

**DECREE OF  
MINISTER OF MANPOWER AND TRANSMIGRATION  
REPUBLIC OF INDONESIA  
NUMBER: KEP. 51/MEN/IV/2004  
ABOUT  
LONG BREAKS IN CERTAIN COMPANY**

**MINISTER OF MANPOWER AND TRANSMIGRATION OF REPUBLIC INDONESIA**

Considering

- a. that as an implementation of Article 79 section (4) of the Manpower Act Number 13 of 2003, it is necessary to regulate certain companies that oblige long breaks;
- b. that it is necessary to decide on Ministerial Decree;

In view of:

1. Law number 3 of 1951 about Effective Application of the Labor Inspection Law Number 23 of 1948, applicable for Indonesia (Indonesian State Gazette Number 4 of 1951);
2. Law Number 7 of 1981 on Mandatory Reporting of Company's Employment (Indonesian State Gazette Number 39 of 1981; Supplementary State Gazette Number 3201);
3. Manpower Act Number 13 of 2003 (Indonesian State Gazette Number 39 of 2003; Supplementary State Gazette Number 4279);
4. Presidential Decree Number 228 of 2001 about the Establishment of Gotong Royong Cabinet.

Taking into account

1. Points of Ideas of the national tripartite collaboration institution dated March 23, 2004;
2. Agreement on plenary meeting of tripartite collaboration institution dated March 23, 2004;

**DECIDES:**

To enact **: MINISTERIAL DECREE OF THE MINISTER OF MANPOWER AND TRANSMIGRATION ON LONG BREAKS IN CERTAIN COMPANIES.**

Article 1

In this Ministerial Decree, the following definitions shall apply:

1. Long break is a break given to worker/laborer who has been working for 6 years in a row in the same company.
2. The same company is a company with one legal entity.
3. Minister is minister of manpower and transmigration

Article 2

Companies that are obliged to provide long breaks are companies that have been obliged to provide ones before the Ministerial Decision is issued.

### Article 3

- (1) Worker who is exercising their right to long break on the seventh and eighth year of service is not entitled to obtain annual breaks in the current year.
- (2) During the long rest, workers are entitled to full wages and during the implementation of a long break in the eighth years the worker is compensated for a half of a month's salary.
- (3) The salary as referred to in paragraph (2) consists of the basic wage and fixed allowances.

### Article 4

- (1) Employers are obliged to notify workers in writing about when the right to long rest arises no later than 30 (thirty) days before the right to long rest arises.
- (2) The right to long rest is invalid if within 6 (six) months since the right to a long break arises, the worker does not exercise his/her right.
- (3) The right to long rest as referred to in paragraph (1) does not fail if the worker is unable to exercise this right because of the entrepreneur's will.

### Article 5

- (1) The company may postpone the implementation of a long break for a maximum of 6 (six) months from the date the right to a long break arises by taking into account the interests of the worker / laborer and / or the company.
- (2) The postponement of the implementation of the long break as referred to in paragraph (1) must be regulated in a work agreement, company regulation or collective working agreement.

### Article 6

In the event of termination of employment, but the worker / laborer has not exercised the right to long rest and this right has not been canceled or the employer has postponed the implementation of the long break, the worker / laborer is entitled to a payment of wages and compensation for the right to long rest that should be received.

### Article 7

- (1) In the event that the company has provided the right to a long break which is better than the stipulated provisions, in Law Number 13 of 2003 concerning Manpower and the provisions in this Ministerial Decree, the company may not reduce this right.
- (2) In the event that a company has provided workers / laborers with the right to long rest but it is lower than the provisions of Law Number 13 of 2003 concerning Manpower and this Ministerial Decree, the company is obliged to make adjustments to the provisions of these laws and regulations.

#### Article 8

The implementation of long breaks is regulated in work agreements, company regulations or collective labor agreements.

#### Article 9

The Minister can stipulate changes to companies that are obliged to provide long breaks as referred to in Article 2 in accordance with manpower developments.

#### Article 10

This Ministerial Decree comes into force as from the date of stipulation.

Stipulated in Jakarta  
On April 8, 2004

MINISTER OF MANPOWER AND TRANSMIGRATION  
REPUBLIC OF INDONESIA

Signed

JACOB NUWA WEA