

Onamba Indonesia, An example of Japanese Bad Investment Policy

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Onamba Indonesia, An example of Japanese Bad Investment Policy:

Is this the true face of Japanese Investment worldwide?

We have to stop this kind of investment

Or it will colonize the productive forces anywhere...

(Onamba worker, anonym)

October 28^h 2010 was a bad day for Onamba workers. It was the day where Onamba Management demonstrate an arrogant attitude when handling industrial dispute. Such attitude is becoming a trade mark of Onamba Management since it was not the first time it shows its ignorance. Such attitude is a perfect example of how Onamba Management has no respect of Indonesian Laws and Institutions.

During the meeting between workers and management on October 12th 2010 facilitated by local MPs and local Head of Manpower Ministry Office Mr. Eggi Sudjana, the lawyer representing Onamba management and leader of a national trade union (PPMI), said that the company he's representing is willing to negotiate demands from workers. This willingness was proven by setting up a schedule for this negotiation. It was agreed that the management and workers will meet in December 2010 to discuss workers demands which made them to go on strike.

This was, of course, not much. But nevertheless the schedule was a positive sign for the workers on strike, since it shows that the management will consider their demands. After considering inputs from local MPs and local Head of Manpower Ministry Office, the workers decided they will stop their strike and go back to work while waiting for the negotiation and its results. The representative of the company welcomed the decision; Mr. Sudjana said that the workers decision to go back to work will be noted for the next meeting with the management next week on October 19th. Mr. Odih Juanda, Onamba's HRD Manager who was also present during this discussion mediated by local MPs and Manpower Ministry, was not allowed to speak because his agitative comments and opinions were considered offensive by the mediators. All in all the discussion was quite effective.

However, what happened in the follow up meeting on October 19th was not only a step back from results made in the previous discussion, but also a complete betrayal and insult to Onamba workers.

In that meeting Mr. Juanda, representing Onamba management since Mr. Sudjana was not present, issued thirteen offensive requirements for negotiation in December. Some of those are: Workers involved in strike should make a written statement that their strike is illegal, they should also write an apology letter to the company to be published in national medias while admitting that their decision to go on strike was wrong and that they will accept any sanctions imposed to them. In the thirteen requirements issued by Mr. Juanda it was also mentioned that the company will only allow some workers which are considered "tame and obedient" to go back to work. With this the discussion came to a dead lock.

In the next discussion on October 26th the situation got worse for the workers. The management stated that the company refuses to negotiate before the workers agree and fulfill all of the thirteen requirements without any exception. Should the workers refuse this, the workers will be considered resigning from the company and their wages since the strike was on will not be paid. It was also mentioned that the President Director of Onamba Indonesia do not want them to go back to work. To support this the management issued a letter two days later stating that the company will not pay the wage of workers on strike since the company considers their strike is illegal. As such the workers involved are considered resigning from the company.

There are two things here which need a closer look. First, the strike is considered illegal and, second, the decision to not pay the wage. Regarding the first, in Indonesia the dispute whether a strike is legal or not should be settled by industrial court. This is in accordance to the Law No. 13 2003 Article 151 Paragraph 3. The law also states that the company may dismiss the worker only after the industrial court ruled that the strike is illegal. In Onamba case the legal process to settle the dispute on strike has not started yet. Thus the decision of the company to dismiss the workers precede the industrial court and therefore should not have any legal effect. In this case, the management's decision to issue such letter is questionable.

Second, the company's decision to not pay the wage is a direct violation of Indonesian Law on Labor Article 193 Paragraph 2 Letter F, which states that if the company dismiss its workers, it is obligatory for the company to pay their wage(s). Violation of this law will be considered as fraudulence and will be punished with imprisonment up to four years or forfeit up to IDR 400 Mio. (around USD 45,244).

As explained above the management completely ignored the national laws and it also takes no heed to labors rights and international convention on industrial relation. This is a solid example of the management of arrogance demonstrated by an ignorant (if not stupid) management of a company. The combination of those all shows the true face of the Japanese investment policy.

Quite often in a neoliberal econo-political system ignorance, arrogance and stupidity (or the combination of those) win. We, workers of the world, cannot tolerate this anymore. It is time to stand up and say: Enough! We demand our rights! The Onamba workers are still fighting for their rights. They wish for a stronger solidarity support from their international comrades. We hope our international comrades, wherever you are, could help and support them.

Please send your protest letter with a strong message to Onamba Headquarter in Japan.

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Together we can make the companies to respect our rights!

In solidarity,

Khamid Istakhori

Secretary General of KASBI (Congress of Indonesian Labor Union Alliance)

