

Enactment of Law No. 4/2024 - Mother and Child Welfare Law: What Should A Company or Employer Do Next?

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On 2 July 2024 President Joko Widodo signed the enactment of Law Number 4 of 2024 concerning Maternal and Child Welfare in the First Phase of Thousand Days of Life ("**Law No. 4/2024**"). This law introduces new regulations aimed at ensuring the welfare of mothers and children, guaranteed by the state and contributing to the development of Indonesia's human resources. The Law No. 4/2024 introduced new rights for working mothers and fathers which may lead to the changes of the existing manpower policy.

There are several new procedures that require attention from Company or employers as follows:

- **New Maternity and Paternity Leave Period**
Under the Law No. 4/2024, working mothers are entitled to maternity leave for at least 3 (three) months of maternity leave following childbirth, with the possibility of an additional in maximum of 3 (three) months **if medically necessary as proven by a doctor's certificate**. The extension of maternity leave for working mothers must be based on certain conditions, namely in the case of:
 - (i) mothers who experience health problems, health issues, and/or postpartum complications or miscarriage; and/or
 - (ii) children who are born while experiencing health problems, health issues, and/or complications.

Referring to the conditions above, the granting of additional maternity leave for working mothers will depend on the diagnosis from a doctor. Since these conditions are quite general, further regulations regarding these conditions will be specified in the implementing regulations of Law No. 4/2024, which must be formulated and enacted within 2 (two) years from the enactment of the law.

In addition to the abovementioned provisions, the new maternity leave under Law No. 4/2024 amends the previous regulation under the Law No. 13 of 2003 on Manpower Law as last amended by Law No. 6 of 2023 The Enactment of Government Regulation in Lieu of Law Number 2 of 2022 on Job Creation into Law ("**Manpower Law**"), which grants working mothers 3 (three) months of maternity leave, to be equally divided before and after childbirth.

Furthermore, if a working mother qualifies for the additional maternity leave, she will be entitled to receive her wage with the following provisions:

Leave Period	Amount of Wage
1 st – 3 rd month	100% (one hundred percent)
4 th month	100% (one hundred percent)
5 th – 6 th month	75% (seventy five percent)

Additionally, Law No. 4/2024 introduces new provisions on paternity leave for male employees, who are currently entitled to 2 (two) days of paternity leave to accompany their wives during the childbirth. This entitlement can be extended up to an additional 3 (three) days or as agreed upon by the Company and employer. Moreover, fathers are also entitled to 2 (two) days' leave in the event of a miscarriage.

- **Obligation to Provide Workplace Facilities**

Law No. 4 of 2024 mandates the Company or employer to provide substantial support to working mothers who breastfeed actively. This requirement is in line with the objectives of Law No. 4 of 2024, to promote and ensure exclusive breastfeeding from birth until the child is 6 (six) months old. The Company or employer is required to establish and equip workplace facilities with among others healthcare services, lactation rooms, and daycare facilities.

- **Adjustment of Workload and Working Hours**

In addition to the aforementioned facility support, Law No. 4 of 2024 specifies that working mothers should receive workload adjustments and flexible working hours, while still considering the Company's productivity targets.

Nevertheless, Law No. 4/2024 does not precisely specify standards regarding workload and working hour adjustments, allowing Companies and employees to negotiate these terms independently.

What Should A Company or Employer Do Next?

From the Company or employers' perspective, the enactment of Law No. 4/2024 impacts the rights of employees' and employers' obligations, which will lead to mandatory amendments to Company Rules or Collective Labour Agreements (CLA) to accommodate changes in (i) leave entitlement, (ii) working facilities, and (iii) working hours, especially for employees who have just had children.

In the process of amending the Company Rules, a Company or employer must submit the draft amendment to the employees' representatives and/or labor union for their advice and consideration. Subsequently, these amendments to the Company Rules must be registered for re-approval with the related manpower office in the district/city, province, or the Ministry of Manpower, depending on the locations of the Company's establishments. Please note that a failure to obtain re-approval renders amendments to the Company Rules null and void.

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The article above was prepared by Dentons HPRP's lawyers

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