



Original Article

Legal Protection For Health Workers Against Hospital Safety And Health Standards

Ummi Rachmi Pasaribu^{1✉}, Tamaulina Br Sembiring²

^{1,2}Universitas Pembangunan Panca Budi, Medan, Indonesia

Correspondence Author: ummirahmi41@gmail.com

Abstract:

This paper discusses legal protection for health workers against safety and health standards in hospitals. Hospitals as work environments that pose special risks to health workers require adequate legal protection to ensure safe and healthy working conditions. This study identifies legal regulations governing safety and health standards in hospitals, and analyzes the implementation and effectiveness of such legal protection in daily practice. The method used in this research is a literature study to collect relevant legal data as well as a case study to illustrate the application and challenges in legal protection for health workers. The results of this study are expected to contribute to raising awareness of the importance of legal protection for health workers in hospitals, as well as recommendations for improvements in existing policies and practices.

Keywords: *Law, Labor, Health.*

Introduction

Hospitals are one of the institutions that have a high-risk work environment, especially for health workers. The healthcare workforce, which consists of doctors, nurses, paramedics, and other medical personnel, are exposed to a variety of potential hazards in the course of their daily duties. These risks may include exposure to infectious diseases, occupational accidents, fatigue, occupational stress, and other physical hazards that may arise from medical procedures, medical waste management, or interactions with patients with varying conditions.(Sulistini, 2021). Legal protection for healthcare workers in hospitals is crucial to ensure that they can perform their duties safely and healthily. This protection covers not only the physical aspects and safety of the workplace, but also the rights and policies that aim to protect their overall well-being. Safety and health standards in hospitals are not only a guideline, but also a foundation that must be adhered to and applied consistently.(Pita Permatasari & Alkays, 2023). In this context, legal regulations play



<https://jurnal.usk.ac.id/riwayat>

a crucial role in setting the minimum standards that hospitals and healthcare providers must adhere to. However, the implementation and effectiveness of these legal protections are often the subject of debate and challenges. Dynamic working conditions, developments in medical technology, and dynamics in healthcare practice require legal regulations to be continuously adjusted and updated. (Suhartoyo, 2019).

Legal protection for the healthcare workforce involves not only regulatory aspects and compliance with safety standards, but also includes efforts to promote a work environment that supports their physical and mental well-being. Factors such as high workload, time pressure, and exposure to emotional and psychological situations can contribute to significant health risks for the healthcare workforce. (Syafitri, 2021) Therefore, holistic legal protection also needs to consider protection against occupational stress, fatigue, and mental health issues that may arise in their daily practice. In addition, legal protection must take into account the local conditions and context in which hospitals operate. Different countries or regions have different regulations related to occupational safety and health in the healthcare sector. These differences may include differences in safety standards, supervision procedures, and existing enforcement mechanisms. Therefore, this research will also explore these variations and their impact on the implementation of legal protection for the healthcare workforce. (Kaimudin, 2019)

It is important to recognize that legal protection for the healthcare workforce not only impacts the individuals working in hospitals, but also the quality of care provided to patients. A workforce that feels safe, protected, and legally supported tends to provide better and more patient-oriented services. Therefore, this study will also consider the impact of legal protection on the overall quality of healthcare services. (Beritno, 2022)

As such, this study aims not only to explore the implementation and effectiveness of existing legal protections, but also to identify the challenges that remain and provide recommendations for improvements to existing policies and practices. Through a better understanding of these dynamics, it is hoped that a safer, healthier and more sustainable working environment for the healthcare workforce in hospitals can be created.

Methods

This research method uses a literature approach, which means that researchers collect and analyze various relevant literature sources such as books, scientific journals, articles, research reports, and related legal documents. This approach allows researchers to gain an in-depth understanding of the existing legal framework and how it is implemented in the context of health labor protection in hospitals. The first step in this research was to conduct a search for literature relevant to the topic. This involved using academic databases and digital libraries to identify relevant scholarly articles and publications. Afterwards, the researchers selected the most relevant and authoritative literature to include in their analysis. (Matthew B. Miles & A. Michael Huberman, 1992).

Literature analysis involves compiling and comparing findings and opinions from different sources. Researchers identified common patterns, differences, and gaps in the understanding and implementation of legal protection for health workers in hospitals. In this process, the researcher also explored case studies or concrete examples that illustrate how such legal protections function or may not function in daily practice. The research resulted in a comprehensive synthesis or summary of the status quo of legal protection for the healthcare workforce in hospitals, as well as recommendations for improvement or further development of the existing legal framework. The conclusions drawn from this research are expected to provide valuable insights for policy makers, legal practitioners,

and other relevant parties in an effort to improve occupational safety and health standards for health workers in the hospital environment. (Muhaimin, 2015).

Results

Implementation of Occupational Safety and Health Standards in Hospitals.

The implementation of Occupational Safety and Health (OSH) Standards in hospitals is a crucial process in maintaining and protecting the safety and health of all parties involved, such as hospital human resources, patients, patient companions, visitors, and the environment around the hospital. OSH includes various activities aimed at preventing work-related accidents and diseases in the hospital environment. In 2016, the implementation of the Regulation of the Minister of Health of the Republic of Indonesia No. 66/2016 has regulated the implementation of OHS standards in hospitals. These standards cover several key aspects such as OHSRS risk management, safety and security in hospitals, occupational health services, management of hazardous and toxic materials (B3), and fire prevention and control. (Yeni, 2019)

OHSRS risk management is an ongoing process that involves identifying, evaluating and reducing risks to prevent accidents and occupational diseases in hospitals. This process begins with identifying the various potential hazards that may occur in the hospital environment, such as risks from the use of medical equipment, exposure to hazardous chemicals, and physical and ergonomic risks. Once the risks have been identified, the next step is to evaluate the level of risk, followed by the development of strategies to reduce or eliminate the identified risks. The importance of risk management lies in its ability to ensure safe and healthy hospital operations for all involved. (Susanto & Nopriadi, 2021)

Safety and security in hospitals is vital. Hospitals must ensure that their physical infrastructure, medical equipment and technology meet strict safety standards. This includes protecting the hospital's human resources, patients, visitors and the environment from potential hazards posed by the use of complex medical equipment. In addition, hospitals must have clear and tested emergency procedures, including evacuation and disaster management plans, which can be effectively implemented in emergency situations. (Galleryzki et al., 2021)

Occupational health services in hospitals are also an important part of OHS implementation, where hospitals must ensure that both workers and visitors are protected from the risk of health problems and occupational accidents. This includes providing adequate health facilities, conducting regular health checks, and providing health and safety training for all staff. Hospitals should also implement health promotion programs that aim to improve workers' health and well-being, such as stress management, disease prevention, and healthy lifestyle programs. (Alvarez Lasut et al., 2019). The management of hazardous and toxic substances in hospitals is a crucial aspect in the effort to prevent work-related accidents and diseases in hospitals. Hospitals must carry out effective monitoring and control of the use of hazardous and toxic materials to ensure maximum safety for all parties involved. This management includes safe storage, proper use, and waste disposal in accordance with applicable regulations. In addition, hospitals must provide training and information to staff on how to safely handle hazardous materials and respond to incidents involving such materials. (Ibrahim et al., 2017)

Fire prevention and control is also an important part of OHS implementation in hospitals. Hospitals must have a reliable fire detection and suppression system, and conduct regular fire drills and simulations to ensure the readiness of all staff in dealing

with emergency situations. In addition, hospitals should conduct regular inspections and maintenance of fire safety systems to ensure that all equipment is functioning properly.(Syahril et al., 2023). Hospitals should develop clear and effective policies to implement OHS as a whole. This includes ensuring that all hospital workers and visitors understand and follow established OHS procedures. Hospitals can do this by providing comprehensive and easily accessible OHS training, and by conducting regular audits and reviews of OHS implementation to ensure compliance and effectiveness. Thus, the hospital can operate efficiently and effectively, while providing optimal protection for the hospital's human resources, patients, patient companions, visitors, and the hospital's surrounding environment.(Asbar & Wijaya, 2021). Thus, the implementation of OHS in hospitals is a holistic effort that requires commitment and cooperation from all parties involved. By implementing high OHS standards, hospitals can ensure a safe and healthy work environment, improve the quality of health services, and protect the welfare of all individuals within them.

Key Challenges Facing Healthcare Workers in Implementing Safety and Health Standards in Hospitals.

Healthcare workers in hospitals face various challenges in implementing workplace safety and health standards. One of the main challenges is the lack of PPE (Personal Protective Equipment) facilities and effective SOPs (Standard Operating Procedures). Limited PPE facilities such as masks, gloves and shoes can increase the risk of exposure to viruses and nosocomial infections. Meanwhile, unclear SOPs can lead to errors in the use of medical equipment, which can be fatal. In addition, medical staff in hospitals also face high work pressure and great emotional burden. Large numbers of patients, emergency situations, and the need to make quick decisions can cause excessive stress. Therefore, it is important to provide mental well-being programs for medical staff, such as counseling, psychological support, and balanced working hours.(Syahril et al., 2023)

Nosocomial infections are also a major problem in hospitals. Factors such as poor hygiene, the use of unsterilized tools, and the spread of microorganisms can lead to potentially fatal infections. Proper training of medical staff on hand hygiene, equipment sterilization, and infection prevention practices is essential to address this issue. Accidents and injuries are also a high risk in hospitals. Activities such as improper lifting and moving of patients, falls in slippery operating rooms, or exposure to hazardous chemicals can cause serious injuries to medical staff. Necessary efforts include training in ergonomics, proper use of assistive devices, and implementation of safety protocols to reduce the risk of injury.(Asbar & Wijaya, 2021). Hospital management should understand the major bottlenecks in managing healthcare data that often end up in archives. They should establish a more efficient and effective records management system to optimize service data. Thus, the main challenges of the health sector in Indonesia can be addressed, resulting in improved health services for the community.(Kaimudin, 2019)

Thus, the main challenges faced by the health workforce in implementing safety and health standards in hospitals include lack of PPE facilities and SOPs, high work pressure, nosocomial infections, accidents and injuries, and ineffective service data management. To overcome these challenges, hospitals should improve PPE facilities and SOPs, provide appropriate training, and establish a more efficient records management system.(Irwan et al., 2023). To improve PPE facilities and SOPs, hospitals need to allocate adequate resources for procurement and maintenance of personal protective equipment. This includes ensuring the continuous availability of masks, gloves, protective shoes, and other

tools. In addition, hospital management needs to periodically review and update SOPs to ensure that they are in line with the latest developments in medical practice and occupational safety. Proper training for medical staff is also very important. This training should cover various aspects ranging from the use of PPE, hand hygiene, sterilization of medical devices, to infection prevention practices. Training should be organized regularly and attended by all medical staff, including doctors, nurses, and other support staff. Thus, all parties involved in health services can work with high standards and the risk of errors can be minimized.([Pesulima & Hetharie, 2020](#)). In addition, mental well-being programs for medical staff should be prioritized. Hospitals can work with professional psychologists and counselors to provide psychological support services for medical personnel. This program can include individual counseling sessions, support groups, and workshops on stress management. Balanced working hours are also important to ensure that medical personnel have adequate time to rest and recuperate. With adequate support, medical personnel can work better and provide optimal services to patients.([Pratiwi & Lemes, 2021](#))

Hospital management also needs to focus on preventing nosocomial infections. This can be done by ensuring that all areas of the hospital meet high hygiene standards. Medical instruments should always be properly sterilized before use. Periodic training on hand hygiene and medical device sterilization should be conducted to ensure that all medical staff understand and adhere to infection prevention practices. In addition, hospitals also need to adopt new technologies that can help in infection prevention, such as advanced air filtration systems and automatic sterilization devices. In terms of accident and injury prevention, training in ergonomics and proper use of assistive devices is essential. Medical personnel should be taught the correct way to lift and move patients to reduce the risk of back and muscle injuries. The use of assistive devices such as patient lifters and height-adjustable beds can help reduce the physical burden on medical personnel. The implementation of safety protocols, such as ensuring that the operating room floor is not slippery and hazardous chemicals are properly stored, is also important to reduce the risk of accidents. In addition, an efficient and effective records management system needs to be established to optimize healthcare data. Hospital management should adopt advanced information technology to manage patient and healthcare data. An integrated data management system can help in making quick and precise decisions, as well as improving coordination between departments within the hospital. Well-managed data can also be used for research and analysis, which in turn can help in the continuous improvement of health services.([Armeilia, 2021](#))

To realize all of this, support from the government and related institutions is necessary. The government should provide adequate funding and resources to support the improvement of PPE facilities and SOPs, medical staff training, mental well-being programs, nosocomial infection prevention, and healthcare data management. In addition, collaboration with international organizations and research institutions can help in adopting best practices from other countries and implementing them in Indonesia.([Alvarez Lasut et al., 2019](#)). With continued commitment and effort, the major challenges faced by the healthcare workforce in carrying out safety and health standards in hospitals can be overcome. This will result in a safer and healthier working environment for medical personnel, as well as improved quality of health services for the community. As a result, hospitals will be able to provide better and more effective services, which will ultimately improve the overall well-being and health of the community.

Legal Protection Provided to Health Workers Related to Compliance with Safety and

Health Standards in Hospitals

the research Legal protection of health workers in hospitals is primarily aimed at ensuring their occupational safety and health. This is regulated in Law Number 36 Year 2014, Article 57 letter a, which states that health workers are entitled to legal protection as long as they carry out their duties in accordance with professional standards, professional service standards, and standard operating procedures. This legal protection includes several important aspects in its implementation.([Nofil Gusfira, 2022](#)). First, there is supervision and coaching of health workers to ensure they comply with occupational safety and health standards. This is done through regular inspections and continuous training programs to ensure that all health workers know and apply proper safety procedures. Second, the provision of occupational safety and health insurance that is integrated with national occupational safety and health standards. This includes health and accident insurance programs specifically designed for health workers, as well as access to comprehensive health services. Third, equitable and effective distribution of Personal Protective Equipment (PPE) to protect health workers from various hazards in hospitals. Sufficient and high-quality PPE should always be available, given the crucial role of health workers in dealing with medical emergencies and the transmission of infectious diseases such as Covid-19.([Vitrianingsih & Budiarsih, 2019](#))

Other regulations, such as Article 6 of Government Regulation No. 47/2016 on Health Service Facilities and Article 86 of Law No. 13/2003 on Manpower, also confirm that every worker, including health workers, has the right to obtain protection for occupational safety and health, morals and decency, and treatment in accordance with human dignity and religious values. In practice, this legal protection serves as a guarantee for health workers to be able to work safely and healthily. This is very important because health workers are at the forefront in facing the risk of occupational diseases. This protection covers a wide range of risks, including exposure to infectious diseases, excessive work stress, and physical injury.([Supriyatin, 2018](#))

To improve the legal protection of health workers, the government must be committed to providing protection and guaranteeing the rights of health workers, including adequate remuneration and guarantees of safety and health while on duty. This means the government must provide adequate resources, including funds to purchase PPE, develop training programs, and implement an effective monitoring system. With strong legal protection in place, health workers can focus on their duties without having to worry about their own safety and health. They will feel more valued and motivated, which in turn will improve the quality of health services they provide to the community.([Lestari, 2022](#))

Legal protection of health workers in hospitals also includes other aspects, such as:

- a. **Supervision and Coaching**
Hospitals must have an effective supervision and coaching system to ensure that health workers meet occupational safety and health standards. This can be done by providing regular training and guidance, as well as inspecting and evaluating the facilities and equipment used.
- b. **Providing Occupational Safety and Health Assurance**
Hospitals must provide occupational safety and health guarantees that are integrated with occupational safety and health standards. This can be done by providing appropriate PPE, supervising working conditions, and providing protection against the risk of occupational diseases.

c. Distribution of Personal Protective Equipment (PPE)

Hospitals must have an equitable and effective PPE distribution system to protect health workers from various hazards in the hospital. The PPE used must comply with occupational safety and health standards, and be equipped with adequate equipment.

d. Provision of Rewards and Guarantees

Hospitals should provide rewards and guarantees that are in accordance with the rights of health workers. This can be done by providing a fair salary, providing guarantees for safety and health, and providing protection against the risk of occupational diseases.

e. Monitoring and Evaluation

Hospitals should have an effective monitoring and evaluation system to ensure the legal protection of health workers. This can be done by inspecting and evaluating the facilities and equipment used, as well as conducting surveillance on the health of health workers.(Maela & Sidi, 2023)

Thus, legal protection of health workers in hospitals is very important to ensure their occupational safety and health. Therefore, there is a need for clear and effective regulations and strict supervision to ensure that the legal protection is implemented seriously.

Conclusion

Legal protection for health workers against safety and health standards in hospitals is an important issue in maintaining their welfare and security in a high-risk work environment. This protection includes the implementation of strict policies and regulations to ensure that health workers have a safe and healthy working environment. This includes not only physical protection from the risk of injury or exposure to hazardous substances, but also their rights to adequate training, medical protection, and compensation in the event of a work-related accident or illness. In this context, legal protection becomes an important foundation to ensure that the health workforce can provide optimal services without compromising their personal well-being.

References

- Alvarez Lasut, D. S., Kawatu, P. A. T., & Akili, R. H. (2019). Analisis Pelaksanaan Standar Pelayanan Keselamatan Dan Kesehatan Kerja Rumah Sakit (K3RS) Di Rumah Sakitum Daerah Noongan Kabupaten Minahasa. *KESMAS*, 8(7).
- Armeilia, D. (2021). Perlindungan Hukum Dan Hak Memperoleh Keselamatan Kerja Bagi Tenaga Kesehatan Akibat Pandemi Covid-19. *Al-Adl : Jurnal Hukum*, 13(2), 303–319. <https://doi.org/10.31602/AL-ADL.V12I1.4480>
- Asbar, M., & Wijaya, A. (2021). Perlindungan Kesehatan dan Keselamatan Kerja Terhadap Pekerja Perspektif Masalah. *Shautuna: Jurnal Ilmiah Mahasiswa Perbandingan Mazhab Dan Hukum*. <https://doi.org/10.24252/shautuna.v2i2.18456>
- Beritno, P. (2022). Perlindungan Hukum Terhadap Tenaga Kerja Yang Tidak Mendapatkan Bpjs Ketenagakerjaan. *Jurnal Ilmu Hukum Tambun Bungai*, 7(1). <https://doi.org/10.61394/jihtb.v7i1.220>
- Galleryzki, A. R., Hariyati, R. T. S., Afriani, T., & Rahman, L. O. (2021). Hubungan Sikap Keselamatan dengan Implementasi Sasaran Keselamatan Pasien oleh Perawat di Rumah Sakit. *Jurnal Kepemimpinan Dan Manajemen Keperawatan*, 4(1). <https://doi.org/10.32584/jkkm.v4i1.855>
- Ibrahim, H., Santy Damayati, D., Amansyah, M., & Sunandar. (2017). Gambaran Penerapan Standar Manajemen Keselamatan Dan Kesehatan Kerja Rumah Sakit Di Rumah Sakit Umum Daerah Haji Makassar. *Public Health Science Journal*, 9(1).

- Irwan, Saharuddin, Akbar, M., & Syahril, F. (2023). Perlindungan Hukum Terhadap Pemenuhan Hak Keselamatan dan Kesehatan Kerja. *Jurnal Litigasi Amsir*, 10(4), 538–545. <http://journalstih.amsir.ac.id/index.php/julia/article/view/262>
- Kaimudin, A. (2019). Perlindungan Hukum Terhadap Tenaga Kerja Anak Dalam Perundang-Undang Di Indonesia. *Yurispruden*, 2(1). <https://doi.org/10.33474/yur.v2i1.1740>
- Lestari, S. (2022). Tinjauan Hukum Pelimpahan Wewenang Dokter Kepada Profesi Perawat Dalam Tindakan Medis. *Jurnal Pendidikan Dan Konseling*, 4.
- Maela, I. R., & Sidi, R. (2023). Analisis Yuridis Perlindungan Hukum terhadap Tenaga Medis dalam Pelayanan Pemeriksaan Visum Et Repertum (VER) Korban Tindak Pidana Penganiayaan. *JlIP - Jurnal Ilmiah Ilmu Pendidikan*, 6(7). <https://doi.org/10.54371/jiip.v6i7.2379>
- Matthew B. Miles, & A. Michael Huberman. (1992). *Analisis Data Kualitatif; Buku Sumber tentang Metode-Metode Baru* (Tjetjep Rohendi Rohidi, Ed.). UI-Press.
- Muhaimin. (2015). Metode Penelitian Hukum. In *Syria Studies* (Vol. 7, Issue 1). Mataram University Perss.
- Nofil Gusfira. (2022). Tinjauan Yuridis Terhadap Kesalahan Profesi Oleh Tenaga Kesehatan. *Jurnal Hukum Samudra Keadilan*, 17(2). <https://doi.org/10.33059/jhsk.v17i2.6199>
- Pesulima, T. L., & Hetharie, Y. (2020). Perlindungan Hukum Terhadap Keselamatan Kerja Bagi Tenaga Kesehatan Akibat Pandemi Covid-19. *SASI*, 26(2). <https://doi.org/10.47268/sasi.v26i2.307>
- Pita Permatasari, P. P., & Alkays, M. I. (2023). Analisis Perlindungan Hukum Dan Keselamatan Kerja Terhadap Tenaga Kesehatan Di Indonesia. *POSTULAT*, 1(2). <https://doi.org/10.37010/postulat.vii2.1219>
- Pratiwi, K. W., & Lemes, I. N. (2021). Perlindungan Hukum Keselamatan Dan Kesehatan Kerja Terhadap Tenaga Kerja Property Di Pt. Graha Adi Jaya Singaraja. *Kertha Widya*, 8(1). <https://doi.org/10.37637/kw.v8i1.637>
- Suhartoyo, S. (2019). Perlindungan Hukum Bagi Buruh Dalam Sistem Hukum Ketenagakerjaan Nasional. *Administrative Law and Governance Journal*, 2(2). <https://doi.org/10.14710/alj.v2i2.326-336>
- Sulistini, S. (2021). IMPLEMENTASI MEDIASI NON LITIGASI/ DI LUAR PENGADILAN SEBAGAI ALTERNATIF PENYELESAIAN SENGKETA MEDIK DI RUMAH SAKIT UMUM DAERAH Dr. ISKAK TULUNGAGUNG. *Mizan: Jurnal Ilmu Hukum*, 10(2). <https://doi.org/10.32503/mizan.v10i2.2107>
- Supriyatin, U. (2018). Hubungan Hukum Antara Pasien Dengan Tenaga Medis (Dokter) Dalam Pelayanan Kesehatan. *Jurnal Ilmiah Galuh Justisi*, 6(2). <https://doi.org/10.25157/jigj.v6i2.1713>
- Susanto, Y., & Nopriadi, N. (2021). Evaluasi Pelaksanaan Program Keselamatan dan Kesehatan Kerja (K3) di Rumah Sakit. *Jurnal Kesehatan Masyarakat Mulawarman (JKMM)*, 3(1). <https://doi.org/10.30872/jkmm.v3i1.6272>
- Syafitri, I. (2021). Analisis Perlindungan Hukum Terhadap Tenaga Kesehatan Atas Keselamatan dan Kesehatan Kerja di Masa Pandemi Covid-19 Di Indonesia. *Juripol*, 4(2). <https://doi.org/10.33395/juripol.v4i2.11130>
- Syahril, S. W., Suharni A. Fachrin, & Fariyah Muhsanah. (2023). Gambaran Penerapan Keselamatan Dan Kesehatan Kerja Rumah Sakit (K3RS) di RSUD Lapatarai Kabupaten Barru. *Window of Public Health Journal*, 4(2). <https://doi.org/10.33096/woph.v4i2.630>
- Vitrianingsih, Y., & Budiarsih, B. (2019). PELIMPAHAN WEWENANG DOKTER KEPADA PROFESI PERAWAT DALAM TINDAKAN MEDIS DARI PERSPEKTIF HUKUM. *Jurnal Hukum Magnum Opus*, 2(2). <https://doi.org/10.30996/jhmo.v2i2.2545>
- Yeni. (2019). Perawat sebagai pencipta budaya dan pelaku standar keamanan, keselamatan dan kesehatan kerja di rumah sakit (K3RS). *Jurnal Keperawatan*.