daradjatun, Vice Chief of the INP.
- Police Senior Commissioner Luther Pinda, Head of Training Division, INP.
- Mr Harry Heriawan Saleh, Secretary General of MOMT.
- Mr Rudy Porter, Field Representative of American Center for International Labour Solidarity. (ACILS)
- Mr MSM Simanihuruk and Staff, Director General for Labour Inspection of MOMT.
- Mr Djimanto, Secretary General of the Employers' Association of Indonesia. (APINDO)
- Police Insp. Gen. Aryanto Boedihardjo, Chief of South Sulawesi Police.
- Police Adj. Comm. Legianawati, Head of Training and Education Development North Sumatra Police.
- Representatives from the Confederations of Indonesian Trade Unions.
- Training participants in South Sulawesi and North Sumatra.

The Evaluation Team received relevant and valuable feed-back from meetings with INP officers who had undertaken the project training as well as from discussions with Senior Police Officers, APINDO representatives, trade unions and MOMT officials. It is the view of the Evaluation Team that those discussions revealed that the objectives of the project were capable of being met. The Police Officers who attended the meetings and who had undergone the project training and were familiar with the Guidelines and expressed the view, with which we agree, that Police Officers now understand the fundamental principles and rights at work and are aware of their responsibilities in handling law and order matters in industrial disputes and demonstrations. Police Officers say that reference to the Guidelines provides them with an instant and valuable tool in operational circumstances. Discussions

with Police Officers at all levels revealed an institutional commitment to the Guidelines and the practices embodied therein.

Field Visit

Meetings will be scheduled in advance of the field visits by the ILO project staff in accordance with the evaluator's requests and consistent with these terms of reference. Interviews conducted at these sites will be carried out by the Team Leader who will determine if it is appropriate for other Evaluation Team members to be present. It was decided that the ILO Project Co-ordinator should not be present in the meetings with the training participants or at meetings with a number of individual representatives

Debrief in Field

The final day of the field visit the evaluator will present preliminary findings, conclusions and recommendations to the ILO staff and if time permits possibly debrief stakeholders such as employer, government, union representatives and the US Embassy Staff.

A short debrief of preliminary findings was provided to ILO staff.

Time did not permit a debriefing with stakeholders.

PROJECT STATUS

Given the important role of the Indonesian Police, the project was developed as part of a broader bilateral technical cooperation between the Governments of the United States of America and Indonesia. This USDOS sponsored project started implementing its programmes on 1 August 2003 with a total budget of USD500,000 covering six provinces in Indonesia, namely North Sumatra, Jakarta, West Java, Banten, East Java and Central Java. In January 2005, the INP requested Riau, South Sulawesi and East Kalimantan provinces be included in the project coverage.

Accordingly the project had a limited budget and a limited duration.

Main purposes of the project was to enhance the understanding and capacity of the INP to conduct its mandate in industrial dispute situations according to relevant national laws and provisions of the ILO fundamental Conventions, in particular the Convention on Freedom of Association and Protection of the Right to Organise, 1948 (No.87) and the Right to Organize and Collective Bargaining Convention, 1949 (No.98).

The development objective of the project is to contribute to the creation of a sound, harmonious and fully functioning industrial relations system aimed at promoting economic growth while guaranteeing workers' rights.

The following activities were conducted by the Project from August 2003 to September 2005:

- Baseline survey on police knowledge concerning the fundamental rights at the workplace and the role of police in industrial disputes.
- Development of the *"Guidelines on the Conduct of Indonesian National Police in Handling Law and Order in Industrial Disputes"* through tripartite consultation workshops. The Guidelines were adopted by the Chief of the INP under Regulation No. 1/III/2005 on 24 March 2005.
- Declaration of Joint Agreement between the INP, MOMT , APINDO, and three National Confederations of Trade Unions to create harmonious and productive industrial relations in Indonesia through the application of the Police Guidelines. The agreement was signed by the Chief of INP, Manpower Minister, and Chairpersons of APINDO and the Trade Unions Confederations. The US Ambassador, H.E.B. Lynn Pascoe and ILO Executive Director on Standards, Kari Tapiola also signed the agreement as witnesses.
- Distributed 25,000 copies of the Guidelines to officials of relevant police units (intelligence, patrol, detective, and partner development/*binamitra*) from headquarters to sub-district police offices (*polsek*) throughout Indonesia.
- Distributed 1,000 copies of the Guidelines to MOMT, trade unions and APINDO officials.

- Trained 30 middle-rank Police Officers, including 8 female officers, as Master Trainers on Fundamental Rights at Work and Police Role in Industrial Disputes.
- Master Trainers have trained 739 Police Officers, 85 representatives from local MOMT offices, APINDO and three National Trade Union Confederations in the above-mentioned provinces.
- Publication of Training Manual on Fundamental Rights at Work and Police Role in Industrial Disputes.
- Joint Production with International Criminal Investigative Training Assistance Program (ICITAP) of Police Training VCD on Handling Industrial Disputes.

FINDINGS AND CONCLUSIONS

NOTE

It should be noted that the Evaluation Team considers that it is too early to evaluate the effect of the project in the field as only a limited number of Police Officers have so far undertaken training and are exercising the benefits of that training in operational circumstances. It is possible however to evaluate the training project.

This section of the report deals with the specific issues and questions about the project which were raised in the terms of reference given to the project Evaluation Team namely:

Key Evaluation Questions

[1] The validity of the project strategy, objectives and assumptions.

The direct beneficiaries to the project are:

- Government
- INP
- MOMT

The indirect project beneficiaries are:

- Social Partners
- The employers and workers and their respective organizations in Indonesia.

In this report, where applicable, we have referred to the collective group as the '*partners*'.

The project strategy and key objectives were aimed at providing INP members with the knowledge and understanding of the rights of workers and employers in an industrial dispute. The project strategy was to ensure that INP members understand their own role of law and order in the event of industrial disputation. The assumptions were confirmed by the baseline research provided by the Research Team from the Criminology Department, Faculty of Social and Political Sciences, University of Indonesia, which was produced prior to the project commencing.

A sound criteria was developed for the selection of Master Trainers and the Police Officers nominated for training. One criterion being that these officers had, in their policing roles, attended to strikes and demonstrations. This was the appropriate target group.

The project undertook training for 30 middle rank Police Officers as Master Trainers. The Master Trainers then trained some 739 Police Officers in 9 provinces. The INP has a total force membership of some 300,000. Also trained were a total of 85 representatives from MOMT, APINDO and the three National Trade Union confederations.

Training included role play, case studies, simulation and discussion over a period of three days. Some participants considered that the training could be for a longer period and that some 'on the job' training would be helpful. It was also requested that training could be across regions. That would be a decision of the INP however the Evaluation Team is of the view that 'on the job' training would be impractical and extending the time of the course may impose operational difficulties.

Some of the partners expressed the view that the unions needed more training and education and, although such outcome was not a project objective, the Evaluation Team would support a better balance in the number of non INP persons for training. This would satisfy the request of some of the partners.

Those INP members who have undertaken the project training and who met with the Evaluation Team embraced the concept of the project and were enthusiastic about the knowledge gained. They support the use of the Guidelines in an operational situation and expressed the view that the Guidelines are of assistance in allowing them to carry out their law and order duties. In meetings with the individual Police Officers they expressed the view that the project training should be extended to all INP members to enable all Police Officers to understand the objectives of the project. A number of Police Officers who had already undergone training were keen for further training and/or refresher courses. Individual Police Officers indicated that they are passing on their knowledge to other officers but in an informal way.

The project objective that the INP will have an *"organizational understanding and institutional capacity to act upon their responsibilities in the handling of the law-and-order aspects of industrial disputes"* will, in part, be achieved by the informal training, already being implemented, and socialization of those Police Officers already trained and familiar with the application of the Guidelines. The training of a number of MOMT and employer and worker representatives in the application of the Guidelines will encourage good policing practices and contribute to the better management and resolution of industrial disputes and demonstrations.

The Evaluation Team met with a number Senior Police Officers who also displayed an enthusiasm for the project and its objectives. They also supported an extension of the project across the INP. Some senior Police Officers informed the Evaluation Team that they already have plans to extend the training to other regions and consider the Guidelines a valuable asset to training and operational policing.

It was the common view of all of the partners who met with the Evaluation Team that as a long term objective the training should be incorporated into the course curriculum of the National Police Academy and the Police Training Schools. Some parties were of the view that industrial relations generally should be part of the Indonesian school curriculum.

Some of the partners suggested that the media could be used to socialize and disseminate information about the role of Police Officers in industrial disputes and demonstrations. We are not sure how that could be achieved or who would provide the necessary funding.

One of the objectives of the ILO project is that the INP will have the organizational understanding and institutional capacity to implement the fundamental principles and rights at work. The Guidelines will provide a valuable tool in the implementation of this objective.

That objective has been met in part in-as-much as there are now a number of INP officers with the knowledge and understanding of their role in an industrial dispute and these officers are able to refer to the Guidelines in an operational situation.

Discussions with representatives of APINDO revealed support for the project but raised concern, in general terms and not necessarily related to the project aims, about the economic impact on its members of demonstrations and strikes. Nonetheless it offered support for the project and also expressed the view that the project should be extended throughout the INP.

The Evaluation Team had several discussions with representatives from MOMT who expressed support for the project and noted an improved relationship between members of the INP, MOMT, employers, trade unions and workers. It was the view of those who met the Evaluation Team that the project training should be extended to as many Police Officers as possible but particularly into areas where high levels of industrial conflict exist.

The US Government provided funding for the project. The Evaluation Team met with the First Secretary of the US Embassy, Mr. Mark Clark, who appeared satisfied that the project had achieved its objective that the INP *“will have an organizational understanding and institutional capacity to implement the fundamental principles and rights at work and an organizational understanding and institutional capacity to act upon their responsibilities in the handling of the law-and-order aspects of industrial disputes.”*

The project has the support of Rudy Porter, Country Program Director, ACILS, who considered the project timely and necessary considering the history of industrial disputation in Indonesia. Mention was made of the dispute between PT Musim Mas oil plantation and processing plant in Pelalawan, Riau province and the local union SP Kahutindo re alleged violation of ILO conventions 87 and 98 [Freedom of Association and Collective Bargaining]. The allegations are the subject of a formal complaint to the ILO's Freedom of Association Committee. Nevertheless, and despite the concerns raised about the PT Musim Mas dispute, there was unconditional support for the project and its continuation and expansion.

Meetings with officials of the union confederations also supported the project and its continued application. They supported the concept but expressed some cynicism as to results although they did not provide any evidence or examples that would suggest that the training has not been beneficial in a dispute situation; other than reference to the PT Musim Mas dispute where it is alleged that INP officers may have acted inappropriately and outside the Guidelines. They agreed that it is too early to evaluate the full impact of the project in operational circumstances but expressed the view that the training should continue and be expanded to include representatives from the other partners. It was also suggested that the Guidelines be made available to all of the partners where they could provide assistance and guidance.

It would seem therefore that the project strategy, objectives and assumptions were appropriate for achieving the planned results. The project team targeted geographic areas taking into account, amongst other things, industrial density and the history of industrial disputation. The Police Officers in those areas were willing participants in the project and are keen to share their learning and experiences with their fellow Police Officers.

[2] Impact/benefits accrued to target groups.

The visits by the Evaluation Team confirmed that those Police Officers who have undertaken the project training now have a fundamental understanding of the principles and rights of employees at work and are committed to the application and implementation of the Guidelines. In particular the Police Officers are aware of and understand the rights of workers and employers to organize and bargain collectively. The Police Officers are aware that their role is a law and order role and that they do not become involved in any negotiations or issues in dispute between an employer and his/her employees.

The Police Master Trainers have demonstrated an ability to conduct training on the fundamental principles and the role of Police Officers in industrial disputes. The Master Trainers are highly regarded by those Police Officers who have undertaken the training.

The evidence was anecdotal but it would appear from our discussions with the partners that the training of a number of Police Officers has clarified their conduct when faced with law and order issues related to industrial disputes. This would indicate that the impact of the project and the development of the Guidelines is a benefit to all parties in a dispute situation.

One of the major benefits from the project has been the improved communication and change in relationship between the partners prior to, and during, any industrial disputation. All parties involved, including the Police Officers, communicate with each other and are aware of and appreciate the role of each participant in a dispute situation. All partners who spoke with the Evaluation Team commented on this cultural shift and considered it an unexpected but welcome benefit.

There is no doubt that the development of the Guidelines has been instrumental in the achievement of this benefit. The partners have all endorsed the content of the Guidelines and are committed to their application. The implementation of the Guidelines has improved communication between the partners.

The Evaluation Team consider this outcome to be a major benefit and, despite there being no clear mechanism for public complaint if it is alleged that the Police have not followed the Guidelines, the relationship which has developed between the partners as a result of the project has established a valuable informal communication process.

Further training and socialization between the partners along with the establishment of an effective mechanism to address public complaints against alleged

inappropriate action by Police Officers in industrial disputes and demonstrations, will encourage proper and effective policing practices.

The Evaluation Team is satisfied that there are positive benefits accruing from the project in the areas where the training has been introduced.

[3] Final implementation status, specifically as concerns planned activities, materials, schedule and budget.

The project was the subject of comprehensive consultation with the targeted groups. Those groups are the INP and the MOMT, APINDO and the union Confederations. The planned activities and selection of Master Trainers was done in consultation with national and international Human Resource experts and ILO Human Rights experts as well as consultants from the University of Indonesia. The training manual was developed with input from consultants from the Faculty of Law and the Faculty of Psychology from the University of Indonesia. Representatives from POLRI, Depnakertrans, the State Ministry of Empowerment of Women and workers and employer organizations were also involved in the development of the training manual and the training for the Master Trainers. It was recommended that the Master Trainers be selected from first and middle rank Police Officers placed in the Training and Education Institute (LEMDIKLAT).

The training manual is a practical and comprehensive document and meets the project needs in both the short term and the long term. The training manual will prove a useful reference for individual Police Officers as they pass on their knowledge to other Police Officers. The Evaluation Team was informed that the training and the tools provided were well received and satisfied the requirements of the training. The course training program was adapted to the particular needs of the targeted group and took into consideration the social changes in Indonesia and the recently introduced labour regulations and the impact of those regulations on Police Officers in industrial situations.

The Guidelines handbook is well regarded as a useful tool for all Police Officers. It would seem that a limited number of the handbooks are available and it is recommended that a copy be made available to as many Police Officers as possible. Those Police Officers who have undertaken training have all been provided with a copy and consider it an important and useful guide to their law and order function during industrial disputation.

The Guidelines handbook has raised the awareness of Police Officers as to their role and responsibilities in disputes and demonstrations and has provided a useful reference for all of the partners whenever there may be some difference of opinion as to the role of the Police Officers in certain industrial situations.

The Guidelines are a very important product of the project.

The Evaluation Team has viewed a training VCD on "*First Response to Special Situation*" which would be a valuable addition to the training material. The VCD was a joint production with ICITAP. The video depicts an industrial dispute which escalates into a strike and demonstration by workers.

The VCD was not widely used and the Evaluation Team is of the view that if any funding monies remain for the project they should be used to produce more copies of both the VCD and the Guidelines handbook. The Evaluation Team was advised that the VCD is part of a package of 48 training VCDs used in police skills training conducted by ICITAP.

The project was in accord with both budget and schedule. Funds appear to have been spent efficiently in accordance to ILO rules and regulations and in line with the project document.

[4] Sustainability of project results.

The project is an important step in the application and understanding of the change in labour regulation as those new laws apply to the law and order role of Police Officers. It is one of the objectives of the project that *“At the end of the project the INP will have an organizational understanding and institutional capacity to implement the fundamental principles and rights at work.”*

The Evaluation Team is of the view that there is some way to go as to the capacity of the INP to implement, at least in the short term, training sufficient to facilitate the objective in respect to the *organisation* of the INP. To achieve that end there is the need for more Police Officers to undertake the training. It would seem important to maintain the momentum and the obvious enthusiasm of all of the partners to provide whatever assistance can be made available to the INP to continue the project. That may be achieved by offering assistance to the INP to incorporate the training into the police curriculum or by seeking further funding to continue the project. It may be that the informal transfer of the knowledge gained by the trained Police Officers which is currently occurring can be formalized in some way. The results can only be sustained and the objectives satisfied by ongoing and regular training.

[5] Effectiveness of management performance by ILO and National Project Co-ordinator (NPC), specifically as concerns project staffing and communications.

In discussions with all of the partners the role of the ILO personnel was highly regarded and the partners were satisfied that they had been consulted and involved in the project planning and implementation. We have commented earlier that whilst the unions and APINDO representatives were not part of the project advisory committee and that even though there do not appear to be any negative implications, the Evaluation Team is of the view that the project would have benefited with their inclusion in the development stages.

The Evaluation Team determined that it was appropriate to meet with representatives of some of the partners and the Police Officers in the absence of the ILO project co-ordinator. The consistently expressed view was very positive as to the role of the ILO project co-ordinator who communicated well with all of the partners and who was regarded as being professional with a demonstrated knowledge and understanding of the project subject. The partners expressed the

view that the service provided and the ability to participate satisfied their respective needs.

[6] Effectiveness of project performance monitoring.

The project team undertook a number of activities as part of a monitoring process. Progress reports were created and focus group discussions were held which addressed the progress of the project and considered whether there was any need for a reconsideration of either the content and application of the training or the scheduled dates determined for specific project activities. Project indicators were balanced against the outputs desired. The incorporation of the training into the INP curriculum is a long term objective. That objective is yet to be achieved and whilst all parties see it as a desirable aim its process may take some time.

[7] Lessons learned and best practices.

The Evaluation Team has formed the view that the project was well planned and developed and targeted the appropriate areas. The partners have indicated satisfaction with the delivery and results from the project as far as they can be identified at this time.

It seems to us however that achievement of the project objectives will face problems in implementation if left entirely to the INP. At senior level of the INP it has been indicated that the objectives that the training to provide *“an organizational understanding and institutional capacity to implement the fundamental principles and rights at work”* and to create *“an organizational understanding and institutional capacity to act upon their responsibilities in the handling of the law and order aspects of industrial disputes”* will not be simple tasks due to both a lack of financial and human resources as well as concerns as to when the objectives were likely to be achieved. It was agreed that to incorporate the training into the police curriculum was a preferred objective but that at this stage there is no room within the curriculum to do so.

Nevertheless it was the view of some senior Police Officers that there was a plan to integrate the training into the police curriculum in 2007. In the meantime some of the Master Trainers already provide the training in their current courses and without the support of the project. They invite representatives from all of the partners as resource persons but budgetary restraints limit this training.

A preference was stated by all of the partners for the ILO to continue its involvement with training.

It seems to us that the reputation of the ILO gave the project a status of integrity which was recognized and appreciated by the partners. The work of the Project Advisory team and the implementation of the project by the ILO Project co-ordinator was recognized by the parties as crucial to its success. It may be somewhat premature to leave the training of Police Officers within the domain of the INP without some further assistance and guidance from the ILO. Further, the MOMT should also play a role in providing assistance and guidance, it being the government institution responsible for labour issues.

The project has been well managed and the donor's money has been efficiently and effectively used. The project has gained the respect of the parties at all levels and the work has been undertaken in a diligent manner. The results are sustainable, with the provisos we have noted, and are capable of enhancing and assisting the future development in Indonesia in the area of industrial relations.

The project has achieved its stated objectives in respect to a number of representatives within the target group.

LESSONS LEARNED

This is a unique project which was well targeted and well received. Police, when involved in industrial strikes and demonstrations, find that their role can be blurred and their responsibility to maintain law and order, whilst at the same time recognizing and acknowledging workers rights to protest, can be difficult and challenging. Members of the INP now have the opportunity to undertake training to assist them in defining their role in an industrial dispute and demonstration and to allow them to maintain law and order in accord with their official responsibilities. They are able to refer to and rely on the Guidelines to assist them in their policing role.

However it may be that the objectives to achieve an “*organizational understanding and institutional capacity in respect to the fundamental principles and rights at work and to act upon their responsibilities in the handling of the law and order aspects of industrial disputes*” may have been overly ambitious. The INP has some 300,000 members and progress to train all Police Officers, or as many as are considered necessary, can only be effected over a period of time.

The application of this knowledge will benefit Indonesian society generally and will allow for an orderly resolution of industrial situations.

The ILO is to be congratulated on the creation and delivery of this programme.

ANNEXURES

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ANNEXURE 1

INTERNATIONAL LABOUR ORGANIZATION

(ILO)

SUMMARY PROJECT OUTLINE

PROJECT NUMBER:	INS/03/P15/USA
PROJECT TITLE:	Promoting and Realising Fundamental Principles and Rights at Work to the Indonesian National Police
PROJECT DURATION:	24 months
STARTING DATE:	April 2003
COMPLETION DATE:	February 2005
GEOGRAPHICAL COVERAGE:	Selected provinces in Indonesia
PROJECT SITE:	Jakarta
PROJECT LANGUAGE:	Bahasa Indonesia and English
EXECUTING AGENCY:	ILO
IMPLEMENTING AGENCY:	Indonesian National Police and Ministry of Manpower and Transmigration
ESTIMATED PROJECT COST:	US\$ 500,000
NATIONAL CONTRIBUTION:	In kind

**PROMOTING AND REALISING
FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK
TO THE INDONESIAN NATIONAL POLICE**

A. BACKGROUND AND JUSTIFICATION

1. Socio-Economic Background

There have been significant developments in regard to labour rights in Indonesia in recent years. One of the first steps in the process of labour law reform in Indonesia was the ratification of several ILO Conventions, including the *Freedom of Association Convention*. Indonesia ratified ILO Convention No. 87 on *Freedom of Association and Protection of the Right to Organise* in June 1998. Since that time, Indonesia has ratified all of the fundamental human rights Conventions of the ILO, covering the fields of freedom of association, child labour, discrimination in employment and forced labour.

The need to revise existing laws in order to conform with the obligations under ratified Conventions, together with other pressures for the development of new laws appropriate to the changed political and industrial environment in Indonesia, contributed to the progress with the new laws. Indonesia has introduced new legislation on the establishment and operation of labour unions. The Parliament recently passed a legislation, which provides basic rights and protections for workers. Another legislation, which establishes new mechanisms for the settlement of industrial disputes, is currently before the Parliament.

The *Indonesian National Plan of Action on Human Rights 1998-2003*, which consists of four main pillars, requires the Government to disseminate information and education on human rights. With the assistance of the ILO, the Government of Indonesia has been engaged in a variety of activities to promote a wider understanding within Indonesian society of the Conventions and the obligations that Indonesia has undertaken by ratifying them. The socialisation activities have included the conduct of training sessions and workshops for government officials, including members of the military and the police, employers' and workers' representatives and non-governmental organisations.

There have been some 60 new labour unions established in Indonesia and these unions have been seeking in various ways to protect and advance the interests of their members. At times, this has resulted in industrial action being taken in the form of strikes and/or demonstrations. Workers' activities and other developments in relation to industrial disputes may lead to calls for action to be taken by the National Police. The involvement of military or

the police in industrial disputes raises a variety of issues and has been the subject of public controversy in Indonesia.

Having regard to these developments, it is appropriate for a suitable training package to be developed for the Indonesian National Police on labour rights issues.

2. Problem Identification and Analysis

Given the important role of the National Police in Indonesian society, it is essential that training be provided to appropriate officers in relation to developments in labour laws and labour rights and the handling of industrial disputes. It is inevitable that industrial disputes will occur and it is likely that the police will continue to be called upon to take action in relation to disputes. These calls come from government officials, employers, workers or members of the community. The calls usually relate to concerns about property damage, threats to public order, unfair treatment of workers, protection of workers from mobs engaged to break up worker strikes or protest etc. The action taken or inaction by police may lead to criticisms being made about conduct or improper interference by police in industrial disputes. The Indonesian National Police have also limited understanding of the fundamental principles and rights at work.

Following the Decision of People's Consultative Congress No. VI and No. VII of 2000, the Indonesian Police is no longer part of the Indonesian Armed Forces. The separation of Indonesian National Police from the military has put them in the fore to uphold order and security, to enforce law and to investigate crime, as a part of the criminal justice system. These roles of the Indonesian National Police are stipulated in law No. 2 of 2002 on Indonesian Police.

3. The Response

Following the Direct Contacts Mission of the ILO in August 1998, which aimed at providing technical assistance to the Government of Indonesia to implement freedom of association and collective bargaining principles in law and in practice, the Ministry of Manpower and Transmigration held a series of consultation involving the Ministry, the Indonesian Army and Police and the ILO. The purpose of these consultations were to discuss the roles of the police, which were then part of the armed forces, in dealing with public order issues and the need at times for the limited number of police available to deal with disturbances arising out industrial disputes to be supplemented by military personnel. The Police representatives in these consultations raised the need to train police officers in dealing with strikes and the need to develop skills of officials of Manpower and Transmigration in dealing with the issues of strikes and negotiations and deciding when to call the police

in. These consultations resulted in the proposal to conduct training for military and police officers with respect to human rights and international labour standards and the handling of public and industrial demonstrations where public order might be threatened.

Two workshops on fundamental principles and rights at work for police and military officers were held in November 1999 in Jakarta and in March 2000 in Yogyakarta, involving high and middle rank officers from Jakarta, West Java, Central Java and East Java. The lessons learned from these two workshops included the need to institutionalise and conduct such trainings at the level of regional and district offices of the military/police; the need to establish a core team of trainers; the participation of other organisations which may have more direct experience in the training of police/military in the handling of demonstrations, such as the Indonesian Police Watch and the National Human Rights Commission; and the need for guidelines between the Ministry of Manpower and Transmigration and the military/police on the responsibilities of the various agencies concerning industrial disputes.

To follow up these workshops, the Ministry of Manpower and Transmigration held preliminary discussions with the Indonesian National Police and the ILO. At the meeting, the Ministry outlined the proposed training to be provided to the National Police, including the importance of training about the ILO Conventions; the need for special training for police on Freedom of Association issues; the role of the Police and the Ministry in labour issues and problems, particularly in industrial disputes and demonstrations; the national priorities of the Government, especially those regarding employment and industrial relations; and the need for communication between the Ministry and the Police in relation to industrial matters. The ILO emphasized the importance of the support of the National Police for the training and their involvement in planning the curriculum and training activities.

Having regard to these discussions, a suitable training package needs to be developed for the Indonesian National Police on labour rights issues.

B. PROJECT APPROACH AND STRATEGY

Given the important changes in recent years as a result of the ratification of ILO Conventions and the introduction of new labour laws, it is appropriate that a training programme on labour rights and issues, with special reference to the fundamental principles and rights at work, be developed for Indonesian Police. The training programme aims at bringing Indonesian National Police officers up to date with international and national developments the field of labour and workers' rights. In this way, it is

sought to develop a broader understanding of these rights in one of the key institutions in Indonesian society.

The development of a suitable training program will be carried out in consultation between the Indonesian Police, the Ministry of Manpower and Transmigration and the International Labour Office. The participation of other organisations, which may have more direct experience in the training of police/military, will be considered. The training programme will be closely coordinated with the ILO/USA Declaration Project on *"Promoting and Realising Freedom of Association and Collective Bargaining by Building Trust and Capacity in Industrial Relations (INS/M51/00/USA)."* The project is part of a bilateral technical cooperation project between the Government of the United States of America and the Government of Indonesia on Narcotics Control and Law Enforcement. Modalities of the project are stipulated under the Amendment to the Letter of Agreement on Narcotics Control and Law Enforcement of 23 August 200 between the Government of the United States and the Government of Indonesia signed in Jakarta on 26 February 2003.

The labour rights training for Indonesian National Police will be carried out in Jakarta, North Sumatera, Riau, West Java, Banten, East Java and East Kalimantan. It is expected that this labour rights training will be included in the course curriculum of the National Police Academy and the Police Training Schools. The MOMT and ILO will assist the National Police and the Academy in developing a component on labour rights to be included in the curriculum. Based on the experience with the training, other activities and follow-up work will be determined.

The training aims at informing police officers about various developments in regard to labour rights, including:

- the rights of workers to establish unions and for unions to function in the interests of workers and their families;
- the mechanisms for the resolution of industrial disputes under the existing and new labour laws, including the work of mediators, conciliators, arbitrators and Industrial Tribunal Judges;
- the ILO Conventions ratified by Indonesia, especially the Convention on Freedom of Association; and
- the issues involved in regard to police action in the course of industrial disputes and the international experience of police forces in dealing with such issues.

1. Development Objective

- The creation of a sound, harmonious and fully functioning industrial relations system aimed at promoting economic growth while guaranteeing workers' rights.

2. Immediate Objectives

- At the end of the project, the Indonesian National Police will have an organisational understanding and institutional capacity to implement the fundamental principles and rights at work.

Major indicators

- ✓ 20% increase in the number of police officers who understand the four fundamental principles and rights at work;
- ✓ incorporation of the fundamental principles and rights at work in policy document and curriculum syllabi of the Indonesian National Police.

Means of verification

- ✓ Texts of policy document, syllabi and teaching guides;
- ✓ Focus group discussion with rank and file officers.

Major Outputs

A total of 30 senior police officers, one third of whom are female officers, are trained to be trainers in fundamental principles and rights at work. *Please also refer to similar output under immediate objective 2.*

A total of 500 rank-and file police officers are trained in fundamental principles and rights at work. *Please also refer to similar output under immediate objective 2.*

A component on the fundamental principles and rights at work in curriculum, syllabi and teaching guides of the Indonesian National Police Academy.

Major Activities

Develop a proposal for a training course for trainers in fundamental principles and rights at work.

Organise a one-day workshop for senior police officers from Headquarters and selected Provinces for in-depth planning and

preparation for wider training activities on labour rights for police officers. The Workshop will include presentations from the Indonesian Police, MOMT, ILO, representatives of employers, unions and NGOs and international police expert(s) if necessary.

Identify participants of training for trainers. *Please also refer to similar activity under immediate objective 2.*

Organise and conduct a 3-day training course for trainers for 30 senior police officers, one third of whom are female officers. *Please also refer to similar activity under immediate objective 2.*

Develop a proposal for a training course for 500 rank-and-file police officers in fundamental principles and rights at work.

Identify participants for a five-day awareness-raising workshop for selected police officers in each of the selected provinces. There will be 40 participants, 30% of whom are female officers. *Please also refer to activity under immediate objective 2.*

Organise and conduct twelve (12) awareness-raising workshops. *Please also refer to activity under immediate objective 2.*

Assist the Indonesian Police Academy in the development of a curriculum, syllabi and teaching guides on fundamental principles and rights at work.

- b. At the end of the project, the Indonesian National Police will have an organisational understanding and institutional capacity to act upon their responsibilities in the handling of the law-and-order aspects of industrial disputes.

Major indicators

- ✓ 20% increase in the number of police officers who know their roles in the process of the handling of the law and order aspects of industrial disputes; and
- ✓ Establishment of effective liaison and communication between the Police, the manpower officials, employers and workers.

Means of verification

- Texts of policy document, syllabi and teaching guides relating to the handling of industrial disputes;
- Guidelines between the Ministry of Manpower and Transmigration and the Police Headquarters on the

- responsibilities of the various agencies concerning industrial disputes; and
- Focus group discussion with police officers, employers, workers and manpower officials.

Major Outputs

A total of 30 senior police officers and 20 manpower officials, one third of whom are women, are trained to be trainers in police roles in the handling of the law and order aspects of industrial disputes. *Please also refer to similar output under immediate objective 1.*

A total of 500 selected police officers and manpower officials are trained in police roles in the handling of the law and order aspects of industrial disputes. *Please also refer to similar output under immediate objective 1.*

Guidelines between the Ministry of Manpower and Transmigration and the Police Headquarters on the responsibilities of the various agencies concerning the maintenance of the law and order aspects of industrial disputes.

Major Activities

Develop a proposal and materials for a training course for trainers in police roles in the handling of the law-and-order aspects of industrial disputes.

Identify participants of training for trainers. *Please also refer to similar activity under immediate objective 1.*

Organise and conduct a 5-day training course for trainers for 30 senior police officers and 20 manpower officials. *Please also refer to similar activity under immediate objective 1.*

Develop an awareness-raising programme for 500 selected police officers and manpower officials in police roles in the handling of the law-and-order aspects of industrial disputes.

Identify participants of an awareness-raising workshop for selected police officers and manpower officials. For each training course, there will be 40 participants, 30% of whom are female officers. *Please also refer to similar activity under immediate objective 1.*

Organise and conduct twelve (12) awareness-raising workshops.
Please also refer to similar activity under immediate objective 1.

Assist the Indonesian National Police Academy in the development of curricula, syllabi and teaching guides on police procedures in handling the law-and-order aspects of industrial disputes.

Assist the Ministry of Manpower and Transmigration and the Indonesian National Police in developing guidelines on the responsibilities of the various agencies concerning the handling of the law and order aspects of industrial disputes.

C. TARGET GROUPS AND PARTNERS

1. Direct Project Beneficiaries

Government

- Indonesian National Police;
- The Ministry of Manpower and Transmigration (MOMT)

2. Indirect Project Beneficiaries

Social Partners

- The employers and workers and their organisations in Indonesia

The project will attempt to address the specific problems of building an effective police force focussed on its institutional and legally defined tasks and trusted by employers and workers in the implementation of fundamental principles and rights at work in the industrial relations system in Indonesia. Within the Government, the specific target groups will be different units of the Indonesian National Police in charge of maintaining public order at the district, provincial and headquarters levels. Other government target groups will be the labour officers, charged with the management of labour administration, which includes labour inspectors, conciliators and mediators.

The employers and workers and their organisations will benefit from this project. The project will also direct information campaigns to the public at large that, in the final analysis, are the ultimate beneficiaries.

D. INPUTS

The ILO will provide technical and financial support for the project, including one (1) project coordinator recruited at national expert level who has experience in police/labour matters and law enforcement programme development and one (1) administrative secretary. Provision is also made for the engagement of international and national consultants for short-term assignments for research, training or advisory services as may be required.

The ILO will provide its services for technical backstopping of the project. Experts from ILO Geneva and ILO's multidisciplinary team in Manila, as well as staff of the ILO Jakarta Office, will participate in the task. It is envisaged that ILO experts will be directly involved in at least 30% of the activities to be undertaken.

The Ministry of Manpower and Transmigration and the Indonesian National Police will provide in-kind contribution.

E. INSTITUTIONAL ARRANGEMENT

The project coordinator will be responsible for the administrative, operational, technical supervision and implementation of the different project activities. The project coordinator will report to the Director of the ILO Area Office in Jakarta. The Area Office will provide administrative support for the project. The relevant specialists of the ILO will provide technical backstopping.

Project execution will be based on institutional cooperation between the ILO, the Indonesian National Police, the Ministry of Manpower and Transmigration and representatives of the Government of the United States.

The project will also closely coordinate with the ILO/USA Project on "Promoting and Realising Freedom of Association by Building Trust and Capacity in Industrial Relations" (INS/00/M51/USA) and the International Criminal Investigative Training Assistance Programme of the US Department of Justice.

Representatives of the Indonesian National Police, the Ministry of Manpower and Transmigration, the ILO and the Government of the United States will meet once every three months to review progress towards achievement of the objectives. They will also undertake on-going monitoring of the programme and activities.

Progress will be evaluated in accordance with the measurements of success described above. Information to be considered in conducting the monitoring and evaluation will include qualitative and quantitative data, including feedback from stakeholders and media reporting. A report will be

prepared summarizing the results of these evaluations. These evaluations are in addition to the on-going monitoring mentioned above.

F. IMPLEMENTATION TIMETABLE

The activities will be carried out between April 2003 and February 2005. Detailed implementation timetable will be prepared in consultation with the Indonesian National Police, the Ministry of Manpower and Transmigration, the ILO and the representatives of the Government of the United States. Prior to undertaking the activities, a technical arrangement between the Indonesian National Police, the Ministry of Manpower and Transmigration, the ILO and the Government of the United States will be prepared.

G. BUDGET (in US\$)

1. *Project Personnel*

1.1	National project coordinator	33,600
1.2	International consultants	20,000
1.3	Administrative secretary	21,600
1.4	In-country travel	10,000
1.5	Monitoring and evaluation	25,000
1.6	National consultants	7,500

2. *Training* 281,500

2.1	Seminars	
2.2	Training of trainers	
2.3	Awareness raising workshops	
2.4	Development of curricula, syllabi and teaching guides	
2.5	Development of guidelines concerning the handling of the law and order aspects of industrial disputes	

3. *Equipment*

3.1	Equipment	7,500
3.2	Office rent	12,000

4. *Miscellaneous*

4.1	Operation and maintenance	1,500
4.2	Reporting cost	1,500
4.3	Sundries	9,000

5. *Programme Support (13%)* 55,990

6. *Provision for cost increase* 13,310

Grand Total **500,000**

ILO Conventions

Eight Conventions relating to freedom of association, discrimination, forced labour and child labour provide for basic workers' rights and are regarded as the *fundamental human rights Conventions of the ILO*. Indonesia has ratified all the fundamental human rights Conventions of the ILO:

- Convention No. 29 on Forced Labour;
- Convention No. 105 on the Abolition of Forced Labour;
- Convention No. 87 on Freedom of Association and Protection of the Right to Organise;
- Convention No. 98 on the Right to Organise and Collective Bargaining;
- Convention No. 100 on Equal Remuneration;
- Convention No. 111 on Discrimination in Employment and Occupation;
- Convention No. 138 on Minimum Age;
- Convention No. 182 on the Worst Forms of Child Labour.

A brief summary of the each of these Conventions is set out in following pages.

New Indonesian labour legislation

The outcome of the law reform process has been the submission to Parliament of three new laws:

- The *Workers Union/Labour Union Act* (Act No. 21 of 2000), which is now in operation;
- The *Manpower Act*, which was passed on 25 February 2003; and
- The *Labour Dispute Settlement Bill*, which is before Parliament and expected to be enacted shortly.

These laws provide the framework for the new industrial relations system in Indonesia.

The *Workers Union/Labour Union Act* (Act No. 21 of 2000) was passed by Parliament in July 2000 and came into force on 4 August 2000. The Act gives effect to Indonesia's obligations following the ratification of ILO Convention No. 87 and replaces various Government Regulations on the registration of workers' organizations.

The Act provides for:

- Workers to establish and become members of unions;
- Unions to function in order to protect, defend and improve the welfare of workers and their families;
- Protection for workers against acts of anti-union discrimination and interference.

Unions are required to be registered with the government agency responsible for manpower affairs and must meet certain basic requirements in regard to constitution and by-laws, the rights and obligations of members and officials, financial administration, the holding of property and dissolution.

The *Industrial Dispute Settlement Bill* is currently under consideration in Parliament. The Bill seeks to introduce a more effective regime for the settlement of industrial disputes than has applied under previous legislation in Indonesia.

The new legislation aims to provide for the settlement of industrial disputes in “a simple, quick, fair and inexpensive way”. The legislation provides for the establishment of new institutions for settling disputes. In particular, the new system gives a central role to the Judges of district courts and the Supreme Court who are assigned within their courts to be involved in industrial dispute resolution. At the district court level, the Judges will perform their functions together with ad-hoc Judges appointed on the recommendations of employers and unions. Conciliators and mediators from MOMT will continue to play an important role in seeking to resolve industrial disputes at the first level and before they might need to be referred to the Industrial Tribunal Judges.

The *Manpower Act* deals with a range of employment and industrial relations matters and replaces the *Manpower Act of 1997* (Act No. 25 of 1997). In particular, the Act provides for protection of the basic rights of workers including protection in relation to wages, leave entitlements and termination of employment. It contains important provisions relating to child labour; women’s rights; the regulation of collective bargaining and industrial disputes; and the promotion of labour management cooperation.

FREEDOM OF ASSOCIATION

Convention No. 87

Freedom of Association and Protection of the Right to Organise, 1948

Aim of the standard

The right, freely exercised, of workers and employers, without distinction, to organise for furthering and defending their interests.

Summary of the provisions

Workers and employers, without distinction whatsoever,¹ have the right to establish and to join organisations of their own choosing with a view to furthering and defending their respective interests.

Such organisations have the right to draw up their own constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes. Public authorities shall refrain from any interference, which would restrict this right or impede the lawful exercise of this right.

The organisations shall not be liable to be dissolved or suspended by administrative authority.

Organisations have the right to establish and join federations and confederations, which shall enjoy the same rights and guarantees. The Convention also provides for the right to affiliate with international organisations.

The acquisition of legal personality by all these organisations shall not be subject to restrictive conditions.

In exercising the rights provided for in the Convention, employers and workers and their respective organisations shall respect the law of the land. The law of the land and the way in which it is applied, however, shall not impair the guarantees provided for in the Convention.

¹ Regarding the armed forces and the police, however, national legislation shall determine the extent to which the guarantees provided for in the Convention shall apply.

Convention No. 98

Right to Organise and Collective Bargaining, 1949

Aim of the standard

Protection of workers who are exercising the right to organise; non-interference between workers' and employers' organisations; promotion of voluntary collective bargaining.

Summary of the provisions

Workers shall enjoy adequate protection against acts of anti-union discrimination.

They shall be protected more particularly against refusal to employ them by reason of their trade union membership¹ and against dismissal or any other prejudice by reason of union membership or participation in trade union activities.

Workers' and employers' organisations shall enjoy protection against acts of interference by each other. This protection is extended in particular against acts designed to promote the domination, the financing or the control of workers' organisations by employers or employers' organisations.

Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organise as defined by the Convention.

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the development and utilisation of voluntary collective bargaining to regulate terms and conditions of employment.²

¹ Concerning union security clauses, which have the effect of rendering obligatory trade union membership or the payment of union contributions, the Committee on Industrial Relations, appointed by the International Labour Conference at its 32nd Session to draft this Convention, stated in its report that Convention No. 98 could in no way be interpreted as authorising or prohibiting union security arrangements, such questions being matters for regulation in accordance with national practice.

² The extent to which guarantees provided for in the Convention apply to the armed forces and the police is determined by national laws or regulations. The Convention does not deal with the position of public servants engaged in the administration of the State, nor shall it be construed as prejudicing their rights or status in any way.

PROHIBITION OF FORCED LABOUR

Convention No. 29

Forced Labour, 1930

Aim of the standard

Suppression of forced labour.

Summary of the provisions

The fundamental commitment made by States ratifying the Convention is to suppress the use of forced or compulsory labour in all its forms in the shortest possible time.

A general definition of forced or compulsory labour is given, but the Convention does not apply to five categories of work or compulsory service, subject to certain conditions and guarantees. The five categories are: compulsory military service; certain civil obligations; prison labour; work exacted in cases of emergency; and minor communal services.¹

The illegal exaction of forced or compulsory labour shall be punishable as a penal offence.

¹

As the case may be, cf. the *Special Youth Schemes Recommendation, 1970 (No. 136)*.

Convention No. 105

Abolition of Force Labour, 1957

Aim of the standard

Prohibition of the recourse to forced or compulsory labour in any form for certain purposes.

Summary of the provisions

Under the Convention, States undertake to suppress any form of forced or compulsory labour in five defined cases, namely:

- (a) “as a means of political coercion or education or as a punishment for holding or expressing political views or views ideologically opposed to the established political, social or economic system”;
- (b) “as a method of mobilising and using labour for purposes of economic development”;
- (c) “as a means of labour discipline”;
- (d) “as a punishment for having participated in strikes”;
- (e) “as a means of racial, social, national or religious discrimination”.

EQUALITY OF OPPORTUNITY AND TREATMENT

Convention No. 100

Equal Remuneration, 1951

Aim of the standard

Equal remuneration for men and women for work of equal value.

Summary of the provisions

States having ratified the Convention shall promote and, in so far as is consistent with the methods in operation for determining rates of remuneration, ensure the application to all workers of the principle of equal remuneration for men and women workers for work of equal value.

The Convention shall apply to basic wages or salaries and to any additional emoluments whatsoever, payable directly or indirectly, in cash or in kind, by the employer to the worker and arising out of his or her employment. The Convention defines equal remuneration for work of equal value as remuneration established without discrimination based on sex.

This principle may be applied by means of national laws or regulations, legal machinery for wage determination, collective agreements or a combination of these various means. One of the means specified for assisting in giving effect to the Convention is the objective appraisal of jobs on the basis of the work to be performed.

The Convention provides that governments shall co-operate with employers' and workers' organisations for the purpose of giving effect to its provisions.

Convention No. 111

Discrimination (Employment and Occupation), 1958

Aim of the standard

To promote equality of opportunity and treatment in respect of employment and occupation.

Summary of the provisions

The Convention assigns to each State which ratifies it the fundamental aim of promoting equality of opportunity and treatment by declaring and pursuing a national policy aimed at eliminating all forms of discrimination in respect of employment and occupation.

Discrimination is defined as any distinction, exclusion or preference based on race, colour, sex, religion, political opinion, national extraction or social origin (or any other motive determined by the State concerned) which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. The scope of the Convention covers access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

Member States having ratified this Convention undertake to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with this policy, and to enact legislation and promote educational programmes which favour its acceptance and implementation in co-operation with employers' and workers' organisations. This policy shall be pursued and observed in respect to employment under the direct control of a national authority, and of vocational guidance and training, and placement services under the direction of such an authority.

CHILD LABOUR

Convention No. 138

Minimum Age, 1973

Aim of the standard

The abolition of child labour. The minimum age or admission to employment or work shall be not less than the age of completion of compulsory schooling (normally not less than 15 years).

Summary of the provisions

The ratifying State undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.

The minimum age to be specified in conformity with the Convention shall not be less than the age of completion of compulsory schooling and, in any case, shall not be less than 15 years. Developing countries may initially specify a minimum age of 14 years.

The minimum age shall not be less than 18 years - or 16 years under certain conditions - for any type of employment or work which is likely to jeopardise the health, safety or morals of young persons.

The Convention provides that limited categories of employment or work may be excluded from its application where special and substantial problems of application arise.

The Convention does not apply to work done in schools for general, vocational or technical education or in other training institutions. Likewise, subject to certain conditions, apprentices of more than 14 years of age are not covered by the Convention (Article 6).

Young persons of 13 to 15 years of age - or at least 15 years of age who have not yet finished their compulsory schooling - may be permitted to carry out light work of certain types and under certain conditions to be determined.

Exceptions may be authorised in individual cases for such purposes as participation in artistic performances.

Organisations of employers and workers, where such exist, shall be consulted regarding the above-mentioned measures.

Convention No. 182

Worst Forms of Child Labour, 1999

Aim of the standard

Prohibition and immediate action for the elimination of the worst forms of child labour.

Summary of the provisions

The ratifying States must take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

For the purposes of the Convention, the term “child” applies to all persons under the age of 18, and “the worst forms of child labour” comprise:

- all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom, and forced or compulsory labour, including the use of children in armed conflict;
- the use, procuring or offering of a child for prostitution or pornography;
- the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs;
- work, which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children. The types of such work shall be determined by laws or regulations or by the competent authority after consultation of the organizations of employers and workers concerned, taking into consideration relevant international labour standards. Their list shall be periodically re-examined. The competent authority shall identify where the types of work so determined exist.

Appropriate mechanisms to monitor the implementation of the provisions giving effect to the Convention shall be established or designated.

Programmes of action to eliminate as a priority the worst forms of child labour shall be designed and implemented in consultation with employers' and workers' organizations.

All necessary measures for the effective implementation of the provisions giving effect to the Convention shall be taken, including the provision and application of penal or other sanctions.

Effective and time-bound measures shall be taken to: prevent the engagement of children in the worst forms of child labour; provide direct assistance for their removal and rehabilitation; ensure their access to free basic education; identify and reach out to children at special risk; and take account of the special situation of girls.

ANNEXURE 2

Executive Summary of Report of Baseline Study

By ratifying ILO Conventions, the Indonesian Government is mandated to implement them. In the case of violations of law and in industrial disputes situations that often occurred in the forms of workers strikes or company lockouts, it is the role of the police to control and maintain peace as well as to enforce the law. However, in implementing its duties, the Indonesian National Police (POLRI) has long been using military approaches because institutionally POLRI was part of the Indonesian Armed Forces (ABRI). Such condition was not conducive for law enforcement and maintenance of peace in accordance with the principles of law.

Institutionally, POLRI was separated from ABRI in the year 1997 through Law Number 28 of 1997 on the Indonesian National Police, which was amended by Law Number 2 of 2002. On the other hand, in the field of labour the position of workers, which during the new order regime was considered as the weak party in industrial relations, has been strengthened by the promulgation of Law No. 21 of 2000 on Trade Unions. Moreover, their position was further strengthened through the adoption of Law No. 13 of 2003 on Manpower, which is more responsive to the interest of workers.

It is important to ensure that these changes in the approach of POLRI and the labour legislation, which are inline with the ILO Conventions, are implemented in reality. The study on the knowledge and capacity of POLRI in maintaining security and enforcing the law during industrial disputes was conducted in this context.

Findings of the study suggest the need to further enhance the understanding of police personnel concerning the fundamental principles and rights at work. This is due to the fact that, although in general there seem to be good perspectives, in many cases there still some misperceptions. These cases, in particular concern the age of a child and the role of government in controlling workers' and employers' organizations. In addition, according to the experience of police respondents who have handled industrial dispute cases, the role of police in maintaining security and enforcing the law in such cases mainly focused on preventing crimes as the excess of a workers strike, for example. Nevertheless, they also try to deliver peace.

Institutionally, POLRI has the capacity to implement the function in maintaining peace and enforcing law in industrial dispute situations. This function is guaranteed either explicitly or implicitly by Law on Manpower (Law Number 13 of 2003) or Law on the Indonesian National Police (Law Number 2 of 2002). But such role needs to be improved through training that is suitable for their duties in the field. The current curriculum of education institutions of POLRI has yet to

provide the required professional capacity to implement their functions in handling industrial disputes. What encouraging, however, POLRI is currently undergoing an internal reform of their education curriculum.

Table 1: Knowledge and understanding of the Fundamental Principles (N=23)

Question	Yes	No	Don't Know
Do workers have the rights to join or establish trade unions?	20 (87%)	2 (8.7%)	1 (4.3%)
Do employers have the rights to join or establish employers' association?	19 (82.6%)	4 (17.4%)	-
Do police and military personnel have the rights to join or establish unions?	2 (8.7%)	21 (91.3%)	-
Can the government intervene in the management of workers' and employers' organizations?	6 (26.1%)	16 (69.6%)	1 (4.3%)
Can the government dissolve workers' or employers' organizations?	18 (78.3%)	5 (21.7%)	-
Do workers have the rights to bargain collectively?	18 (78.3%)	5 (21.7%)	-
Do workers have the rights to strike? (N=11)	8 (72.7%)	2 (18.2%)	1 (9.1%)
Do employers have the rights to lockout? (N=11)	7 (63.6%)	2 (18.2%)	2 (18.2%)
Can any individual or institution employ anyone as forced labour?	0	23 (100%)	-
Can the state impose forced labour as a punishment for people who against the state's political and economic ideology?	0	22 (95.7%)	1 (4.3%)
Can the state forcefully employ their citizens to work for economic development?	3 (13%)	20 (87%)	-
Can the state adopt a forced labour policy?	14 (60.9%)	9 (39.1%)	-
Can the state adopt a compulsory military service policy?	13 (56%)	10 (43.5%)	-
Can a superior impose forced labour to his/her indisciplined subordinates?	3 (13%)	20 (87%)	-
Can an employer impose forced labour to punish striking workers?	0	23 (100%)	-
Can children be employed in the worst forms of child labour?	0	23 (100%)	-
Can discriminative remuneration based on sex be applied for equal work?	0	23 (100%)	-
Can discriminative remuneration based on sex be applied for high-risk employment?	4 (17.4%)	19 (82.6%)	-

Table 2: Knowledge and understanding of the police role in industrial dispute situations

Question	Yes	No	Don't Know
Should the police ignore any industrial dispute situations?	0	23 (100%)	-
Should the police refer the case to Manpower officials?	6 (26.1%)	17 (73.9%)	-
Should the police conduct investigation?	8 (34.8%)	15 (65.2%)	-
Should the police try to reconcile the disputing parties?	9 (39.1%)	14 (60.9%)	-

ANNEXURE 3



ILO DECLARATION PROJECT ON POLICE TRAINING (INS/03/M01/USA) “Promoting and Realising Fundamental Principles and Rights at Work to Indonesian Police”

PROVISIONAL PROJECT WORKPLAN (Rev. 4)*

No.	Output	No.	Activity	PIC	Coverage/ Venue	Date/ Time Frame	Remarks
Preparatory and Managerial Activities							
0.1	Project Office	0.1.1	Set up Office, incl. purchase of office automation equipment and furniture.	IF	-	1-25/07/03	Conducted
0.2.	Baseline data on	0.2.1	Enlist national consultant to undertake a baseline survey.	CP	-	6-17/10/03	Conducted

*Based on Version 8 April 2003 SPROUT
Prepared by: CHP
Date: **27/10/04**

No.	Output	No.	Activity	PIC	Coverage/ Venue	Date/ Time Frame	Remarks
	the understanding and institutional capacity of the Polri to implement the FPRW and to act upon their responsibilities in handling LOAD.	0.2.2	Conduct the baseline survey.	Nat. Excol	One district police (Polres) in identified provinces.	18/08/03-05/09/03	Conducted (20 Oct-5 Dec) Team from Dept. of Criminology, FISIP-UI. Mr. M. Mustofa, Mr. Adrianus Meliala, Mr. Kemal Dermawan
0.3	Overall Work Plan of the Project	0.3.1	Three (3) meetings with US-DOS/US Embassy and other international partners based in Jakarta.	CP	Jakarta	1-15/08/03	Conducted
		0.3.2	Three (3) meetings with the Indonesian National Police (INP).	CP	Jakarta	4-29/08/03	Conducted (4 meetings: 3 w/ INP + 1 w/ INP & DOMT; Sep-Oct)
		0.3.3	Two (2) meetings with DOMT and MJHR.	CP	Jakarta	Aug '03	Conducted (1 meeting w/ DOMT; 8Oct)
0.4	Approximately 40 senior police officers, 20 DOMT and 5 MJHR officials, and 10 APINDO and TU officials each are informed about FPRW & LOAD and the Project.	0.4.1	Conduct a one-day seminar on FPRW & LOAD for approx. 100 participants, including senior police officers from Headquarters and selected provinces, officials of DOMT & MJHR, representatives of WO & EO. The seminar will also mark the start of project implementation.	CP/IF/ INP/DOMT	Jakarta	28/01/04	Conducted
0.5	Project Leaflet	0.5.1	Prepare text of the leaflet in consultation with others (OP, GL, MRR, PR and AB).	CP		20/10/03-07/11/03	Conducted (Jan '04)
		0.5.2	Enlist printer to design and print the leaflet.	IF/CP		10-21/11/03	Conducted (27/01/04)
0.6	Project Advisory Team that meets regularly to monitor project implementation and provide guidance.	0.6.1	Appointment of representatives of the INP, DOMT, Donor Country and the ILO who would become members of the Project Advisory Team (PAT).	Respective institutions	Jakarta	Oct-Nov '03	Conducted
		0.6.2	Organize and conduct the first meeting of the PAT to set out roles of the team and frequency of meetings.	CP/IF	Jakarta	18/11/03	Conducted (12/11/03)
		0.6.3	Organize and conduct regular PAT meetings.	CP/IF	Jakarta	Every 2 month	26/02/04 21/05/04 15/09/04

No.	Output	No.	Activity	PIC	Coverage/ Venue	Date/ Time Frame	Remarks
0.7	Project technical and status reports.	0.7.1	Prepare and submit Technical Reports.	CP		Deadlines: 31 Mar 30 Sept	Submission dates: 19/03/04 22/09/04 28/03/05 Oct 05 (As advised by ILO Declaration)
0.8	Project monitoring plan prepared and implemented.	0.8.1	Prepare list of indicators of objectives and means of verification.	CP			
		0.8.2	Prepare monitoring plan.	CP			
		0.8.3	Conduct survey, or other methods of monitoring as indicated in the monitoring plan to gather data on a regular basis.	CP			
		0.8.4	Prepare monitoring report.	CP			
Immediate Objective 1: At the end of the programme, the Indonesian Police will have an organizational understanding and institutional capacity to implement the fundamental principles and rights at work.							
Immediate Objective 2: At the end of the programme, the Indonesian Police will have an organizational understanding and institutional capacity to act upon their responsibilities in the handling of the law and order aspects of industrial disputes.							
1.1 & 2.1	A total of 30 senior police officers, one third of which are female officers, are trained to be master trainers in fundamental principles and rights at work (FPRW), and the handling of law and order aspects of industrial disputes (LOAD).	1.1.1 & 2.1.1	Prepare initial draft training manual and programme on FPRW and LOAD.	Nat. Excols/ ILO	-	Jan 04	Conducted By a team from Sentra HAM-UI, led by Prof. Harkristuti Harkrisnowo w/ inputs from ILO
		1.1.2 & 2.1.2	Conduct 1 (one) brainstorming meeting and 2 (two) consultative workshops with project counterpart and national consultants to revise the draft manual and programme.	Nat. Excols/ ILO/INP/ DOMT/TU/ Apindo	Jakarta	18/02/04 10/03/04 07/04/04	Conducted Conducted Conducted
		1.1.3 & 2.1.3	Finalize Draft 3 of the training manual and programme.	Nat. Excols	-	08-23/04/04	Conducted By Prof. H.H. & team in cooperation w/ Soc. Psy. Consultant, Ms. Damona P.

No.	Output	No.	Activity	PIC	Coverage/ Venue	Date/ Time Frame	Remarks
		1.1.4 & 2.1.4	Identify participants for training of master trainers. There will be 30 police officers and/or trainers from provincial police (Polda) in Jakarta, W. Java, Banten, E. Java, C. Java & N. Sumatra or police education institutions in headquarters and the provinces. 30% of the participants are female.	ILO/INP	Jakarta	Mar-Apr '04	Conducted Through Psy. Test. 8 female participants
		1.1.5 & 2.1.5	Organize and conduct a 5-day training course for 30 potential master trainers.	Nat. Excols CP/INP/ ILO/DOMT	Jatiluhur	26-30/04/04	Conducted SM & TS were involved.
		1.1.6 & 2.1.6	Evaluate and refine the training manual and programme.	Nat. Excols/ ILO/INP	Jakarta	May-Jul '04	Conducted ILO specialists were involved.
		1.1.7 & 2.1.7	Organize and conduct a one-day refresher course for the same 30 potential master trainers	Nat. Excols CP/IF/INP	Denpasar	27-28/08/04	Conducted SM and TS were involved.
		1.1.8 & 2.1.8	Organize a one-day validation workshop on the training of master trainers programme.	ILO/ITC-Turin	Jakarta	30/08/04	Conducted Veronique Marleau from ITC. SM and TS were involved.
		1.1.9 & 2.1.9	Organize a three-day consolidation training for the master trainers.	CP	Jakarta	11-13/10/04	Conducted Oktavianto Pasaribu (OP), Arum Ratnawati (AR), SM and DOMT Officials as trainers.
		1.1.10 & 2.1.10	Print 100 and 50 copies, respectively, of Indonesian and English versions of Training Manual on fundamental principles and role of police in industrial disputes.	Nat. Excols	Jakarta	Aug '05	Conducted
		1.1.11 & 2.1.11	Distribute 30 copies of the Indonesian version of the Training Manual to Master Trainers.	IF/INP	Selected provinces	Sept '05	Conducted
1.2 & 2.2	A total of 560 selected police officers are trained in FPRW & LOAD.	1.2.1 & 2.2.1	Prepare Draft awareness-raising programme on FPRW & LOAD for district and provincial police.	CP	-	Jun '04	Conducted
		1.2.2 & 2.2.2	Conduct 2 (two) three-day awareness-raising training for 40 district police as tryout.	Master Trainers/ Nat. Excols/ CP/IF/ INP	Puncak Jogyakarta	27-29/07/04 2-4/08/04	Conducted Conducted TU and Apindo reps. were involved as participants in Puncak tryout.

No.	Output	No.	Activity	PIC	Coverage/ Venue	Date/ Time Frame	Remarks
		1.2.3 & 2.2.3	Conduct 2 (two) one-day briefing on FPRW and LOAD for 15 provincial police as tryout.	CP	Jogyakarta Semarang	05/08/04 06/08/04	Conducted Conducted
		1.2.4 & 2.2.4	Finalize Draft awareness-raising programme on FPRW & LOAD for selected police officers.	Nat. Excols/ ILO/INP	-	28/08/04	Conducted Based on discussion in refresher training.
		1.2.5 & 2.2.5	Identify participants for the workshops and briefing. Approximately a total of 700 police officers from selected sub-district, district and provincial levels in the covered provinces, 30% of which are female officers.	Nat. Excols/ ILO/INP	Jakarta	Jun '04	Conducted TU, Apindo & Manpower Reps. will be involved as participants.
		1.2.6 & 2.2.6	Organize and conduct 2 (two) three-day awareness-raising training for district police in each province.	Master Trainers CP/IF/INP	Jakarta Bandung Cirebon Medan Surabaya Jogyakarta Semarang Makassar Pekanbaru Batam Balikpapan	1-3/03/05 7-9/06/05 14-16/12/04 10-12/05/05 22-24/11/04 31/05-2/06/05 7-9/12/04 3-5/05/05 22-24/02/05 15-17/03/05 7-9/03/05 2-4/08/05 29-31/03/05 14-16/06/05 5-7/04/05 26/28/05	All Conducted Reps. from TU, APINDO, and Manpower offices, & selected Chief of Sub-District Police were involved as participants. As requested by the INP, the provinces of S. Sulawesi, Riau & E. Kalimantan were added.
		1.2.7 & 2.2.7	Conduct 1 (one) one-day briefing on FPRW and LOAD for 15 provincial police in each province.	CP/ILO	Jakarta Bandung Medan Surabaya Jogyakarta Semarang Makassar Pekanbaru Balikpapan	4/03/05 17/12/04 25/11/04 10/12/04 5/08/04 6/08/04 10/03/05 1/04/05 8/04/05	All Conducted Additional briefing can be organized when appropriate.

No.	Output	No.	Activity	PIC	Coverage/ Venue	Date/ Time Frame	Remarks
		1.2.8 & 2.2.8	Organize inauguration ceremony for the Master Trainers.	ILO/INP	Jakarta	30/09/05	Conducted Each MT will get a special pin to be attached by the ILO Jakarta Director.
1.3 & 2.3	Curriculum syllabi on FPRW & LOAD. <i>NOTE: Activities on development of course syllabus has been postponed as per the suggestion of the Project counterpart in the INP that incorporation of such course in the curriculum is not possible. However, the Project is seeking other alternatives to implement the activities.</i>	1.3.1 & 2.3.1	Prepare Draft 0 of curriculum syllabi on FPRW & LOAD.	Nat. Excol/ ILO		May-Jun '04	
		1.3.2 & 2.3.2	Conduct one-day technical meeting and one-day technical workshop to gather inputs from Polri, the tripartite constituents and other government institutions.	Nat. Excol/ ILO/INP		17+24/06/04	
		1.3.3 & 2.3.3	Prepare Draft 1 of curriculum syllabi and conduct a one-day technical meeting to gather inputs from Polri, the tripartite constituents and other government institutions as appropriate.	Nat. Excol	Jakarta	Jul '04 11-12/08/04	
		1.3.4 & 2.3.4	Prepare Draft 2 of curriculum syllabi and conduct a one-day technical meeting to gather inputs from Polri, the tripartite constituents and other government institutions as appropriate.	Nat. Excol/ ILO/INP	Jakarta	Aug-Nov '04 14/12/04	
		1.3.5 & 2.3.5	Prepare Draft 3 of curriculum syllabi and conduct a one-day technical meeting to gather inputs from Polri, the tripartite constituents and other government institutions as appropriate.	Nat. Excol ILO/INP	Jakarta	Jan-Feb '05 08/03/05	
		1.3.6 & 2.3.6	Organize and conduct a two-day workshop with officials from Polri, DOMT, to finalize the curriculum syllabi and police guideline.	Nat. Excols CP/IF	Jakarta	5-6/04/05	
2.4	Police guideline on the maintenance of the law and order aspects of industrial disputes.	2.4.1	Prepare Draft 0 of the police guideline on handling the law and order aspects of industrial disputes.	ILO		Nov-Dec '03	Conducted Developed by Carmelo Noriel (CN) based on the Philippines model.
		2.4.2	Conduct one-day technical meeting to gather inputs from the INP and prepare Draft 1 of the Guidelines.	ILO/INP	Jakarta	08/09/04	Conducted
		2.4.3	Conduct a one-day technical meeting to gather inputs from the INP and DOMT and prepare Draft 2 of the Guidelines.	ILO/INP	Jakarta	29/09/04	Conducted

No.	Output	No.	Activity	PIC	Coverage/ Venue	Date/ Time Frame	Remarks
		2.4.4	Conduct a one-day technical meeting to gather inputs from the INP, DOMT, as well as trade unions and APINDO and prepare Draft 3 of the Guidelines.	ILO/INP	Jakarta	04/11/04	Conducted
		2.4.5	Conduct a two-day workshop with officials from the INP to finalize the Guidelines. Conduct a one-day technical meeting to gather inputs from the INP, DOMT, as well as trade unions and APINDO and prepare Final Draft (Draft 4) of the Guidelines.	ILO/INP	Jakarta Jakarta	21-22/12/04 11/01/05	Canceled Conducted
		2.4.6	Organize launching of the Guideline by the Chief of INP.	ILO/INP	Jakarta	Jan '05	Conducted (19/04/05)
		2.4.7	Print 26,500 and 1,000 copies, respectively, of the Indonesian and English versions of the Guideliens.	ILO	Jakarta	Jul '05	Conducted
		2.4.8	Distribute 25,000 copies of the Indonesian version of the Guidelines to identified police officers from Headquarters to sub-district levels throughout Indonesia.	ILO	All Provinces in Indonesia	Aug '05	Conducted

ANNEXURE 4

FINAL EVALUATION ILO DECLARATION PROJECT ON PROMOTING AND REALIZING FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK TO THE INDONESIAN NATIONAL POLICE

Indonesia, 27 February-3 March 2006

TERMS OF REFERENCE

Project Rationale

Through its labour law reform programme initiated in 1998, the Government of Indonesia ratified all eight of the ILO fundamental Conventions by the year 2000 and adopted three new and modern labour laws, namely; Law No. 21/2000 on Trade Unions, Law No. 13/2003 on Manpower, and Law No. 2/2004 on Industrial Disputes Settlement. Meanwhile, the Indonesian National Police (INP) has undergone a number of reform efforts towards independent civilian police force since the year 2000, when which it was separated from then the Armed Forces of the Republic of Indonesia (ABRI). Articles 2 and 4 of Law No. 2/2002 on the Police Force of the Republic of Indonesia stipulates main responsibilities of police as to serve, protect, guard the community, and enforce law while upholding human rights.

The three new labour laws have created a new structure of industrial relations system that requires changes of perspectives and attitudes of the tripartite constituents towards industrial disputes. In different industrial dispute situations, the Police has continue been called upon by government officials, employers, workers or members of the community to take action in relation to concerns about property damage, threats to public order, unfair treatment of workers, protection of workers from mobs engaged to break up worker strikes or protest etc.

The action taken or inaction by police may lead to criticisms being made about conduct or improper interference by police in industrial disputes that can lead to mismanagement of industrial disputes and even violation of the fundamental principles and rights at work that can result in losses for the enterprises and workers concerned, can lead to violence and property damage, and can deter foreign and domestic investment, which would create more jobs opportunities.

Project Framework and Current Status

Given the important role of the Indonesian Police, the project was developed as part of a broader bilateral technical cooperation between the United States of America and Indonesian Governments. This United States Department of States (USDOS)-sponsored project started implementing its programmes on 1 August 2003 with a total budget of USD500,000, covering six provinces in Indonesia, namely North Sumatra, Jakarta, West Java, Banten, East Java, and Central Java. In January 2005, the INP requested Riau, South Sulawesi and East Kalimantan provinces to be included in the project coverage.

Main purposes of the project would be enhancing the understanding and capacity of the INP to conduct its mandate in industrial disputes situations according to relevant national laws and provisions of the ILO fundamental Conventions, in particular Convention on Freedom of Association and Protection of the Right to Organize, 1948 (No. 87) and the Right to Organize and Collective Bargaining Convention, 1949 (No. 98).

The development objective of the project is to contribute in the creation of a sound, harmonious and fully functioning industrial relations system aimed at promoting economic growth while guaranteeing workers' rights.

Immediate objectives, major outputs and indicators of the project are as follow:

Outputs	Indicators
Immediate Objective 1: At the end of the project, the Indonesian National Police will have an organisational understanding and institutional capacity to implement the fundamental principles and rights at work.	
<ul style="list-style-type: none">▪ A total of 30 senior police officers, one third of whom are female officers, are trained to be trainers in fundamental principles and rights at work. <i>Please also refer to similar output under immediate objective 2.</i>▪ A total of 500 rank-and file police officers are trained in fundamental principles and rights at work. <i>Please also refer to similar output under immediate objective 2.</i>▪ A component on the fundamental principles and rights at work in curriculum, syllabi and teaching guides of the Indonesian National Police Academy.	<ul style="list-style-type: none">▪ 20% increase in the number of police officers who understand the four fundamental principles and rights at work.▪ Incorporation of the fundamental principles and rights at work in policy document and curriculum syllabi of the Indonesian National Police.

Immediate Objective 2: At the end of the project, the Indonesian National Police will have an organisational understanding and institutional capacity to act upon their responsibilities in the handling of the law-and-order aspects of industrial disputes.

<ul style="list-style-type: none"> ▪ A total of 30 senior police officers and 20 manpower officials, one third of whom are women, are trained to be trainers in police roles in the handling of the law and order aspects of industrial disputes. ▪ A total of 500 selected police officers and manpower officials are trained in police roles in the handling of the law and order aspects of industrial disputes. ▪ Guidelines between the Ministry of Manpower and Transmigration and the Police Headquarters on the responsibilities of the various agencies concerning the maintenance of the law and order aspects of industrial disputes are adopted. 	<ul style="list-style-type: none"> ▪ 20% increase in the number of police officers who know their roles in the process of the handling of the law and order aspects of industrial disputes. ▪ Establishment of effective liaison and communication between the Police, the manpower officials, employers and workers.
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In this framework, the project conducted a series of sensitization training to raise the police awareness concerning fundamental principles and rights at work, and the role of police in industrial disputes situations involving workers' strikes and demonstrations or company lockouts. A training of police master trainers was also conducted to build institutional training capacity within the INP. These master trainers were the ones who presented the materials in the sensitization training.

Furthermore, the project developed Guidelines on the Conduct of Indonesian National Police in Handling Law and Order in Industrial Disputes through a series of consultation meeting with the tripartite constituents. The Guidelines was adopted by the Chief of INP on 24 March 2005 to provide clear guidance on how the police should conduct their proper mandate in real industrial dispute situations.

No mid-term evaluation took place during the course of project implementation.

Purpose of Evaluation

The purpose of the final evaluation is to:

- a) determine if the project has achieved its stated objectives and explain why/why not;
- b) assess and document the effects of project activities and outputs on target groups;
- c) assess the likelihood of sustaining project outputs;
- d) report on lessons learned and best practices;
- e) identify needs for follow up programmes

To achieve the evaluation's purpose, the Evaluation Team shall examine the following key evaluation questions (see Section VI below):

- Validity of project strategy, objectives and assumptions
- Impact/benefits accrued to the target groups
- Implementation status, specifically as concerns planned activities, materials, schedule and budget
- Sustainability of project results
- Effectiveness of project management
- Effectiveness of project performance monitoring

In addition, the final evaluation should identify lessons learned from project implementation that might inform the potential design and implementation of similar projects in the future.

Evaluator

An independent evaluator with: specific skills in international project evaluation; preferably with experience in Indonesia; and familiar with international project implementation; industrial relations, and main responsibilities of modern civilian police in general and in labour issues.

Evaluation Team

The evaluation team will be comprised of: (i) the independent evaluator, and (ii) one representative from the ILO/DECLARATION. The independent evaluator will serve as the team leader of the evaluation team.

The Team Leader is responsible for conducting the evaluation according to the terms of reference (TOR). He/she will:

- Review the TOR and provide input, as necessary;
- Review project background materials (e.g., project document, progress reports).
- Review the evaluation questions and work with ILO/DECLARATION representative to refine the questions, as necessary;

- Develop and implement an evaluation methodology (i.e., conduct interviews, review documents) to answer the evaluation questions;
- If necessary, conduct preparatory teleconference with USDOS representative in Jakarta, ILO Jakarta, ILO/DECLARATION (and the project field staff via conference call if available) prior to the evaluation mission;
- Prepare an initial draft of the evaluation report, circulate it to USDOS and the ILO/DECLARATION for comments, and prepare the final report.

ILO/DECLARATION Representative is responsible for:

- Reviewing and approving the TOR and providing input, as necessary;
- Providing project background materials as requested;
- Reviewing the evaluation questions and working with the evaluator to refine the questions, as necessary;
- Participating in preparatory teleconference prior to the evaluation mission;
- Scheduling all meetings in collaboration with field staff;
- Assist in the implementation of the evaluation methodology, as appropriate (i.e., participate in interviews, review documents, observe committee meetings) in a way as to minimize bias in evaluation findings;
- Reviewing and providing comments on the evaluation report

Key Evaluation Questions (illustrative questions/topics are in italics)

The final evaluation will:

1. Evaluate the validity of the project strategy, objectives and assumptions

Were the project strategy, objectives and assumptions appropriate for achieving planned results? Why or why not?

Did the INP, MOMT, employers' and workers' organizations, and project advisory committee members understand the project's objectives and approach? Did they support the objectives

2. Assess impact/benefits accrued to target groups

Describe any impacts that the project has had on the following:

- *Police understanding of fundamental principles and rights at work, in particular the rights of workers and employers to organize and bargain collectively.*
- *Police, workers, employers and Manpower officials understanding on the role of police in industrial disputes situations involving workers' strikes and demonstrations or companies lockouts.*
- *Capacity of police master trainer to conduct training on fundamental principles and the role of police in industrial disputes.*
- *Capacity of the INP to organize and conduct training on the topics.*

- *Actual improvements of the police conduct in handling law and order in industrial disputes situations.*
 - *Actual improvement in communication between the police and tripartite constituents.*
3. Evaluate final implementation status, specifically as concerns planned activities, materials, schedule and budget

To what extent were the planned activities implemented on time and within budget to the target audiences, in relation to the original project document and the revised workplan? What obstacles were encountered? Were training programs, seminars, workshops, manuals and other project materials adapted to project needs and the country situation? Were they well received and well produced? Where they effective?

4. Sustainability of project results

Evaluate the project's sustainability plan. What project components or results will likely be sustained over time and how? What would need to be done to sustain the other project components?

5. Assess the effectiveness of management performance by ILO and NPC, specifically as concerns project staffing and communications

How well did the project manage its personnel and communicate with stakeholders? Do partners feel the project met their needs in terms of services and participation in project planning?

6. Effectiveness of project performance monitoring

What type of project performance monitoring system was used? What data was collected and how? Was this system cost-effective, practical and useful to project management?

7. Lessons learned and best practices

Discuss lessons learned and best practices, especially those regarding:

- *Developing and implementing training programme for police officers*
- *Conditions necessary to improve the police capacity in handling industrial disputes situations*

Evaluation Methodology

Document Review. The evaluator will review the following documents before conducting any interviews or trips to the region.

- Project Document
- Quarterly reports
- Reports from events
- Training Materials from the events
- Strategic Framework and PMP
- Work plans
- Any other relevant documentation

Pre-Trip Meeting. The evaluator will have a pre-trip conference call with ILO Geneva project staff and ILO Jakarta. The objective of the call is to reach a common understanding among the evaluator, stakeholders and project implementers regarding the status of the project, the priority evaluation questions, the available data sources and data collection instruments and an outline of the final evaluation report. The following topics will be covered: status of evaluation logistics, project background, key evaluation questions and priorities, data sources and data collection methods, roles and responsibilities of evaluation team, outline of the final report.

Individual Interviews. Individual interviews will be conducted with the following:

- a. USDOS Project Manager (by phone if necessary)
- b. ILO Project Staff in Geneva and in the region (by phone if necessary)
- c. Randomly selected individuals from the following groups:
 - Workers and employers who have received training
 - Employer groups, unions, NGO's that have received training or otherwise worked with the project
 - Police officers who have received training.
 - Manpower Ministry staff who have worked with the project
 - US Embassy
 - Officials from other relevant development organizations

Field Visit. Meetings will be scheduled in advance of the field visits by the ILO project staff, in accordance with the evaluator's requests and consistent with these terms of reference. Interviews conducted at these sites will be carried out by the Team Leader who will determine if it is appropriate for other evaluation team members to be present.

Debrief in Field. The final day of the field visit, the evaluator will present preliminary findings, conclusions, and recommendations to the ILO staff and if time permits possibly debrief stakeholders such as employer, government, union representatives and the U.S. Embassy Staff.

Duration and Milestones of Evaluation

The following is a schedule of tasks and anticipated duration of each:

Tasks	Work Days
--------------	------------------

Preparatory Research	4	Before trip 27 February-3 March 2006
Field Research	5	
Travel days	2	
Draft Report	5	
Finalization of Document	5	
<hr/>		
21		

Deliverables

Pre-Evaluation conference call with Evaluation Team Leader, USDOS project manager, and ILO staff to discuss roles, responsibilities, and TOR.

Draft Report that outlines general findings by 17 March 2006.

A Final Report, original plus 5 copies, will be submitted to USDOS and ILO by 31 March 2006, after receiving final comments from USDOS and ILO. The final report should also be submitted to USDOS and ILO electronically.

Report

The final version of the report will follow the format below (page lengths by section illustrative only) and be no more than 20 pages in length, excluding the annex:

1. Title page (1)
2. Table of Contents (1)
3. Executive Summary (2)
4. Acronyms (1)
5. Background and Project Description (1-2)
6. Purpose of Evaluation (1)
7. Evaluation Methodology (1)
8. Project Status (1-2)
9. Findings and Conclusions
This section's content should be organized around the TOR questions, and include the findings and conclusions for each of the subject areas to be evaluated.
10. Lessons Learned

Annex

- Strategic Framework
- Project Document
- Project PMP
- Project Workplan
- TORs for Project Evaluation
- List of Meetings and Interviews

- Other relevant documents

ANNEXURE 5



PROMOTING AND REALIZING FUNDAMENTAL PRINCIPLES AND RIGHTS AT WORK TO THE INDONESIAN NATIONAL POLICE (INS/03/M01/USA)

PROJECT FINAL EVALUATION

MISSION PROGRAMME* Indonesia, 27 February-3 March 2006

Date/Time	Programme	Venue	Remarks
Sun, 26/02/06			
TBA	Arrival in Jakarta	Airport	ILO Jakarta to arrange Airport Pick-Up
TBA	Hotel Check In	Sari Pan Pacific	TBC
Mon, 27/02/06			
09:00-10:00	Meeting with Director of ILO Jakarta Office, Mr. Alan Boulton	ILO Jakarta Office	w/ Project NPC
10:30-11:00	Meeting with First Secretary of the US Embassy in Indonesia, Mr. Mark Clark	US Embassy	
11:30-12:00	Courtesy call to the Vice Chief of Indonesian National Police, Com. Gen. Adang Daradjatun	INP-HQ	w/ Mr. Boulton
12:00-13:00	Lunch		
13:30-14:30	Meeting with Head of Training Development Division, Senior Commissioner Luther Pinda and staff	INP-HQ	w/ Master Trainers: Mr. Supardjiono and Ms Ratna
15:00-15:30	Meeting with Director of Labour Norms of MOMT, Mr. Syarifuddin Sinaga and staff	MOMT	w/ Mr. Haryadi Agah
15:45-16:15	Meeting with Head of Industrial Dispute Prevention Division of MOMT, Mr. Darmanto and staff	MOMT	w/ Mr. S. Harry Suryatna
16:30-17:00	Meeting with Secretary General of Ministry of Manpower and Transmigration (MOMT), Mr. Harry Heriawan Saleh	MOMT, 2 nd Floor	w/ Ms. Endang Sulistyaningsih and Ms. Myra Hanartani
Tue, 28/02/06			
09:00-10:00	Meeting with Secretary General of the Employers' Association of Indonesia (APINDO), Mr. Djimanto	APINDO Office	w/ Mr. Anthony Hilman and Ms. Titi
10:30-12:00	Meeting with Official of: the Confederation of Indonesian Prosperity Trade Union (KSBSI), Mr. Idin Rosidin;	ILO Jakarta Office	

*Completed version

Date/Time	Programme	Venue	Remarks
12:00-13:00	Lunch		
13:00-16:15	Depart to Makassar, South Sulawesi	Airport	
17:15	Hotel Check-In in Makassar	Quality	
Wed, 01/03/06			
09:00-10:00	Courtesy call to the Chief of S. Sulawesi Police, Insp. Gen. Aryanto Boedihardjo	S. Sulawesi Police HQ	w/ relevant staff
10:30-12:00	Meeting with 15 training participants from police and the tripartite representatives	S. Sulawesi Police HQ	
12:00-13:00	Lunch and Hotel Check-Out	Hotel	
15:45-20:50	Depart to Medan, North Sumatra	Airport	
21:30	Hotel Check-In in Medan	Novotel	
Thu, 02/03/06			
09:00-10:00	Meeting with Head of Training Development of N. Sumatra Police, Police Superintendent Legianawati	N. Sumatra Police HQ	
10:30-12:00	Meeting with 10 training participants from police and the tripartite representatives	N. Sumatra Police HQ	w/ Master Trainers: Mr. Ramli Sitorus
12:00-13:00	Lunch and Hotel Check-Out		
15:00-16:30	Depart to Jakarta	Airport	
18:00	Hotel Check-In in Jakarta	Sari Pan Pacific	
Fri, 03/03/06			
09:00-10:00	Meeting with Field Representative of American Center for International Labor Solidarity (ACILS), Mr. Rudy Porter	ACILS Office	
10:30-11:30	Meeting with official of Indonesian Trade Unions Congress (KSPI), Ms. Sofiati Mukadi	ILO Office	
12:00-13:30	Lunch		
15:00-16:00	Meeting with Director of Industrial Dispute Settlement, Mr. Gandi Sugandi	MOMT	
17:00-18:00	Debriefing with ILO Jakarta Office and Police Project Staff	ILO Jakarta Office	w/ Mr. Boulton, Project NPC and Mr. Carmelo Noriel
Sat, 04/03/06			
TBA	Hotel Check-Out	Sari Pan Pacific	
TBA	Depart from Jakarta	Airport	ILO Jakarta to arrange transport to Airport

5

Expected Impact**Immediate Objective 1**

INP organizational understanding and institutional capacity to implement FPRW.

Immediate Objective 2

INP organizational understanding and institutional capacity to handle the law and order aspects of industrial disputes (LOAD).

Components on FPRW and procedures in handling the LOAD in curriculum, syllabi and teaching guides of the INP academy, university and staff school.

Police Operational Guidelines on Handling Industrial Disputes.

4

Conduct 2-day technical workshop with senior police officers to finalize the curriculum & guidelines. (May involve representatives from EO, WO and related Govt. officials.)

Conduct four 1-day technical meetings to gather inputs from stakeholders on the curriculum and guidelines.

Develop drafts of curriculum for the INP academy, univ. and staff school that incorporate FPRW and LOAD.

Develop drafts Police Guidelines on Handling Industrial Disputes.

3

Workshop Program

Conduct fourteen 3-day workshops in FPRW and LOAD for 40 police officers from district police (Polres) in each workshop.

Develop awareness-raising Programme in FPRW and LOAD.

560 police officers are trained in FPRW and the police roles in the handling of LOAD.

2

ToT Program

Conduct a 5-day TOT in FPRW and LOAD for 30 police officers and/or trainers from provincial police (Polda).

Develop TOT programme on FPRW and LOAD.

30 police officers/trainers, one third of which are female officers, are trained to be trainers in FPRW and the police roles in the handling of LOAD.

Seminar Program

Conduct 1-day seminar on FPRW & LOAD for high-ranking officials from Polri, Depnakertrans, TU, Apindo at HQ and prov.

Develop a programme for 1-day seminar on FPRW & LOAD for High-Ranking Police officers at HQ and prov.

100 high-ranking officials from Polri, the tripartite constituents & other govt. institutions briefed on FPRW, LOAD, and the Project.

Training Proposal

Develop training proposal in FPRW.

Develop training proposal in LOAD.

Training Proposal

1

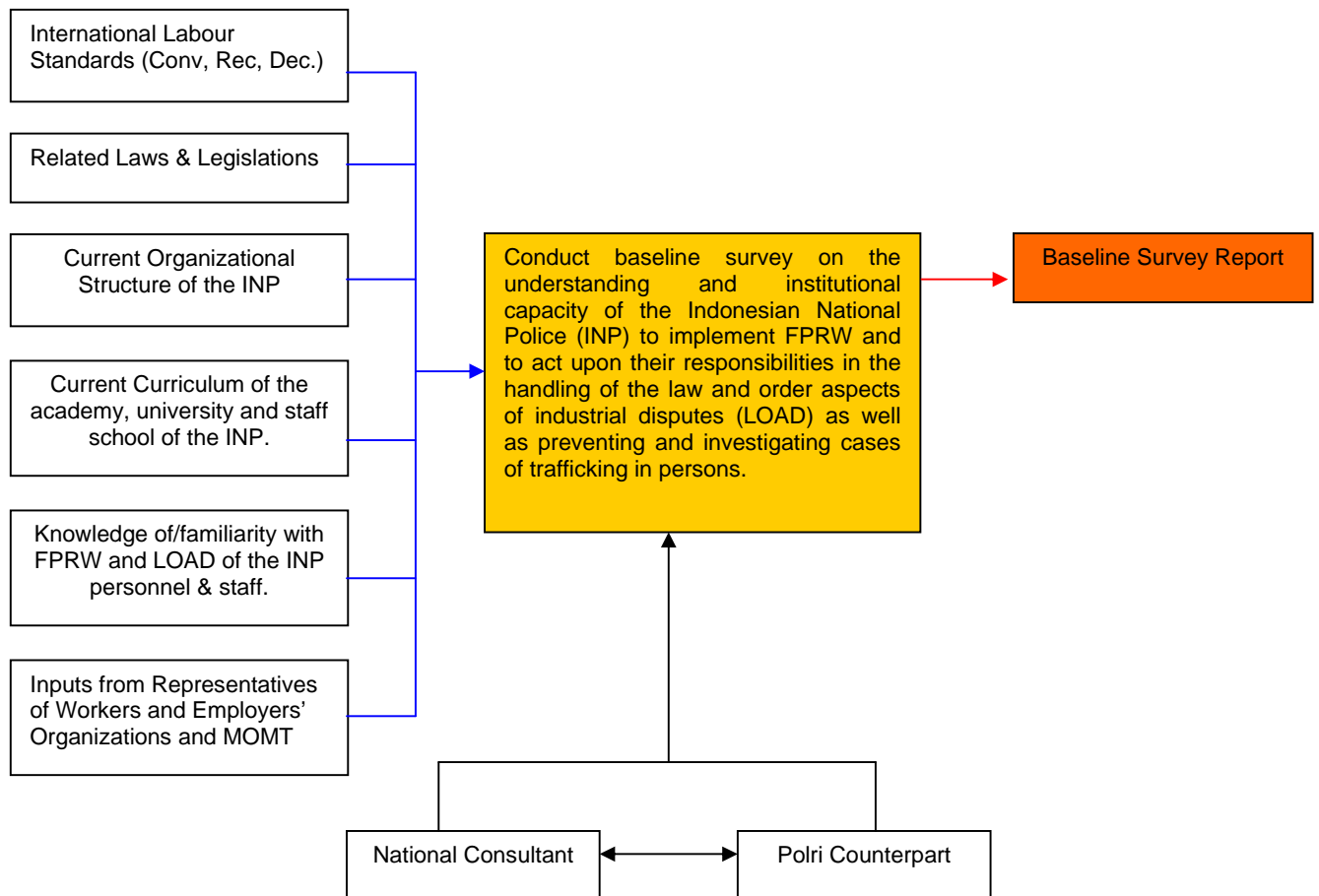
Survey Report

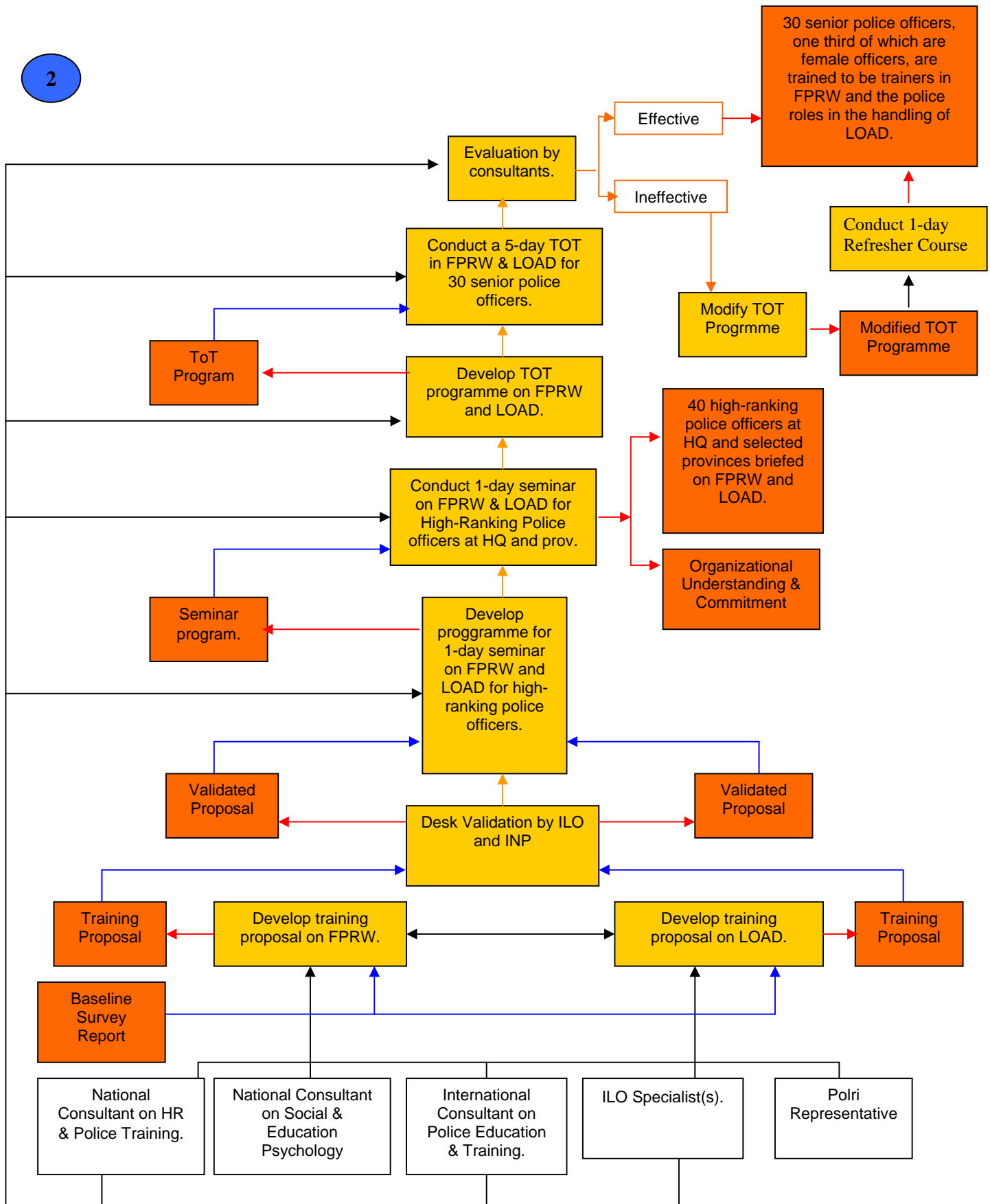
Conduct baseline survey on the understanding and institutional capacity of the INP to implement FPRW and to act upon their responsibilities in the handling of the law and order aspects of industrial disputes (LOAD).

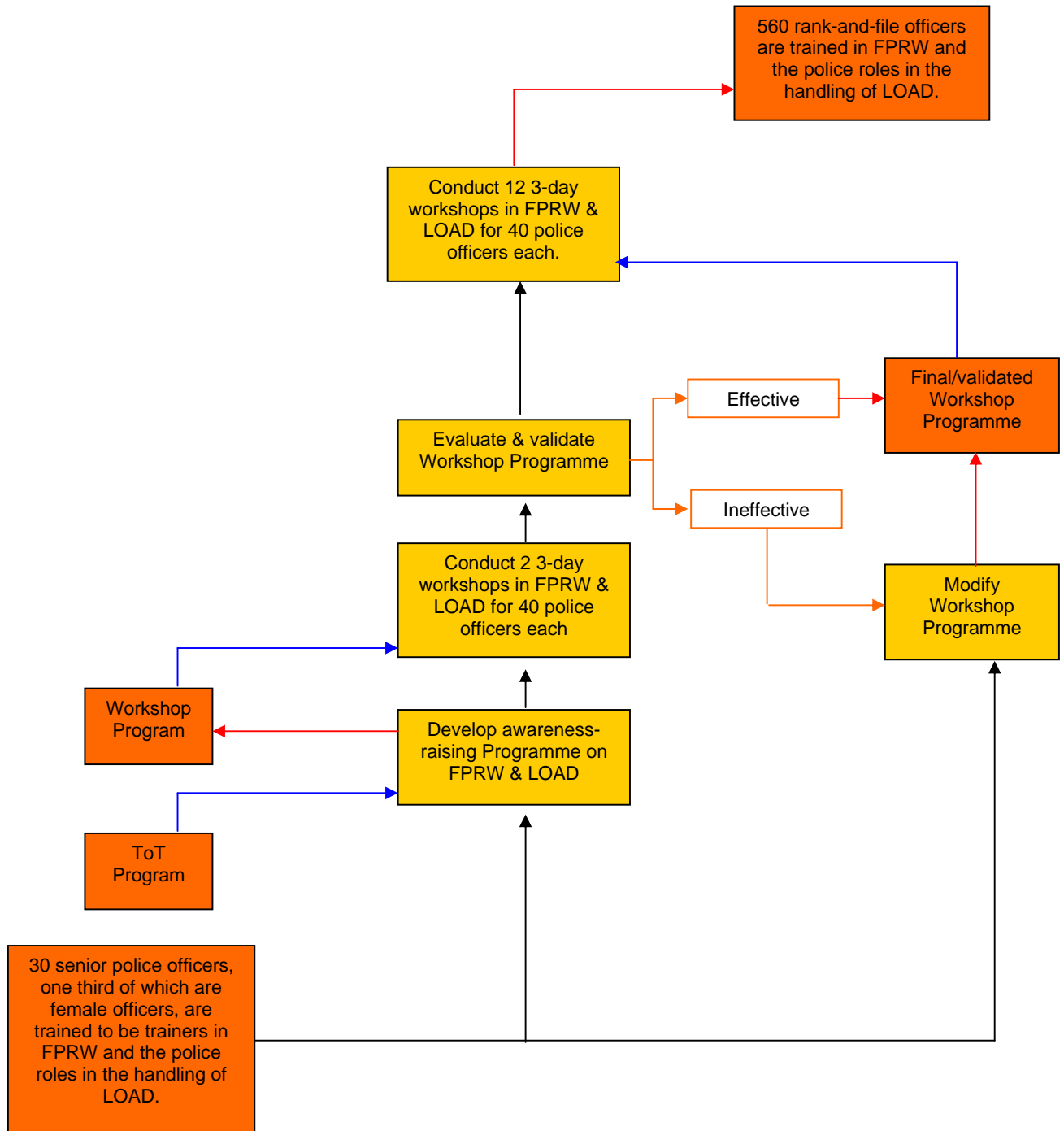
Int. & Nat. Consultants, ILO Official(s) and Polri Counterpart.

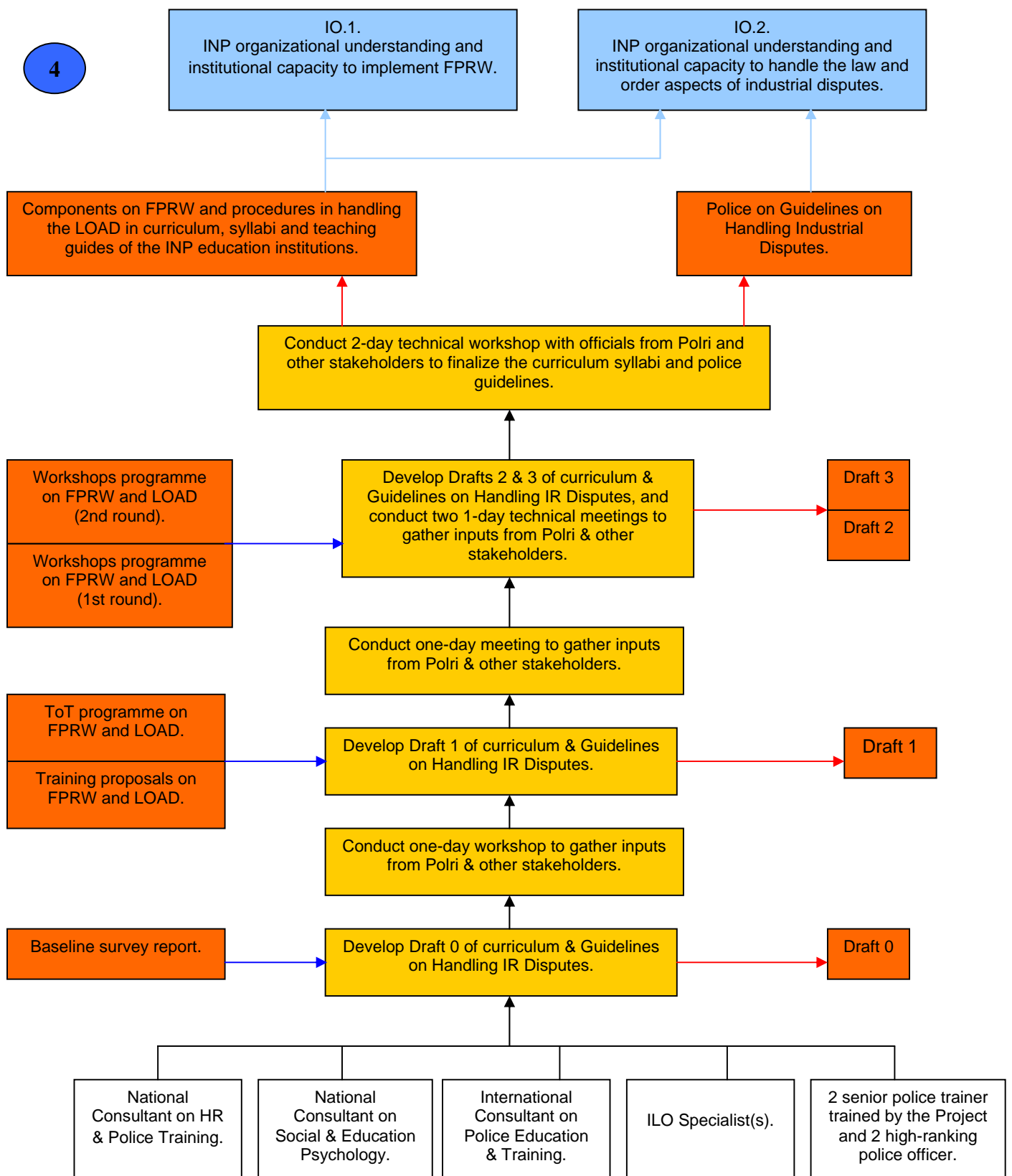
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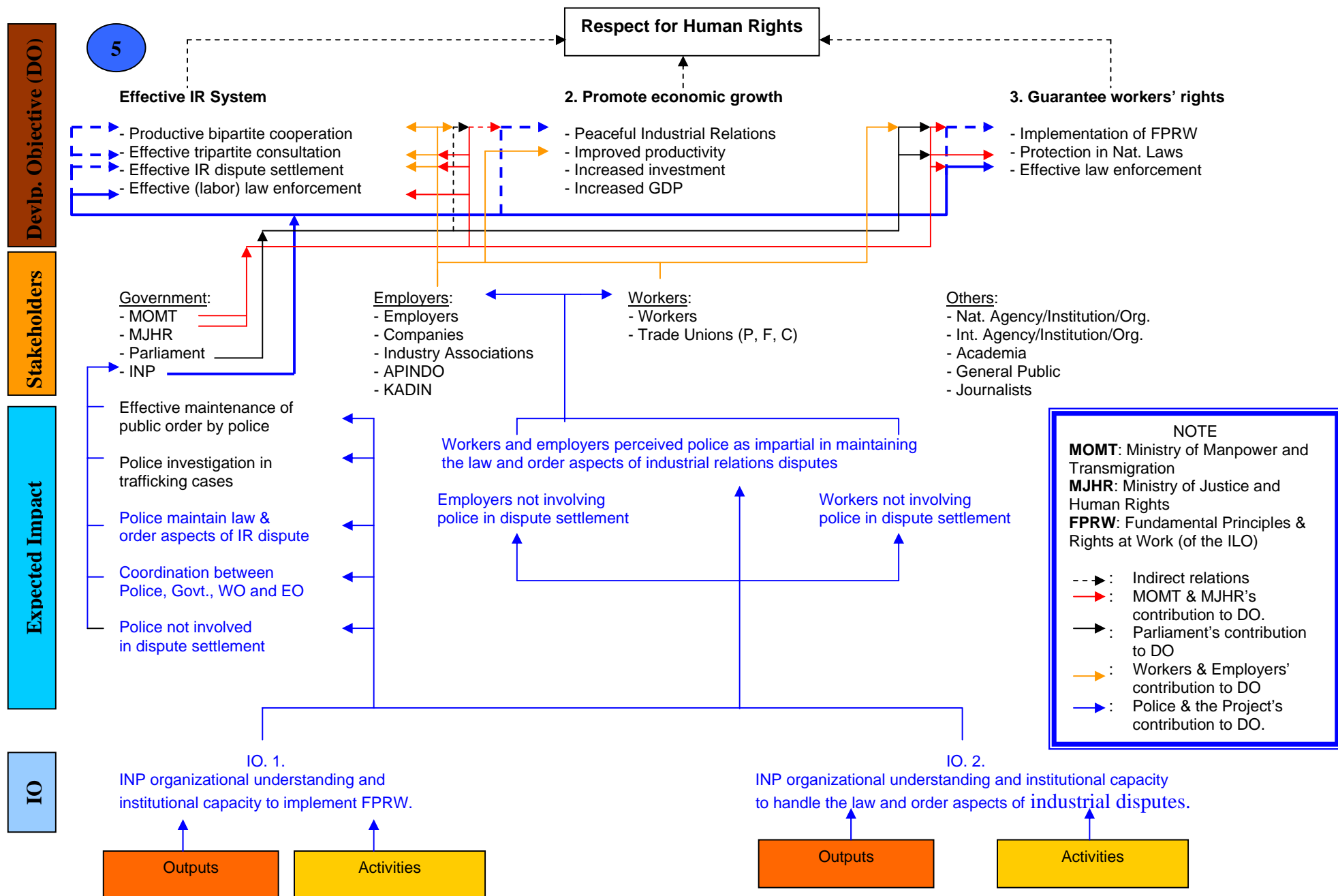
- Project Output
- Project Activity
- Outside Input/PIC
- Evaluation Result
- Input
- Project Output Line
- Activity Sequence
- Task Line
- Project Achievement/Impact
- EvaluationResult/Action Line











ANNEXURE 7

SUMMARY OF RESULTS OF SENSITIZATION TRAINING ROUND 1

Ranking	Venue	Pax	Average Scores					% of Increase
			Pre-Test	Quiz I	Quiz II	Quiz III	Total Quiz	
1	Medan	40	41.13	57.00	62.50	79.80	66.44	61.57
2	Jakarta	39	41.67	54.36	64.62	82.91	67.29	61.50
3	Makassar	40	43.38	57.62	65.45	82.81	68.63	58.22
4	Semarang	35	46.71	63.05	66.48	83.62	71.05	52.09
5	Surabaya	37	43.78	52.97	60.36	82.70	65.35	49.25
6	Pekanbaru	38	42.89	51.84	60.12	79.86	63.94	49.06
7	Balikpapan	37	46.35	59.21	64.83	80.40	68.15	47.02
8	Bandung	33	43.03	54.75	55.76	77.98	62.83	46.01
9	Yogyakarta	39	49.36	61.20	70.43	82.74	71.45	44.76
	TOTAL/AVG	338	44.26	56.89	63.39	81.42	67.24	
Average % of Increase								51.93

SUMMARY OF RESULTS OF SENSITIZATION TRAINING ROUND 2

Ranking	Venue	Pax	Average Scores					% of Increase
			Pre-Test	Quiz I	Quiz II	Quiz III	Total Quiz	
1	Surabaya	40	41.75	62.50	66.00	80.83	69.78	67.13
2	Banten	35	42.71	55.62	65.33	82.29	67.75	58.60
3	Cirebon	43	44.07	54.56	67.14	80.48	67.39	52.92
4	Batam	37	45.54	59.63	60.56	74.95	65.05	42.83
5	Medan	39	47.56	53.50	47.69	53.16	51.45	8.18
	TOTAL/AVG	194	44.33	57.16	61.34	74.34	64.28	
Average % of Increase								45.03

Overall Average % of Increase (Both Rounds) 48.48