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Protection of the Rights of Health Workers in Handling COVID-19

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Abstract: COVID-19 increasingly spreads in various countries with a very large impact in health, social, and economic spheres. Health workers face various problems, so they need to get legal protections and the rights of health workers in dealing with COVID-19 patients. This study is a literature review that aims to explore the protection of the rights of health workers in handling COVID-19. Legal protection and fulfillment of the right to workplace safety for medical personnel who handle the COVID-19 pandemic can be obtained according to Health Regulation No. 66/2016 concerning Occupational Safety & Health in Hospitals, that health workers must also apply occupational safety and health protocols to handle the COVID-19 pandemic. Steps to ensure that health workers have safe working conditions are the government fulfills all rights under Indonesian law.

Keywords: handling COVID-19, health workers, workplace safety, rights protection.

保护卫生工作者处理新冠肺炎的权利

摘要：新冠肺炎越来越多地在各个国家传播，对健康、社会和领域产生了非常大的影响。卫生工作者面临各种问题，因此他们需要在处理新冠肺炎患者时获得法律保护和卫生工作者的权利。本研究是一项文献综述，旨在探讨在处理新冠肺炎时保护卫生工作者的权利。根据关于医院职业安全与健康的第 66/2016 号卫生条例，可以为处理新冠肺炎大流行的医务人员获得法律保护和工作场所安全权的实现，卫生工作者也必须申请职业安全与健康处理新冠肺炎大流行的协议。确保卫生工作者拥有安全工作条件的步骤是政府履行印度尼西亚法律规定的所有权利。

关键词：处理新冠肺炎、卫生工作者、工作场所安全、权利保护。

1. Introduction

The spread of COVID-19 is increasingly widespread in various countries, and the impact is very large in terms of health, social and economic aspects. Indonesia nationally is in the phase of accelerating the pandemic [1]. Restrictions on residents' activities were also carried out. To accelerate the handling of COVID-19, the President formed a task force to accelerate the handling of COVID-19. The formation of the task force was carried out through the issuance of Presidential Decree Number 7 of 2020 concerning the Task Force for the Acceleration of Handling Corona Virus Disease-2019 (COVID-19). This Presidential Decree was later revised with Presidential Decree Number 9 of 2020 concerning Amendments to Presidential Decree Number 7 of 2020 concerning the Task Force for the Acceleration of Handling Corona Virus Disease-2019 (COVID-19). Various problems faced by health workers range from lack of protective clothing

(Personal Protective Equipment / PPE), limited rest time, fatigue, changes in relationships with patients, colleagues, and family, and dishonesty of patients with their travel history during examinations, including being rejected when returning to the hospital. Their homes and vulnerable health workers have to deal with infection [3].

This pandemic shows that victims are not only affecting the community (patients) but also endangering and taking the health of health workers who are fighting at the forefront in overcoming the spread of disease. Health workers must be aware that it is their responsibility to follow the law and professional practice because it is their responsibility. Health workers caring for COVID-19 patients face mental stress, physical exhaustion, separation from family, stigma, and the pain of losing patients and co-workers. Many of them have contracted SARS-CoV-2, and some have died [4]. The protection of health care workers is

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critical in continuing the care of patients in a health care system currently challenged by the pandemic but is also critical in ensuring they do not spread the virus [5].

On the other hand, developments in Indonesia, COVID-19 cases continue to increase. Based on data published by the Indonesian Doctors Association on April 6, 2020, 24 doctors (including 6 dentists) died amid the COVID-19 pandemic. Meanwhile, based on data as of May 8, 2020, released by the Indonesian National Nurses Association (PPNI), the number of health workers (nurses) exposed to COVID-19 continues to grow. Number of people under monitoring (ODP) was 596, patients under monitoring (PDP) – 48 people; people without symptoms (OTG) – 97, positive – 53 people, and 19 people died [6]. This condition clearly cannot be ignored because new cases continue to emerge. Meanwhile, health workers on duty are vulnerable to infection. According to Jatu Apridasari, in terms of affordability, five groups are most vulnerable to contracting the virus, namely health workers who treat patients, people who live in the same house as COVID-19 sufferers, people traveling in one means of transportation, the person who treats and waits for the patient in the room, guests who share the same room with COVID-19 sufferers, and people who work with COVID-19 sufferers [3].

Health workers, doctors, nurses, and hospital administrative staff need to get legal protection from the government that must fulfill the rights of health workers. One of the basic rights of equality in health workers is that all health work professions are regulated by rights, obligations, authority, certification, registration, and licensing in carrying out their profession [2]. Health workers are willing to devote themselves to serving public health and even sacrifice their lives and their families to tackle the spread of COVID-19. The profession of health workers is a noble profession, and in this profession, it is increasingly being realized amid the COVID-19 pandemic crisis [6].

Based on the provisions of Article 43 IHR as an international binding legal instrument that limits action, it can be applied by countries when dealing with public health risks with action parameters supported by science, commensurate with the risks involved, and following human rights [3]. The above does not prevent states and states parties from implementing health measures, under relevant national law and obligations under international law, in dealing with public health risks or health emergencies of international concern but should be subject to human rights. In this context, it is related to the rights of patients, the rights of health workers, and the community's rights during the pandemic. The government must guarantee the right of the community to be healthy by providing fair, equitable, adequate, affordable, and quality health services.

Meeting the availability of PPE (Personal Protective Equipment) is one form of protection for health workers in carrying out their duties. However, it also seems that this cannot be implemented. Without fulfilling the right to health, the welfare state will not be realized. Therefore, as the bearer of the mandate for the community's welfare, the state is obliged to respect, protect and fulfill these basic health rights to fulfill their basic needs as a health service provider [7]. Based on the background described above, the problem raised in this study is how the Indonesian government's policy regulates the protection of the rights of health workers who handle the COVID-19 pandemic.

2. Research Method

The method used in this paper is a literature review study that aims to explore the protection of the rights of health workers in handling COVID-19. The review process begins with identifying journal articles that are relevant to the research topic. The databases used in the source search are Google Scholar and PubMed. The search for articles was carried out by collecting themes regarding the discussion of legal protection for the rights of health workers in handling the COVID-19 pandemic. The inclusion criteria for searching for literature sources are the article's year of publication from 2018 to 2021, in English and Indonesian, and the full article. The search keywords are legal protection, health workers, COVID-19.

3. Efforts to Protect the Law and Fulfill the Rights of Health Workers While Dealing with the COVID-19 Pandemic

Legal protection for the safety of health workers is an important aspect amid the COVID-19 pandemic. Health workers get legal protection as long as they carry out their duties according to professional standards and standard operating procedures. In order to carry out disaster management, doctors/dentists do not need to have a Registration Certificate (STR) [8]. In an emergency, informed consent is also not required to save life or prevent disability. In practice, health workers often do not get the rights to be fulfilled, such as PPE availability. Lack of PPE can lead to infection, and infection can affect the mental health of health care providers and their lives.

Legally, health workers are equipped with obligations and legal rights and protections regulated in the legislation. Regarding the rights of health workers as regulated in the Health Law in Article 57, it is emphasized that: "In carrying out the practice, health workers have the right to obtain legal protection while carrying out their duties under the Professional Service Standards and Standard Operating Procedures."

There are still incidents of medical and health workers exposed to COVID-19, and even some cases have resulted in death. This incident is a big challenge

amid the COVID-19 pandemic, considering that medical and health personnel are the major elements in handling COVID-19. Several laws have regulated the protection for medical and health personnel when carrying out their duties under normal or emergency conditions [2].

Health workers in carrying out their practice are entitled to protection for occupational safety and health. This provision is contained in Article 57 of Law Number 36 of 2014 concerning Health Workers. This provision is also in line with the provisions contained in the Manpower Law, which regulates the normative rights of workers to obtain protection for OSH. In the formulation of the articles, both the Health Manpower Act and the Manpower Act also add protection to obtain treatment that follows human dignity, morals, decency, and religious values [2]. Overall, regulatory interventions in OSH have sought to strengthen the protection of workers' health and safety during the pandemic, in line with the evolving health situation and following the recommendations issued by the ILO and the World Health Organization (WHO). As will be seen further down, health protection is not limited to physical protection alone: various mental health and well-being aspects have also been considered [9].

Based on Permenkes No. 66/2016 concerning Occupational Safety & Health in Hospitals, health workers must also follow occupational safety and health protocols while dealing with the COVID-19 pandemic. The protocol guidelines are regulated in Permenkes No. 27/2017 on Guidelines for Infection Prevention & Control in Health Facilities. However, these provisions have not specifically regulated the potential danger of spreading the COVID-19 virus [6].

From the sound of Article 57 of the Health Manpower Act above, the profession of health workers needs to get legal protection in carrying out their duties and has the right to occupational safety and health in providing health services. However, during this COVID-19 pandemic, many health workers had to sacrifice their lives to cope with the spread of COVID-19 until they were exposed and died. Not only that, but the government is also responsible for providing health service facilities for health workers to carry out their work. Therefore, the Central Government and Regional Governments are responsible for the availability of health service facilities in the context of realizing the highest degree of health. This responsibility is regulated by and stated in Article 6 of Government Regulation Number 47 of 2016 concerning Health Service Facilities.

The Indonesian government needs to further increase the national production of medical supplies and equipment by encouraging domestic producers of non-medical devices to reorient the production of PPE and medical devices by further facilitating the licensing process [10]. Provision of adequate PPE is only the

first step; other practical actions should be considered, including canceling events that are not critical to resource priority, providing food, rest, family support, and psychological support. Today, health workers are every country's most valuable resource [11]. Considering that the current COVID-19 outbreak has the status of a disaster after the issuance of the Decree of the Head of BNPB Number 13 A of 2020, all levels of the government are obliged to carry out all their obligations as stipulated in the applicable legislation. The obligations that the government should fulfill include supporting the availability of medical equipment in the field, ensuring the fulfillment of the rights of the community and medical personnel, transparency of information to the public, making policies that take into account the values of human rights and democracy.

4. Conclusion

The COVID-19 pandemic has made all countries, especially Indonesia, aware of the vital role of health workers in saving the lives of patients infected with COVID-19. Legal protection and fulfillment of the right to workplace safety for medical personnel who handle the COVID-19 pandemic can be concluded that it is regulated in Minister of Health Regulation No. 66/2016 concerning Occupational Safety & Health in Hospitals, that health workers must also follow occupational safety and health protocols during dealing with the COVID-19 pandemic. Ensuring health workers include safe working conditions to ensure that the government fulfills all rights under Indonesian law.

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