

NEW REGULATION ON POSITIONS CLOSED TO FOREIGN CITIZENS

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The Minister of Manpower and Transmigration (MOM) recently issued Regulation No. 40 of 2012 on Certain Positions which are Closed to Foreign Manpower (“**MOMR 40/2012**”). MOMR 40/2012 lists 19 different positions, most related to human resources, which are closed to foreigners. However, MOMR 40/2012 applies to wholly owned local companies only and does not apply to foreign-owned companies (ie foreign investment companies/PMAs).

MOMR 40/2012 has also raised the question of whether the CEO (Kepala Eksekutif Kantor or Chief Executive Officer) position as included in the list refers to the officer in charge of the executive operations and management of the company, which in most companies would be the President Director or the Operations Director. According to an unofficial MOM statement, the use of the term “CEO” here is meant to refer to the human resources and administration manager under the International Standard Classification of Occupations (ISCO). However, the MOM will issue a circular letter elaborating on this uncertainty.

The ISCO is published by the International Labor Organization (ILO), and the most recent classification is the ISCO-08, of 6 December 2007. Under ISCO-08, CEOs are listed under ISCO code 1120. However, MOMR 40/2012 states that CEOs are classified under ISCO code 1210. Accordingly, it remains unclear as to what position the term CEO refers to.

The following positions are closed to foreign citizens:

1. Personnel Director;
2. Industrial Relations Manager;
3. Human Resources Manager;
4. Personnel Development Supervisor;

5. Personnel Recruitment Supervisor;
6. Personnel Placement Supervisor;
7. Employee Career Development Supervisor;
8. Human Resources Administrator;
9. Chief Executive Officer;
10. Personnel and Careers Specialist;
11. Personnel Specialist;
12. Career Advisor;
13. Job Advisor;
14. Job Advisor and Counseling provider;
15. Employee Mediator;
16. Job Training Administrator;
17. Job Interviewer;
18. Job Analyst;
19. Occupational Safety Specialist.