

***WE NEED PROTECTION: REVIEWING CORPORATE RESPONSIBILITIES
AND STRATEGIES IN PROTECTING EMPLOYEES
DURING THE COVID-19 PANDEMIC***

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Abstrak

Organisasi selama wabah COVID-19, seperti sekarang ini, dihadapkan pada krisis eksternal yang menciptakan peningkatan ketidakpastian di antara karyawan mereka dan menimbulkan ancaman langsung terhadap kesehatan dan keselamatan mereka. Oleh karena itu, penelitian ini bertujuan untuk menganalisis lebih lanjut tanggung jawab hukum dan etika perusahaan terhadap karyawan selama situasi pandemi COVID-19. Berdasarkan tujuannya, metode penelitian ini termasuk dalam penelitian normatif dengan pendekatan perundang-undangan dan konseptual. Setelah menganalisis data, penelitian ini kemudian mengungkapkan, dalam hasil penelitian, bahwa perusahaan memiliki tanggung jawab hukum dan etika dalam menyelamatkan karyawannya dari COVID-19. Dua skema strategis ditawarkan, antara lain *work from home* dan *work from office* dengan menerapkan protokol kesehatan yang ketat berdasarkan hukum yang berlaku. Penelitian terkait tanggung jawab perusahaan kepada konsumen selama wabah COVID-19 juga disarankan lebih lanjut dalam penelitian ini untuk penelitian selanjutnya.

Kata kunci: Wabah COVID-19; Tanggung jawab etis; Tanggung jawab hukum; Bekerja dari rumah; Bekerja dari kantor

Abstract

Organizations during the COVID-19 outbreak, as they are today, are faced with an external crisis that creates increased uncertainty among their employees and poses an immediate threat to their health and safety. Therefore, this study objects to further discuss the company's legal and ethical responsibilities towards employees during the COVID-19 pandemic situation. Based on the objective, this research method is included in normative research with a statutory and conceptual approach. After analyzing the data, this research then reveals, in the results of the study, that companies have legal and ethical responsibilities in saving their employees from COVID-19. Two strategic schemes are offered, including work from home and work from office by implementing strict health protocols based on applicable law. Research related to corporate responsibility to consumers during the COVID-19 outbreak is also further suggested in this study for future research.

Keywords: COVID-19 outbreak; Ethical responsibility; Legal responsibility; Work from home; Work from office

1. INTRODUCTION

It has been more than a year, starting with China, and now the whole world has transformed dramatically since the emersion of the Coronavirus Disease 2019 (COVID-19) pandemic. The virus that is usually found (acquired) in Bats(1) is known to be quite dangerous and has even caused an "alarming situation worldwide"(2). The global health, economic and social impacts of the coronavirus (COVID-19) pandemic are increasing day by day(3) compelling businesses and governments to right away make inconvenient choices to equilibrate risks to both individual health and economic health(4). And until now, the Indonesian government has tried to implement many policies(5).

When the Covid-19 pandemic began, the government through The Government Regulation Number 21 of 2020 on Large-Scale Social Restrictions in Accelerating the Handling of Corona Virus Disease 2019 (COVID-19) required individuals to maintain their distance by keeping their distance and avoiding crowds(3,7). Not only that, but this rule also requires the workplace to be closed. Because the workplace is considered as the interaction point and the congregating of workers which is the trigger and peril factor that necessarily to be anticipated. However, to ensure that the wheels of the economy must continue to run, the world of work must be resumed. It's just that organizations during of the covid-19 outbreak are currently faced with outer crisis causes incremented uncertainty among their workforce (employees) and generates a direct threat to their safety and health which ultimately affects the performance and sustainability of the organization(8).

But then, the impact on businesses, employees, customers, communities, and each other caused by COVID-19 (9) as made several countries in the world enact laws that create immunity for COVID-19 transmission. -19 in business places (as might happen when the customer is on-site) and sometimes in private (10). And of course, including in Indonesia. Considering that discussions, research, and debates on business ethics, corporate responsibility, and other non-market principles and practices are often marginalized (11). Even though the Covid-19 pandemic situation like this shows that we are in the midst of a great opportunity in business ethics. This may seem fantastic as the human and economic devastation caused by the Covid-19 pandemic continues to engulf the world (12). So on this occasion, this study aims to discuss further the company's responsibilities both legally and ethically during the COVID-19 pandemic situation.

2. METHOD

Regarding the objectives of this research mentioned above, of course, this research is research that focuses on a literature review so that it can be said that this research is normative research with a statutory approach as well as a conceptual approach. So that the source of data taken in this study is data that comes from secondary data which is supported by primary legal materials taken from the hierarchy of laws and regulations in force in Indonesia and secondary legal materials that support primary legal materials taken from books. as well as relevant reliable scientific journals that are sought and collected through the library method by utilizing existing facilities

via the internet. After the data which is mostly up to date in the last 5 to 10 years consisting of 3 national journals and about 32 reputable international journals are collected, then the data is processed using the prescription method.

3. RESULTS AND DISCUSSION

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3. 1. Corporate Responsibility During the Covid-19 pandemic

Individuals, like employees, interact with the business in one or more roles sans that the business would not be possible to operate without them. Thus, there is a reciprocal dependence between businesses and individuals that establishes a moral responsibility for businesses to help stakeholders during a crisis(13). Based on this, it can be implied that ethical problems can arise and cannot be separated from the company's relationship with its employees and consumers(14).

In the current situation of the COVID-19 pandemic, entrepreneurs and business people have a big role in reducing infectious diseases, at least for stakeholders, especially consumers and employees(15). Although unethical behavior can hurt the company, the customer, or both, it is the company that will ultimately be greatly harmed by the behavior(16). Moreover, public confidence in the ability of business actors to maintain the safety and health of employees and consumers and deal with crises will be eroded if decision leaders make choices based on the ego that only benefits themselves. Ethical egoism focuses on positive outcomes for oneself or the company, with little consideration for impacting others(4).

Corporates have an ethical responsibility to maintain the credence of employees through this crisis. If companies neglect their responsibility to safeguard their employees from health risks then the consequence is that they may pay a heavy price in financial performance. However, businesses often tend to face the temptation to step in their own or their company's interests as the pandemic period extends and the economic costs of limiting health risks continue to rise. Their decision process is complexed by the great uncertainty about infection and death rates surrounding the COVID-19 pandemic(4).

Thus, both legal and ethical responsibilities in business are key to the company's existence in many countries and regions(17). Moreover, all developed economies now have a large number of regulations to protect employees and consumers(18). So employees and consumers seem to expect protection from them and put full trust in the company to do more. Companies must keep their employees' credence and respond with empathy and expediency if the pandemic continues(4).

3. 1. Company Strategies in Protecting Employees

COVID-19 radically transformed plentiful facets of people's lives and livings during the first half of 2020. Conditions have deteriorated for those who normally work. However, due to social isolation, many jobs have to be closed, while the number of surviving employees has been reduced. Those (employees) who have survived have strived to keep on doing their jobs and must conform and innovate to fulfill new needs and re-prioritize the most

pressing and significant aspects of their roles(19). But on the other hand, organizations face strategic decisions related to the balance of employees and public health and safety against substantial expenditures and operating cost commitments to stave off the transmission of COVID-19(20).

However, business actors have legal responsibilities that require employees to be protected from the threat of COVID-19 which can threaten the safety and health of employees as stated in *Law Number 13 of 2013 concerning Employment* that Employers employ workers must give protection that inserts the mental and physical workers' safety, health, and welfare.

In addition, the issue of employee health and safety has been made with special reference in the small amount of Corporate Social Responsibility (CSR) literature relevant to the discourse literature on business case motivation for CSR. Until now in the management literature, has recognized employees as the main stakeholders in the interest of CSR, but what is unfortunate is that CSR treatment of employees pays less attention to matters such as employee health and safety, but rather to improving employee morale and productivity, which can be said for organizational financial benefits(20). In fact, looking back at the 1970s, before shifting to environmental impact, the focus of CSR's overall attention was a strong emphasis on employee health and safety(22).

Therefore, every business actor has a legal and ethical responsibility to provide certainty for the safety and health of their workers. Covid-19 has led to the transition to teleworking, the impending reversal of

office design and configuration, as well as the re-engineering of office work protocols(20). Therefore, there are two ways that business actors can and usually do to ensure the safety and health of their workers without having to leave their obligations in a crisis like today. The first is to enforce work from home and the second is to continue to work at the workplace by complying with health protocols.

3. 2.1. Work from Home (WFH)

In the midst of the current COVID-19 pandemic, many business people decide to cancel their business trips, skip marketing tours, and other activities that require travel and shift work outside the office to allow employees to work remotely (work from home)(4). Arrangements for working from home are also recommended in the Decree of the Minister of Health of the Republic of Indonesia Number HK.01.07/MENKES/328/2020 concerning Guidelines for Prevention and Control of Corona Virus Disease 2019 (Covid-19) in Office and Industrial Workplaces in Supporting Business Continuity in. And with the development of Industry 4.0 (I4.0) introducing new technology is considered to be able to facilitate these activities(24).

Work from home is defined by International Labour Organization (2020) as work arrangements and strategies that utilize information technology with the aim that workers can still fulfill the important responsibilities of their work while staying at home. In the context of the COVID-19 pandemic, the term "work from home" is employed to denote home teleworking as a temporary alternative work adjustment.

In the current pandemic crisis, many people are trying to achieve a better balance between work, family, and free time. And

work from home is one solution(26). Starting from the initial research interest in teleworking or work from home emerged in the 1970s and has been considered a work environment revolution since the 1980s. Enthusiasm for teleworking continues to grow among workers, managers, organizations, and others. This is because home-based teleworking is a form of balance between the personal and professional lives of workers. That is why working from home is often referred to as a time-saving strategy for both employers and employees(27).

Working from Home has been a major policy instrument implemented by governments around the world as a way to minimize the spread of the pandemic(28). The reason is to prevent employees from crowds and crowded workplaces which actually risk becoming a cluster of Covid-19 transmission in the workplace. The literature also shows that the practice of working remotely or working from home is one of the steps to prevent the spread of the COVID-19 pandemic and virtual security. This offers an effective strategy that can support job security, especially for adults in the era of self-isolation, PSBB, and the new normal(29).

On the other hand, working from home is also considered to provide many benefits and advantages for both the company itself and employees. From the company's perspective, the benefits and advantages of working from home during a pandemic are that it is more cost-effective, encourages planning skills, leads to employee productivity, and finally reduces the turn-over rate for employees(30). While the benefits and advantages that employees get from working from home during a

pandemic are more flexible, increase time, and are closer to family, and of course, there are still possibilities or opportunities for employees to work from home even though they are sick(30). Even previous research revealed that work from home (WFH) is associated with programs that support work-life balance (WLB) in organizations (31).

In addition, working from home also strengthens all expected telework outcomes ranging from remote job satisfaction, perceived benefits, to career opportunities and increased productivity whose benefits and benefits ultimately return to the company itself(32). However, according to Guthrie & Pick (1997), there are several important ethical issues in the implementation of work from home, a literature notes that there are at least 5 ethical problems that arise from this work from home policy, namely:

1. Privacy/workplace monitoring: Remote worker management must protect the personal privacy of its employees.
2. Work and family problems: Remote workers may be faced with family and home responsibilities that may conflict with the achievement of organizational goals.
3. Access to resources: Remote workers may not be fairly compensated for the resources used for work and home enterprise purposes.
4. Equity: Compensation for remote work should be fair.
5. Work ethic: Remote workers need broad work parameters for flexible forms of work to be accepted and for the ability to achieve goals to be measured rather than 'sitting time'.

The above problems can actually be overcome with a new company policy that supports all stakeholders will help solve

these problems and achieve the proven benefits of telework(34).

3. 2.1. Work from Office (WFO)

It is reaffirmed in Article 86 paragraph (1) letter a of Law Number 13 of 2013 concerning Employment that every worker/laborer has the right to obtain protection for occupational safety and health. In paragraph (2) to protect the safety of workers/laborers to realize optimal work productivity, workplace safety, and health efforts are carried out.

Therefore, entrepreneurs and business actors who require to employ their employees in offices or factories in the midst of the current covid-19 pandemic have an ethical responsibility to provide a safe and healthy workplace. The management must ensure a safe and healthy workplace and environment for employees whose main goal is to maintain and improve the health of the workforce(35). The ethical basis of this problem is that every major religion and philosophy since the beginning of time has emphasized that the most basic principle of ethics in dealing is to avoid harming others(36).

Health promotion in the workplace itself has been widely recommended by international bodies through various charters and declarations, including the 1986 Ottawa Charter for Health Promotion, the 1997 Jakarta Declaration on Leading Health Promotion in the 21st Century, and the 2005 Bangkok Charter for the Promotion of Global Health(37). Furthermore, at the XVIII World Congress on Occupational Safety and Health held in Seoul, Korea in 2008, the participants signed the Seoul Declaration on Occupational Safety and Health, which specifically affirmed that the

right to a safe and healthy work environment is a fundamental human right (36).

However, the absence of clear ethical guidelines or codes of conduct and practices that can be established will only pose a risk to all parties. Meanwhile, the unclear and incomplete guidelines related to the code of ethics will make managers and their employees even more confused. So if a guideline can be useful to implement then the guideline must explain beliefs, values, and norms(38).

So that during a pandemic like the current one, complete and clear guidelines regarding health protocols are very much needed. The Decree of the Minister of Health of the Republic of Indonesia Number HK.01.07/MENKES/328/2020 concerning Guidelines for Prevention and Control of Corona Virus Disease 2019 (Covid-19) in Office and Industrial Workplaces in Supporting Business Continuity in Pandemic Situations. This guidance regarding health protocols for industry and organizations is very important to maintain a healthy work environment and ensure the safety and health of employees are protected.

To ensure a safe and healthy workplace, The Decree of the Health Minister No. HK.01.07/MENKES/328/2020 provides several guidelines, namely;

1. Ensuring Hygiene and sanitation of the work environment

Ensuring Hygiene and sanitation of the work environment by periodically cleaning using appropriate cleaners and disinfectants (every 4 hours) in risky places and frequently touched or used by employees (such as doorknobs, chairs, tables, and office or other factory equipment). In addition, it is also important for companies to maintain the

air quality of the workplace and work environment by optimizing air circulation and sunlight entering the workspace.

2. Provide handwashing facilities

Companies should provide more facilities for washing hands that are equipped with running water lines with soap (which are anti-bacterial and viral) as well as for instructions for use and instructions and provide adequate access to handwashing facilities in the workplace (39).

3. In addition, to handwashing stations, the company must also equip in every corner where employees pass, gather, and go in and out, hand sanitizers with a concentration of alcohol content of at least 70% are provided in the required places. And where possible, companies should also provide workers with personal protective equipment (eg, face shields, masks)(39).

4. Ensure physical distancing in every work activity

Physical distancing or maintaining a distance of at least 1 meter between workers from one another when carrying out activities in the work environment. Either by adjusting the distance between the employee desk and the canteen table. Arrangement of chairs and other resting places.

5. Campaigning for the Healthy Living Community Movement (GERMAS) through Clean and Healthy Living Patterns and Behaviors (PHBS) in the workplace which includes:

a. Washing Hands with Soap (CTPS)

The campaign to wash hands with soap will encourage every employee to maintain hand hygiene by washing hands using good anti-bacterial soap when arriving at work, before and after eating, before and after shaking hands/contact with customers/meetings with other people, after

bathroom and after handling potentially contaminated objects.

b. Cough and sneeze etiquette

The campaign on coughing and sneezing etiquette will familiarize employees with not forgetting to cover their mouth and nose with the inside of their upper arm. And don't forget to throw the used tissue into a closed trash can and wash your hands with soap and running water afterward or with a hand sanitizer.

c. Sports together

Campaigns related to joint sports will revive a healthy culture that aims to increase the body's immunity for workers. Joint exercise can be done before work while still adhering to health protocols such as maintaining a safe distance, and the recommendation to sunbathe during breaks

d. Eat a balanced diet

In addition to exercising, eating nutritious food will also be a good source of nutrition for the body to support a healthy life and increase body immunity, with which it is hoped that employees will be protected from contagion and the adverse effects of Covid-19.

e. Avoid using personal tools together or interchangeably

The use of personal tools simultaneously or alternately is allegedly the cause of the transmission of Covid-19. Therefore, the use of personal tools simultaneously or alternately such as prayer utensils, eating utensils, and others should be avoided as much as possible. Even if you need to or accidentally use it, immediately after that wash your hands with soap under running water or use a hand sanitizer.

4. CONCLUSION

Finally, after going through the study evaluation, this research essentially explains that the current COVID-19 outbreak creates increased uncertainty for employees and poses a direct threat to their safety and health which ultimately affects the performance and sustainability of the organization. And this pandemic also ultimately requires all companies to be responsible for maintaining and changing the company's strategy in providing health and safety assurance for employees. The two schemes offered in this study work from home which is considered more rational in creating a better balance between work, family, and free time. However, if the first strategy is deemed impossible, then you can apply the second scheme, which is to continue working in the office but of course by still complying with the health protocols that have been regulated in the Decree of the Minister of Health of the Republic of Indonesia Number HK.01.07/MENKES/328/2020. Finally, this research ultimately suggests for further research to also observe how companies are responsible for their customers, especially in a pandemic situation like the current one, which has not been discussed in this study.

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