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Review of Legal Aspects of the Welfare and Safety (K3) of Nurses in the Intensive Care Unit (ICU) Room of Royal Prima Marelan Hospital

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ABSTRACT

Attention to legal protection in the context of occupational health and safety (K3) is essential, especially for nurses in hospital environments who are vulnerable to the risk of work-related accidents and diseases. This study qualitatively and descriptively explores aspects of K3 Legal Protection for nurses in the intensive care Unit (ICU) Room of Royal Prima Marelan Hospital in January 2024, with a sample of 9 people. Data analysis was conducted through a qualitative descriptive approach. It was found that Royal Prima Marelan Hospital has implemented an Occupational Safety Management System (SMK3) following government regulation No. 50 of 2012. In addition, this hospital complies with Government Regulation No. 14 of 1993 concerning the Labor Social Security System, especially related to social security. In line with Work Safety Law No. 1 of 1970, which covers occupational safety aspects in various locations, Royal Prima Marelan Hospital has complied with this provision throughout the territory of the Republic of Indonesia. In conclusion, Royal Prima Marelan Hospital shows significant concern for the health and safety of its workforce, especially nurses who act as primary servants at the forefront of medical services.

Keywords: Nurses, Legal Protection, Health, Safety.

I. INTRODUCTION

Legal protection, according to Imam Soepomo, aims to maintain that workers can carry out work properly for humanity, including in the form of work norms that include aspects of working time, wage systems, rest, leave, decency of worship, and other rights (Safaruddin Harahap, 2016); (Nurhalimah, 2018). Occupational safety pertains to "equipment, workplace, work environment, and methods of performing work" (Boström et al., 2020); (Wahyuni et al., 2018). On the other hand, occupational health safeguards workers from circumstances or work-related events that can harm their health and well-being while performing their job duties

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(Nurchahyo, 2021). According to Law Number 13 of 2003 concerning Manpower, in Article 86, paragraph 3, section (1) letter (a), it is stated that: "every worker or laborer has the right to receive protection for occupational safety and health" (Tumundo, 2017). The establishment of occupational safety and health programs aims to ensure the well-being of workers, fostering quality work and optimal productivity while providing assurances in preventing work accidents and occupational diseases.

Hospitals, being workplaces in the health service industry, inherently carry high risks to the safety and health of human resources. Given their crucial role, nurses in hospitals are a focal point, particularly in attaining legal protection for occupational safety while performing their duties in a hospital setting. This is due to the high risks associated with occupational accidents and diseases in their line of work (Dennerlein et al., 2020); (Zulaeha, 2021). This study aims to scrutinize the Legal Protection of Health and Safety (K3) for nurses working in the intensive care Unit (ICU) at Royal Prima Marelán Hospital in 2024.

(A) Literature Review

Occupational health refers to the absence of physical or mental impairment in workers resulting from the interplay between work and the environment. The legal framework governing occupational safety and health is Law No. 13 of 2003, related to employment, explicitly addressing safety and health at work in Articles 86 and 87 (Supriyatman, 2017). The primary objective of occupational health and safety is to establish a secure and healthy environment, prevent work-related accidents, promote employee well-being, and consequently enhance employee loyalty to the company (Manurung, 2020). Law No. 1 of 1970 emphasizes that work safety concerning machinery, equipment, and work environments can prevent accidents and occupational diseases, safeguard production resources, and boost efficiency and productivity (Simatupang, 2016).

Numerous studies have identified challenges faced by nurses, including emotional distress, depression, anxiety, and fatigue, especially during outbreaks such as SARS, COVID-19, and others (Shah et al., 2020). Some healthcare professionals, particularly those working in isolation rooms, fever clinics, Intensive Care Units (ICU), and related departments, contracted COVID-19 while treating infected patients (Xiao et al., 2020). Efforts to enhance health aim to achieve the highest level of health in a state of well-being and productivity (Hidayat, 2017). Disease management interventions are geared toward treating and preventing the severity of diseases, minimizing disability, and averting fatalities (Stavsky et al., 2017). Effectively avoiding accidents involves implementing appropriate measures on workers and their equipment and

ensuring occupational health and safety to prevent accidents (Chinniah, 2015); (Golovina et al., 2016). In principle, legal protections are designed without discrimination based on race, religion, or gender within the state system (Hahn et al., 2018); (Yani, 2018).

(B) Research Methods

The research conducted is of a qualitative and descriptive nature, aiming to depict symptoms, events, or occurrences happening in the present. The study was performed at Royal Prima Marelan Hospital starting January 2024. The research approach incorporates both the statute approach and the sociological approach. Data sources are derived from observation and interviews with several informants. The primary informants include the Director of Services, the Head of Nursing Services, and seven Nurses, totaling nine individuals. The data analysis methodology is a qualitative descriptive analysis involving collecting, organizing, clarifying, and recording field notes. Codes are applied to facilitate tracing the data sources, which are then elaborated upon (Notoatmodjo, 2013); (Notoatmodjo, 2018).

II. RESEARCH RESULTS AND DISCUSSION

a. Occupational safety management system (SMK3) government regulation No. 50 Year 2012.

Implement the Occupational Safety and Health Management System (SMK3) is to:

1. To increase the effectiveness of OHS protection utilizing planned, measurable, structured, and integrated methods.
2. To prevent work accidents and reduce occupational diseases, involve management, labor/workers, and labor unions.

Implementing the Occupational Safety and Health Management System (SMK3) is mandatory for companies with over 100 employees and high potential hazards. Consequently, companies must formulate an Occupational Health and Safety (OHS) plan. In developing the OHS plan, employers engage OHS experts, the Occupational Safety and Health Committee (P2K3), workers' representatives, and other relevant stakeholders. SMK3 functions as an integral component of the company's comprehensive management system, aiming to manage risks associated with work activities and establish a secure, efficient, and productive workplace (Fitriana, 2017).

b. Implementation of legal protection against Health Insurance for nurses at Royal Prima Hospital.

Government Regulation No. 14 of 1993, which addresses the Social Security System for

Workers Implementation, specifies in Article 2 the inclusion of social security for workers, encompassing work accident insurance, death insurance, and antiquity insurance. This regulation also outlines service guarantees in the form of medical assistance (Indonesia, 2001). Workers' social security, including health insurance, can mitigate occupational risks and protect individuals, thereby contributing to enhanced work efficiency (Tjakra Jemias & Arsjad, 2016).

Based on insights gathered from interviews with the Service Director, Head of Nursing, and sampled nurses, it was confirmed that all employees, including nurses and medical personnel at Royal Prima Hospital, receive health insurance from the management. The health insurance provided aligns with the provisions of Indonesian Presidential Regulation No. 82 of 2018, covering health insurance. The contribution payments adhere to Presidential Regulation No. 82/2018, Article 30 point 2, specifying that the employer covers 3%, while the worker bears 2%. The class of health facilities received varies depending on the position, salary, and length of service of each nurse working in the intensive care Unit (ICU) at Prima Marelan Hospital.

In conclusion, Royal Prima Hospital is deemed compliant with Government Regulation No. 14 of 1993 regarding implementing the Social Security System for Workers, as stipulated in Article 2 regarding social security for workers. Presidential Regulation of the Republic of Indonesia No. 82 of 2018 further reinforces these provisions, emphasizing the obligation of employers to register themselves and their workers as health insurance participants with BPJS Health through contribution payments. Article 28 point 3 underscores that contributions for participants are shared between employers and workers, with Article 30 point 2 specifying the contribution breakdown as 3% paid by the employer and 2% by the participants.

c. Implementation of legal protection against safety for nurses at Royal Prima Hospital

Law No. 1 of 1970, known as the Work Safety Law, holds authority over work safety regulations across various workplaces, spanning land, sea, and air, within the territory of the Republic of Indonesia (Darmayanti, 2018). This legislation is designed to achieve multiple objectives, including accident reduction, mitigation of explosion hazards, enhancement of workers' ability to administer first aid during accidents, provision of protective equipment for high-risk jobs, and creation of a conducive work environment. Factors contributing to a conducive environment include workplace lighting, cleanliness, air circulation, and fostering harmonious relationships between workers, the work environment, equipment, and work processes (Arkisman, 2018).

The Work Safety Law is equipped with technical instructions outlining obligations for both

workers and employers. These instructions are geared towards ensuring the safety of workers, public safety, and the products produced. Given the constant evolution of science and technology, these regulations are dynamic and adapt to changes in occupational risks arising from workplace processes (Simatupang, 2016). The legal foundation for Personal Protective Equipment in the workplace is explicitly outlined in Law No. 1 of 1970.

1. Article 3 paragraph (1) point f:

"Using laws and regulations, occupational safety requirements shall be established for providing workers with personal protective equipment..."

2. Article 9 paragraph (1) item c:

"The management must show and explain to each new worker the..... personal protective equipment for the worker concerned."

3. Article 12 point b:

"The obligation and right of workers to wear the required personal protective equipment shall be regulated by laws and regulations..."

4. Article 14 item b:

Article 14 point c:

"The management is required to provide, free of charge, all personal protective equipment required for the workers under its control and to make it available to every other person who enters the workplace, accompanied by the necessary instructions according to the instructions of supervisory employees or occupational safety experts..."

As previously noted, occupational health and safety (OHS) protective equipment refers to devices entirely or partially isolating different body parts from potential hazards. When delving into more comprehensive details, the objectives of utilizing Personal Protective Equipment (PPE) encompass the following:

1. Safeguard the workforce from potential Occupational Health and Safety (OHS) hazards.
2. Enhance work efficiency and productivity.
3. Foster a secure work environment (Novianto, 2015).

The outcomes of interviews with the Director of Services and the Head of Nursing at the ICU (Intensive Care Unit) in Royal Prima Marelán Hospital reveal that the hospital has supplied comprehensive Personal Protective Equipment (PPE) for nurses and staff involved in patient

care. Nurses are mandated to utilize complete PPE during their duties, and the regulations governing PPE usage are outlined in each nurse's employment contract. The contracts specify sanctions and fines that nurses may incur if they fail to adhere to PPE regulations. Additionally, informational leaflets highlighting the importance of PPE usage are posted in various locations, including changing rooms for medical personnel. These measures are implemented to enhance preventive measures against disease transmission among nurses and other medical staff.

In interviews with seven sampled nurses, it was confirmed that PPE is provided and mandatory for all medical personnel at Royal Prima Hospital. This requirement is in place to minimize the risk of exposure or infection among nurses and other medical staff while directly handling patients. Observations by researchers further substantiate that all health workers on duty consistently wear complete PPE, encompassing gloves, headgear, masks, uniforms, and appropriate footwear.

Therefore, based on these regulations and practices, Royal Prima Hospital aligns with the requirements of Work Safety Law No. 1 of 1970, which governs workplace safety across all settings within the Republic of Indonesia. The legal foundation for Personal Protective Equipment in the workplace, as stipulated in Law No. 1 of 1970, includes provisions such as Article 3, paragraph (1) point f, emphasizing the provision of personal protective equipment to workers. Additional clauses, like Article 9, paragraph (1) point c, mandate management to inform and elucidate safety guidelines to each new worker. Article 12, point b, recognizes the obligation and right of workers to use necessary personal protective equipment. In contrast, Article 14, Point C, emphasizes the display of required work safety materials in the workplace.

III. CONCLUSION

Based on the comprehensive discussion and research conducted, several key conclusions can be drawn regarding Royal Prima Hospital's commitment to health and safety management:

1. **Health and Safety Management System (SMK3):** Royal Prima Hospital adheres to the health and safety management system (SMK3) outlined in government regulation No. 50 of 2012. This demonstrates the hospital's dedication to implementing and maintaining a structured approach to health and safety.
2. **Legal Protection through Health Insurance:** The hospital ensures legal protection for its employees, particularly nurses in the ICU, by providing health insurance coverage. Compliance with Presidential Regulation No. 82 of 2018 regarding health insurance is evident, with all employees, including nurses, benefiting from BPJS health insurance. The contribution payment aligns with the stipulations in

Presidential Regulation No. 82/2018 Article 30 point 2, with employers contributing 3% and participants contributing 2%.

3. Adherence to Work Safety Law: Royal Prima Marelan Hospital complies with Work Safety Law No. 1 of 1970, which regulates workplace safety across all settings within the Republic of Indonesia. This underscores the hospital's commitment to creating a safe and secure environment for its employees, irrespective of the workplace type (land, sea, or air).
4. Implementation of Personal Protective Equipment (PPE): The hospital follows the legal basis for Personal Protective Equipment in the workplace, as specified in Law No. 1 of 1970. It ensures the provision and utilization of PPE for all medical personnel, including nurses, in high-risk areas like the ICU. Regulations regarding the proper use of PPE are outlined in employment contracts, and the hospital enforces penalties for non-compliance.

Royal Prima Hospital demonstrates a holistic commitment to health and safety, encompassing legal compliance, health insurance provisions, and implementing safety measures such as PPE. These practices align with relevant government regulations and foster a secure and healthy work environment for its employees.

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