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Creating PKWTT Contract and Irrelevant Company Regulations Refreshment of CV. XYZ in Accordance with the Labour Law)

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Abstract

Companies are places for profit or profit, and every company is founded on a legal basis. In order for workers and prospective workers to understand existing company regulations, companies need to formulate company regulations and work agreements, with company regulations and employment contracts, prospective workers and workers must comply with existing company rules, because company regulations are made based on existing facts or to minimize risks that will occur in a company. Establishment of company regulations so that we can comply with existing regulations and comply with company SOPs. The work agreement contains a binding agreement, in which the worker will work by receiving a wage order from the employer, and contains the terms of work as well as written and oral rights and obligations from both parties. The implementation of this community service uses an advocacy method to help partners (employers) improve their legal documents/agreements. The result of this community service is a draft PKWTT and a modernized draft of company regulations.

Keywords: *Worker, Employer, Employment*

Introduction

CV. XYZ is one of the company in Batam city that provides service as a general supplier. Within its business, the company doesn't have any company guidelines in the form of company regulation. According to Article 1 no.20 of UU Nomor 13 Tahun 2003 tentang ketenagakerjaan, company regulation is a series of regulation that was written by business owners which regulates about work requirements and regulation within it.

Regulation within the company regulation is very important. It regulates about employment rights such as salaries, leaves, social security, employee relations, and many more. With the existence of company regulation, the employee candidate and the employee must comply with the existing ones as it is made based on facts to minimize the risk that the company would face in the later days and so that everyone would comply to the regulation and SOP.

Aside to that, work agreement between CV. XYZ with their employee are only made verbally. According to Undang-Undang No.13/2003 tentang Ketenagakerjaan, a work agreement is an agreement between a worker and the business owner which regulates about the work requirements, right and obligation of the parties. As the company only made a verbal agreement with their employee, there is an urgency to create a company regulation and draft the work agreement's contract. This is necessary to prevent and avoid miscommunication that could harm the rights of either the employee or business owners in the future

The goal that the author wants to reach within the program is to issue a draft of company regulation and Work Agreement for CV. XYZ according to the labor law. This is intended to create a social security for the employee to ensure that the status of the employee from a non-permanent to a permanent employee as the current practice where it only involved verbal announcement that they are now permanent employee. The author will also conduct a renewal on the company regulation and review on the current work agreement with the partner's consent to provide better legal security for both parties.

Issue

Within the interview, the author discovers several problems within the partner's application of the work agreement and company regulation. The issues that the company has and needs immediate action and recommendations are:

- i. Every employee did not sign a PKWTT contract and were only notified verbally.
- ii. There were several identified clause that is not in line with the existing labor law.

Method

(1) Implementation Method

Data collection method

a. interview

The interview is done by asking several questions towards the respondents. The respondents of the research are the partner and the employees. The interview is done to understand the condition better and deter if there are issues that the partner is facing. The interview is done directly (face-to-face) and online virtual meetings.

b. Observation

Observation is one of the data collection methods that is done by direct observation on the venue of incidents. Once the interview is done and the author has gathered several information from the partner. The author will do an observation. From the observation the author will discover the partner's business condition during the regular operational hours that will be taken in to note for the work agreement draft later.

(2) Location, time and Activity Period

The company that agrees to become the partner of the community service activity is CV. XYZ which is addressed at Komplek Pantai Gading Blok H No. 07 Bengkong, Batam. The activity will take place for 4 (four) months from August 1st, 2021 until November 30th, 2021.

Discussio

The community service that was done at the partner's office by arranging interviews several times with the representative of the company. The author will then conduct observation and review on the current legal draft and will be conducting the work for 4 months. The output of the program is that the succession in assisting the partner in drafting the mentioned legal documents. The output of the implementation are as follows:

a. Company Regulation of CV. XYZ

Company Regulation is a series of regulation that was written by the business owners which regulates about the regulations and code of conduct in the company. The company regulation is made with the goal to create an orderliness in the code of conduct and the clarity of the employee relation.¹ However, the drafting process for the company regulation needs to be reviews and is obliged to be in line with several aspects. The aspects are as mentioned below:

- 1) The business owner who made the draft are demanded to pay attention to the legal basis that is in force, which is the labor law. In other words, the law shall be the highlight and attention as the content of the company regulation may not backlash the content of the labor law itself and must be in line.
- 2) Should include internal discussion with the labor union during the drafting process.
- 3) The clauses need to be carefully examined and paid attention to.

The goal of the company regulation drafting is to clarify the rights and obligation of the parties. This will also increase the working effectiveness, thus increase the productivity.

On the other side, the fact is that company regulation is a regulation that is a follow up from the work agreement. Principally, the company regulation will regulate about simple requirements that the parties has agreed upon In general before explaining further in its provision within the work agreement.

Based on several meeting that the author has done before, the author has done several revisions on the company regulation draft with the partner. The changes that were made were about the working requirements in accordance to the system and environment within the partner's company and the existing labor law. The company regulation is divided into 12 chapter and 52 articles.

b. CV. XYZ Permanent Employee Contract Draft

Every employable position within the partner's company is legitimate and available for permanent employment, however there were no regulation and legal acknowledgement for it. Therefore, the existence of the work agreement in regards of the permanent employment is needed. The content of the contract within the permanent employee draft is much simpler in comparison to the non-permanent contracts. The contract shall regulates and binds on the placements, working hours, off days, salaries, leaves, incentives, insurance, the rights and obligation of the parties and work termination and also the contract termination and finally the complaints resolution. While processing the draft, the author shall

¹ Caray, Hukum ketenaga kerjaan; efektifitas peraturan-peraturan perusahaan PT.DETEDE, (on-line), tersedia di <http://makalahdanskripsi.blogspot.com/2008/11/hukum-ketenaga-kerjaanefektifitas.html>. tanggal 4 januari 2011, jam 15.25

also pay attention to the company regulation which the author has also assisted in the process of drafting to make sure there were relevance and structural consistency according to the requirements within the law in force.

After several series of revision, the author has finally completed the final contract draft. The author then will hand over the drafts to the partner as the output of the community service program. The author shall also explain about the clause that was written within the draft in order to prevent misunderstandings in the future application. Once the author has done explaining, the draft is ready to be implemented and the partner can finally use them as the operational guide for the company.

Conclusion

The author has done a community service program at CV. XYZ, where the author has assisted the partner in drafting legal documents, which are the company regulation and the permanent work agreement drafts. The output of the program has been implemented by the partner and the partner has benefit better from the drafts than how it was before.

The author shall send the deepest gratitude for CV. XYZ for agreeing to become the partner for the community service program. And may the output of the activity brings benefits to every party that is involved in the drafting.

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