

# COVID-19 Vaccines: Rights and Obligations of Employers and Employees Under Indonesian Law





In February 2021, Indonesia's Ministry of Health issued Minister of Health Regulation No. 10/2021 ("MOHR 10/21") regarding Vaccinations in the Context of the COVID-19 Pandemic. MOHR 10/21 provides that there are two types of vaccination programs, those being the official government Vaccination Program (*Program Vaksinasi*) and a private scheme called Mutual Cooperation Vaccinations (*Vaksin Gotong Royong*).

MOHR 10/2021 defines the government Vaccination Program as a publicly available program funded by the government. Whereas the Gotong Royong scheme is a vaccination program aimed at employees, families, and other related individuals, with the funding borne by or charged to a legal/business entity. Effectively, the Gotong Royong vaccination program allows companies to arrange COVID-19 vaccinations for their employees.

Article 3 of MOHR 10/21 provides that employees and their family members may receive COVID-19 vaccines free of charge through the Gotong Royong program. The costs are borne by the company. Through Minister of Health Decree No. HK.01.07/MENKES/4643/2921 Ministry of Health has set a maximum price per dose at Rp 321,660 and a maximum administration fee of Rp 117,910 for the Sinopharm vaccine. This means a complete two-dose vaccination could cost nearly Rp 1 million per recipient.

Regarding the type of vaccine, Article 7 of MOHR 10/21 provides that companies arranging vaccinations through the private Gotong Royong program are not allowed to use the same vaccines designated for the government's Vaccination Program. It has been reported that the private Gotong Royong program will use COVID-19 vaccines from Sinopharm and CanSino Biologics, both manufactured in China. The government has signed a contract with Sinopharm to procure 7.5 million doses of its vaccine, beginning with 500,000 doses for 250,000 recipients. The remaining seven million doses are scheduled to arrive gradually through September.





## **For Employers**

Employers/companies are not obliged to arrange and pay for vaccinations for their employees, but they can choose to do so through the Gotong Royong program. Companies that plan to arrange vaccinations for their employees shall report the number of employees, family members, and other related individuals within a family that will participate in the Gotong Royong program to the government through the Indonesian Chamber of Commerce (KADIN) at <https://vaksin.kadin.id/#!/kuesioner>. This report shall contain at least the number of people participating, their names and addresses, and identification numbers.

As of May, according to the Chairperson of KADIN 22,736 companies had already signed up for the Gotong Royong scheme with more than 10 million individual participants. It has also been reported that in mid-May employees at an industrial estate in West Java had started receiving the vaccines. The government has mandated that labor-intensive companies located in areas deemed at high risk for COVID-19 transmission be prioritized and receive the doses first.

## **For Employees**

Although employers/companies are not obliged to provide employees with vaccines, the employees themselves, as residents of Indonesia, are required to get vaccinated and are still able to do so through the national program for which they are registered as citizens. Article 13A of Presidential Regulation No. 14 of 2021 regarding Amendment to Presidential Regulation No. 99 of 2020 regarding Procurement of Vaccines and Vaccinations in the context of the COVID-19 Pandemic mandates compulsory vaccination for people registered as vaccine recipients by the Ministry of Health.

Those registered who do not receive a vaccine could be subject to administrative sanctions, including suspension or termination of social assistance and public administrative services, and/or fines. They may also be deemed in violation of Law No. 6 of 2018 regarding Health Quarantine and be sentenced to one year in prison and fined up to 100 million rupiah.





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