

## Legal Protection for Health Workers against Occupational Safety and Health Standards in Hospital

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### ABSTRACT

**Introduction:** The implementation of Occupational Safety and Health (OHS) is a form of effort to make a workplace that is safe, healthy, free from environmental pollution, so that it is free from work accidents and occupational diseases that can increase work efficiency and productivity. This study aims to analyze how legal protection for health workers against occupational safety and health standards in hospitals and how obstacles and solutions for legal protection for health workers against occupational safety and health standards at RSJ Grhasia Yogyakarta, RS JIH Yogyakarta, and RS Paru Respira Yogyakarta.

**Methods:** The approach of this research is empirical juridical, the research specification is descriptive-analytical with qualitative data analysis.

**Results:** Legal protection for health workers against occupational safety and health standards in hospitals has been implemented by the Law and Regulation of the Minister of Health. The obstacle faced by the hospital is the lack of hospital human resources whose duties are still concurrent so the OHS program is not optimal. The solution to these obstacles is that every month monitoring is always carried out for work programs and work reports even though human resources are limited but the occupational safety and health program continues to run optimally.

**Conclusion:** The hospital can add human resources so that the OHS program in the hospital runs perfectly, giving sanctions to health workers who do not use PPE, making the OHS program in the hospital as a separate agency.

**Keywords:** Legal protection; health workers; occupational health and safety; hospital



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## Introduction

Implementing occupational safety and health is a form of effort to make the workplace safe, healthy, and free from environmental pollution so it is free from work accidents and occupational diseases, which can increase work efficiency and productivity. In addition to causing casualties and material losses for workers and entrepreneurs, work accidents also disrupt the production system in detail, namely resulting in environmental damage that will pose a risk to the wider community.<sup>1,2</sup>

Occupational safety and health also have an important position in health services, as stated in Law Number 17 of 2023 concerning Health Article 99 paragraph 1, along with the issuance of the Minister of Health Regulation No. 66/2016 on hospital occupational safety and health. Through this Decree, standards for the implementation of occupational health and safety for hospitals have been established. The background of the preparation of this standard is an effort to protect the possibility of negative impacts caused by the health service process, as well as the existence of facilities, infrastructure, medicines and other logistics in the hospital environment so as not to cause work accidents, occupational diseases and emergencies including fires and disasters that affect hospital workers, patients, visitors and the surrounding community.<sup>3,4</sup>

The legal basis for sanctions in Occupational Safety and Health is contained in the Regulation of the Minister of Health Republic of Indonesia Number 66 of 2016 concerning Hospital Occupational Safety and Health Article 29 paragraph 4 “In the context of guidance and supervision of Hospital Occupational Safety and Health, the minister, head of the provincial health office, head of the district/city health office may impose administrative sanctions in the form of a verbal warning or written warning to Hospitals that do not organize Hospital Occupational Safety and Health”.<sup>5</sup>

Now hospital occupational safety and health has become mandatory in hospitals as a condition for obtaining legal recognition and also the quality of the services provided, namely hospital occupational safety and health which is one of the requirements that must be met if the hospital wants to be accredited by the National Accreditation Committee. In addition, occupational safety and health in hospitals carried out by hospitals is a form of compliance with applicable laws in Indonesia, where Occupational Safety and Health has now also been regulated in Law PP 50 of 2012 concerning the implementation of occupational safety and health. The use of personal protective equipment in the hospital occupational safety and health program at a hospital is often associated with infection prevention for health workers, especially nurses. The use of Personal Protective Equipment by nurses is used to prevent infection for nurses when starting action on patients.<sup>5-7</sup>

The implementation of OHS in hospitals has a very important role in protecting the health and safety of health workers. Fitriani et al. (2021) identified that the factors influencing the implementation of OSH

in the Padang City Regional General Hospital are complex, including policies, human resources, and adequate facilities and infrastructure. This study highlights the urgent need for better OHS implementation and adequate legal protection for health workers. In addition, Yuniarti et al. (2020) examined the effect of OHS implementation on the occupational safety and health of health workers at the Padang City Hospital, which showed that effective OHS implementation can significantly reduce the risk of accidents and occupational diseases. These results emphasize that good OHS implementation and strong legal protection for health workers are crucial elements to ensure a safe and healthy working environment in hospitals.

The research conducted by the author to be more focused and better directed, it is necessary to limit the problem, namely the study of the very complex tasks of Health Workers including preventive, curative, promotive, and rehabilitative. So that this thesis is limited to legal protection for health workers on safety and health standards in hospitals, especially nurses because the duties of nurses are closely related to the incidence of workplace accidents.<sup>8,9</sup>

Based on the criteria for occupational safety and health workers in hospitals, hospitals are divided into 3 classes, namely classes A, B and C, so that this research place is focused and more directed research is carried out in 3 classes of hospitals with class A, B and C criteria. In the city of Yogyakarta, class A hospitals are RSJ Grhasia Yogyakarta, class B hospitals are RS JIH Yogyakarta and class C hospitals are RS Paru Respira Yogyakarta.

## **Methods**

This research uses empirical juridical research methods, which combine legal materials (secondary data) with primary data obtained from the field. The aims is to analyze a legal issues in the actual social and cultural context. This research begins by collecting relevant data from real situations in society, then identifying problems and finding solutions based on these data. This research used qualitative methods with descriptive-analytical, describing legal symptoms systematically, factually, and accurately and assessing the results of the description without making general conclusions.<sup>10,11</sup>

Primary data was obtained through interviews with facilitators and persons in charge of the OHS program in several hospitals in Yogyakarta (RSJ Grhasia Yogyakarta, RS JIH Yogyakarta, and RS Paru Respira Yogyakarta). Meanwhile, secondary data consists of primary legal materials such as laws related to occupational health and safety, secondary legal materials such as books and research results, and tertiary legal materials such as legal dictionaries and encyclopedias. This research has been approved by the Ethics Committee issued by the DIY National Unity and Political Agency and complies with the stipulated requirements with number: 074/2823/Kesbangpol/2018.

## **Result**

### **Legal Protection for Health Workers against Occupational Safety and Health in Hospitals.**

RSJ Grhasia Yogyakarta, RS JIH Yogyakarta, and RS Paru Respira Yogyakarta have implemented Occupational Safety and Health (OSH) programs in accordance with the laws and regulations. Health workers in the three hospitals receive legal protection for their occupational safety and health. In addition, the hospitals still have obstacles in a legal protection for health workers, such as a lack of human resources and supervision.

This is evidenced by the following findings that all three hospitals have accredited OSH policies and work programs. RSJ Grhasia was fully accredited in 2015, JIH Hospital was fully accredited in 2017, and Respira Lung Hospital was 4-star accredited in 2017. All three hospitals conducted OSH socialization to all levels of the hospital. RSJ Grhasia conducts training on the 5 OSH obligations every year, RS JIH conducts OSH orientation and fire prevention training every year, and RS Paru Respira Yogyakarta conducts OSH technical guidance and fire prevention training every year. All three hospitals provide personal protective equipment (PPE) for health workers. The PPE provided is in accordance with the type of work and risks faced by health workers. All three hospitals conduct occupational health checks to all levels of the hospital. These examinations include initial examinations before work, periodic examinations, and special examinations.

Each hospital has a Standard Operating Procedure (SOP) for the use of personal protective equipment (PPE). The PPE used must be in accordance with the type of work and risks faced by health workers. Based on the data obtained, the number of occupational accidents in the three hospitals varies. RSJ Grhasia Yogyakarta had 2 cases of occupational accidents out of a total of 11 cases in the last 2 years, RS JIH Yogyakarta had 20 cases of occupational accidents in the last 3 years, and RS Paru Respira Yogyakarta had no cases of occupational accidents in the last 3 years.

All three hospitals provide health insurance for occupational safety and health for health workers. This health insurance includes, occupational health checks: This examination aims to detect early diseases and health problems that can be caused by work. Treatment: Treatment is provided to health workers who experience occupational accidents or occupational diseases. Recovery: Recovery is provided health workers who have suffered occupational accidents or occupational diseases in order to return to normal work.

### **Obstacles and Solutions to Legal Protection for Health Workers against Occupational Safety and Health in Hospitals**

Barriers to legal protection for health workers against occupational safety and health standards in hospitals. This study found several obstacles in legal protection for health workers against OSH standards

in hospitals, a lack of human resources for the OSH program. This causes the OSH program to not run optimally and also lack of supervision of the implementation of the OSH program. This means there are still health workers who do not use PPE properly or do not follow the established OSH procedures.

Solutions for legal protection for health workers against occupational safety and health standards in hospitals that can be done to overcome these obstacles are increase human resources for the OSH program. This can be done by increasing the number of health workers in charge of OSH or by providing OSH training to existing health workers. Strengthening supervision of the implementation of the OSH program. This can be done by conducting regular OSH inspections and imposing sanctions on health workers who do not comply with OSH regulations.

## **Discussion**

### **Legal Protection for Health Workers against Occupational Safety and Health in Hospitals**

This study reveals that the three hospitals studied RSJ Grhasia Yogyakarta, RS JIH Yogyakarta, and RS Paru Respira Yogyakarta have implemented occupational safety and health (OSH) programs and provided legal protection for health workers. However, there are still some obstacles in the legal protection, such as a lack of human resources and supervision.

The implementation of OSH standards in the three hospitals is in line with other studies which show that hospitals in Indonesia have implemented OSH standards, although there are still shortcomings in their implementation (Fitriani et al., 2021). This is reinforced by the research findings of Yuniarti et al. (2020) show the implementation of OSH in hospitals can improve the occupational safety and health of health workers.<sup>12,13</sup>

The three hospitals in this study have Standard Operating Procedures (SOPs) for the use of personal protective equipment (PPE) and provide PPE that is appropriate to the type of work and risks faced by health workers. This finding is in line with other studies which show that PPE is one of the important tools to protect health workers from the risk of work accidents.<sup>14</sup>

The three hospitals in this study provide health insurance for occupational safety and health for health workers, including occupational health checks, treatment, and recovery. The applicable laws and regulations, such as Law Number 36 of 2009 concerning Health and Regulation of the Minister of Health of the Republic of Indonesia Number 66 of 2016 concerning Occupational Safety and Health in Hospitals.

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Legal protection for health workers is a critical aspect of ensuring their safety and well-being in the workplace. In many countries, comprehensive laws and regulations have been established to safeguard health workers from occupational hazards. For instance, the Occupational Safety and Health

Administration (OSHA) in the United States sets and enforces standards to ensure safe and healthful working conditions. These regulations include mandatory training on safety protocols, the provision of personal protective equipment (PPE), and the implementation of emergency preparedness plans. Such legal frameworks not only protect health workers from immediate physical harm but also provide them with the necessary resources and support to manage work-related stress and psychological challenges<sup>16</sup>

In Indonesia, the legal protection for health workers is still evolving. The implementation of K3 (Kesehatan dan Keselamatan Kerja) laws aims to address the unique challenges faced by health workers in hospitals. However, there are gaps in enforcement and compliance that need to be addressed to ensure these laws are effective. Strengthening legal protections involves not only creating robust regulations but also ensuring their implementation through regular monitoring and audits. Moreover, health workers must be educated about their rights and the legal provisions available to them. This empowerment can lead to better compliance with safety protocols and an overall safer work environment. Studies have shown that when health workers feel legally protected and supported, their job satisfaction and performance improve significantly, leading to better patient outcome.<sup>17,18</sup>

### **Barriers and Solutions to Legal Protection for Health Workers against Occupational Safety and Health in Hospitals**

This study found several obstacles to legal protection for health workers, namely the lack of human resources and supervision. This finding is in line with other studies which show that the lack of human resources and supervision is one of the factors that can hinder the effectiveness of OSH programs.

Based on the findings of this study and other studies, the following are some efforts that can be made to improve legal protection for health workers is increase human resources for the OSH program. This can be done by increasing the number of health workers in charge of OSH or by providing OSH training to existing health workers. Strengthen supervision of the implementation of the OSH program. This can be done by conducting regular OSH inspections and imposing sanctions on health workers who do not comply with OSH regulations.<sup>19,20</sup>

Increase socialization and education about OSH to health workers. This can be done by conducting training, seminars, and workshops on OSH. Strengthen regulations and law enforcement related to OSH. This can be done by revising applicable laws and regulations and increasing law enforcement against OSH violations.<sup>13,19,21</sup>

Based on observations that distinguish between the author and researcher lies in the title of the research and the focus of the study. Arif Wahyu Dwinata's research title is Legal Protection of Occupational Safety and Health for Dentists at Primary Clinics in Sleman Regency, where a very clear problem restriction lies in health workers, namely dentists and the focus of the study raised by Arif is legal

protection for dentists and factors that affect occupational safety and health.

In Fhelis Subiyadevi's research, the title of her research is the Implementation of the Hospital Occupational Health and Safety Management System to Fulfill the Rights of Health Workers at Roemani Semarang General Hospital, where very clear problem restrictions lie in the Hospital Occupational Health and Safety Management System and what are the supporting factors and inhibiting factors in the implementation of Hospital Occupational Health and Safety.

Whereas in the author's research the title of this research is legal protection for health workers against occupational safety and health standards in hospitals, where the restrictions of this research lie on health workers, especially nurses.

The implementation of Occupational Health and Safety (OHS) in hospitals is not only a concern in Indonesia, but also a major focus in many countries. A study conducted by Kirch et al. (2020) in Germany showed that effective OHS implementation in hospitals can reduce the risk of nosocomial infections and improve the welfare of health workers. The study found that hospitals with comprehensive OHS programs experienced a significant reduction in the incidence of occupational accidents and work-related diseases. This finding reinforces that investment in OHS programs not only protects healthcare workers but also improves hospital operational efficiency.<sup>22</sup>

In addition, research by Smith et al. (2019) in the United States showed that good OHS training and adequate legal protection for health workers can increase compliance with safety protocols and reduce work stress. The study revealed that health workers who feel safe and protected tend to have higher productivity and better quality of care. Strong legal protection also serves as an incentive for health workers to follow recommended safety practices, ultimately contributing to a safer and healthier work environment in hospitals.<sup>16</sup>

### **Conclusion**

Not only does it organize occupational health but these three hospitals also provide legal protection for health workers against occupational safety and health in accordance with Law No. 36 of 2014 concerning Health Workers Article 57 letter d. In addition, the hospital has also organized occupational safety and health in the hospital in accordance with the Regulation of the Minister of Health of the Republic of Indonesia Number 66 of 2016 concerning Occupational Safety and Health of Hospitals.

The occupational safety and health program holders in the three hospitals admitted to experiencing obstacles in terms of human resources, especially for the occupational safety and health program in each hospital is still lacking. For example, 1 work unit has not only 1 workload but several workloads. It can be seen that occupational safety and health in hospitals has not stood alone as an agency but is still in the work program contained in facility and safety management.

From these three hospitals, the solutions to the obstacles faced are the same, namely with limited human resources, hospital occupational safety and health programs must continue to run with routine monitoring every month to monitor and assess how the progress and development of occupational safety and health programs in hospitals. So it is hoped that from this solution, health workers, especially nurses, can minimize the incidence of occupational accidents in hospitals. The provision of Personal Protective Equipment in each hospital is as needed, where every health worker who needs Personal Protective Equipment will easily get it at the hospital as needed without limitations.

### **Conflicts of Interest**

There is no conflict of interest.

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