



Legal Protection of Outsourcing Workers in Manokwari District, Indonesia

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ABSTRACT

The development of the business world in Indonesia, which is increasingly growing in number and has tight competitiveness, has forced company owners to try to improve the quality of their effective and efficient business performance by employing as many workers/laborers as possible with the minimum number of workers possible in the hope that workers/laborers can provide significant contribution and profit to the company. Outsourcing problems are pretty varied as its use is increasingly widespread in the business world while existing regulations still need to be improved to regulate already underway outsourcing. This research aims to determine the application of working time requirements and rest time, calculate overtime wages for outsourcing workers in Manokwari Regency, and determine legal protection for outsourcing workers in Manokwari Regency. This research uses a qualitative approach with a descriptive data approach. The research location is in Manokwari Regency, Indonesia. Data sources include primary and secondary data. The data collection techniques used were interviews and documentation. The data analysis techniques in this research are presented descriptively, namely by explaining, describing, and illustrating according to the problems related to the research. The research results show that implementing rest time requirements in the workplace is critical in maintaining employee well-being and productivity. This includes establishing a clear policy regarding the duration and schedule of breaks by applicable government regulations and labor laws. Companies must ensure that work and rest schedules comply with established legal standards to avoid potential conflicts and legal sanctions.

Keywords: Outsourced Workers, Protection, Law.

1. INTRODUCTION

The development of the business world in Indonesia, which is increasingly growing in number and has tight competitiveness, has forced company owners to try to improve the quality of their effective and efficient business performance by employing as many workers/laborers as possible with the minimum number of workers possible in the hope that workers/laborers can provide significant contribution and profit to the company. One method that many entrepreneurs are currently developing is to focus on handling work that is the core business. In contrast, the supporting work for the company is handed over to other parties through service provider companies. This activity process is known as outsourcing.

When starting a work relationship between an outsourced worker and a company, a work agreement must be made to clarify their work status. The existence of labor law is very strategic and fundamental; this happens because its content is not only technical but also full of social, economic, and political content, which is also related to human rights issues. In reality, several groups of workers and entrepreneurs still have different views on the decision of the Constitutional Court. Hence, outsourcing is still an issue carried out by trade/labor unions to obtain protection and rights, namely holding large-scale demonstrations in various regions and reporting in print media. Moreover, electronics, in essence, the workers/labor unions demand that the government pay attention to their fate and also demand that the government stop the outsourcing system because a system like this only harms workers in their career path because there is no promotion in their work positions, in other words, they will become enslaved while they worked for the company.

Employment in Indonesia, based on Law no. 13 of 2003 in Chapter 1 Article 1 number 1, states that employment is all matters related to labor during, during, and after the period of employment. In this case, by Article 1, Number 2 of Law 13 of 2003 concerning employment, what is meant by labor is every person who can carry out work to produce goods and services either to meet their own needs or for the community. Legal protection for workers aims to eliminate the system of slavery and ensure that workers are more humanized. So that it can improve the welfare of workers and live a decent life as human beings. Juridically, in labor law, the positions of entrepreneurs and workers are equal. However, sociologically, in certain conditions, the position between workers and entrepreneurs is not equal and balanced because workers often need to be more robust when referring to Article 59 of Law 13 of 2003 concerning employment.

Protection of workers from the power of employers is implemented if regulations in the field of employment that require or compel employers to act as stated in the statutory regulations are implemented by all parties because the validity of the law cannot only be measured juridically but can be measured sociologically and philosophically. Initially, the employment relationship occurred due to an employment agreement. A work agreement is an agreement made by a prospective worker/laborer with an employer in terms that they mutually agree on. The agreement includes, among other things, when the worker will start carrying out work and what will be done, then the amount of wages that will be received and other work conditions mutually agreed upon. Therefore, this theme should be raised so that law enforcement in Indonesia can run. There is a clear relationship between employers and workers, and no party is disadvantaged in the employment relationship. Workers and entrepreneurs alike can improve their lives.

The problems of outsourcing (Transfer of Power) are pretty varied as its use is increasingly widespread in the business world. At the same time, the existing regulations are not yet adequate to regulate outsourcing, which has been running during economic life with the hegemony of financial capitalism, which operates through a "dissolution subject" that does not look at workers/laborers as production subjects who deserve to be protected, but rather as objects that can be exploited. Based on data and information obtained from Manokwari Regency, employment conditions are still related to unemployment problems and job availability. One of the obstacles to outsourcing labor in Manokwari Regency is the need for job seekers to be more interested in working in available companies/business fields; another cause is low education, so they choose to work as outsourcers rather than become unemployed.

This research aims to determine the application of working time requirements and rest time, calculate overtime wages for outsourcing workers in Manokwari Regency, and determine legal protection for outsourcing workers in Manokwari Regency. It is hoped that the benefits of this research will help develop knowledge in the field of legal science, enrich references and literature in the world of literature regarding legal protection, develop concepts of thinking more logically, systematically, and rationally in researching problems related to the implementation of legal protection, and input for the Government, Regional Government, entrepreneurs, and workers/laborers as well as SP/SB regarding matters that must be implemented immediately to minimize industrial relations disputes in outsourcing practices.

2. THEORETICAL BASIS

Article 1313 of the Civil Code reads: "An agreement is an act by which 1 (one) or more people bind themselves to 1 (one) other person or more." agreement/verbintenis is a legal relationship/rechtsbetrekking which by law itself regulates and legalizes the method of communication. Therefore, legal agreements between individuals are situated within the legal environment. That is why the legal relationship in the agreement is not a relationship that can arise by itself, as is found in family property. In the legal relationship of family wealth, a legal relationship automatically arises between children and their parents' wealth as regulated in inheritance law. It is different in agreements. Legal relationships between one party and another cannot arise by themselves. This relationship was created because of legal action/recht handling. The rights born from the agreement are relative, meaning that the right to new achievements rests with a particular person/person if it is based on a legal relationship born of a legal act.

Agreements/verbintennis have the nature of being enforceable. In the agreement, the creditor is entitled to the performance that has been agreed upon. The right to obtain this achievement is protected by law through sanctions. This means that creditors are given the ability by law to force creditors to complete the implementation of their agreed obligations/performances. If the debtor is reluctant to fulfill the achievement voluntarily, the creditor can ask the Court

to implement sanctions in execution, compensation, or forced money. However, not all verbintenissen have properties that can be forced. Exceptions exist, for example, in natuurlijke verbintenis. In this case, the agreement is without the right to compel. Sonatuurlijkeverbintenis is an agreement without any coercive power.

Agreements can be divided into three agreements without legal force (zonder rechtwerking). Agreement without legal force agreement, viewed from a civil law perspective, does not have binding legal consequences. For example, religious agreements, morals, manners, and so on. Agreements that have imperfect legal force, such as natuurlijke verbintenis. The imperfection of its legal power lies in its coercive sanctions; due to the debtor's reluctance to fulfill performance obligations, creditors are not given the ability by law to fulfill performance obligations. So, it cannot be forced. The third is verbintenis, which has perfect legal force. Here, fulfillment can be forced on the debtor if he refuses to carry out the performance obligation voluntarily. For this reason, creditors are given the right by law to impose sanctions through demands for execution (execution order) and execution real (execution time), compensation, and forced money.

The form or type of agreement is not regulated in detail in law; however, in the use of agreement law by society with the interpretation of the Articles of the Civil Code, there are different forms or types. The author can group these differences into six. The first is a reciprocal agreement, which gives rights and obligations to both parties. For example: buying and selling, renting. Second, a unilateral agreement is the opposite of a reciprocal agreement. A unilateral agreement is an agreement that provides obligations to one party and rights to the other party. For example, agreement. Third, free agreements and agreements are based on burdensome rights. This agreement only benefits one party, such as a loan agreement. Fourth, named agreements and unnamed agreements. A named agreement is an agreement with its name, meaning that the agreement exists and is regulated and given a name by law, for example, buying and selling, renting, insurance agreements, lending, and so on. Meanwhile, a named agreement is an agreement that arises based on daily practice. For example, a hire-purchase agreement.

Fifth, material agreements and obligator agreements. A material agreement is an agreement to transfer property rights in a sale and purchase agreement. This material agreement is an implementation of an obligatory agreement. An agreement creates an obligation, meaning that from the moment the agreement occurs, the rights and obligations of the parties arise. To transfer ownership rights to something being bought and sold, an institution, namely a transfer institution, is still needed. Sixth, consensual agreements and actual agreements. A consensual agreement is an agreement that arises because of an agreement of will between the parties. An actual agreement is an agreement that, in addition to the agreement of will, must also be an accurate handover of the goods, for example, the sale and purchase of movable goods, custody agreement, or loan-to-use agreement.

3. RESEARCH METHOD

3.1 Research design

The research approach used is qualitative, with a descriptive and qualitative approach. The qualitative approach is a research and understanding process based on a methodology investigating social phenomena and human-related problems.

3.2 Research Respondents

The respondents of this research were three leadership elements at the Manokwari Regency Office who knew for sure about the events mentioned above. The sample selection technique in this research was purposive sampling, namely by direct appointment by the researcher to serve as the research sample.

3.3 Data Types and Sources

The author uses primary data from interviews with informants and secondary data from literature. Data sources are obtained from primary legal materials, such as laws, and secondary legal materials, which provide explanations and understanding of primary legal materials, such as expert opinions, legal books, journals, magazines, and legal dictionaries.

3. 4 Data collection technique

Data collection techniques are the most strategic step in research because the main aim is to obtain data (Sugiyono, 2013, p. 224). In this research, data collection techniques used interview and documentation techniques.

3. 5 Technique Analysis Data

The data processed during the research was analyzed qualitatively and then presented descriptively, namely by explaining, describing, and illustrating according to the problems related to the research.

4. RESULTS AND DISCUSSION

4.1 Implementation of rest time requirements in Manokwari Regency

It is essential to consider various factors to effectively implement working time requirements in Manokwari Regency. Wong et al. (2019) emphasize the importance of maintaining workers' occupational health, primarily when working long hours and overtime. This underlines the need for organizations to prioritize the well-being of their employees when setting working time regulations. Kavli et al. (2019) further elaborate that with appropriate workplace law enforcement and advocacy mechanisms, working hours regulations may be implemented effectively in practice. This suggests that in addition to regulations, the active involvement of employment tribunals, labor inspectorates, trade unions, and employers is essential to ensure compliance with working time requirements.

Additionally, Leroux and Ponhiere (2018) discuss how the government has historically introduced working time regulations to determine the maximum number of hours employees work per week in Manokwari Regency. This suggests that the regulatory framework is essential in shaping working time practices. In addition, НИКИТИН et al. (2020) highlighted the importance of proper planning of work time and rest time to ensure effective utilization of work and non-work time. This emphasizes the need for a balanced approach to working time management that considers employee productivity and well-being. In the context of implementing flexible work arrangements, Sholeh and Firman (2023) emphasize the importance of analyzing these arrangements using a framework to ensure the success of their implementation. This suggests a structured approach is required when introducing flexible working time requirements. Overall, it is essential to underline the importance of considering occupational health, legal enforcement mechanisms, advocacy, regulatory frameworks, appropriate working time planning, and structured analysis when implementing working time requirements in organizations.

Implementing rest time requirements in Manokwari Regency is essential in maintaining employee welfare and company productivity. There are several things to pay attention to regarding this matter. The first is regarding employee health and welfare, where rest time allows employees to relieve stress and fatigue and restore their energy. Getting enough rest can also reduce the risk of physical and mental fatigue, affecting employee health. Second, Productivity and Performance. Employees with adequate rest time tend to be more focused and productive. Providing regular rest time can increase employee creativity and innovation. Third, legal and regulatory provisions include the duration of rest periods, rest schedules, and other rules that must be complied with by the company. Fourth, setting working hours, such as preparing a work schedule that considers rest time, can help avoid excessive fatigue and ensure employees work optimally. A sound work shift system can also help organize rest time more efficiently. Fifth, providing comfortable rest facilities, such as a break room or small kitchen, can improve the employees' rest experience. Implementation of rest time requirements in the District: Manokwari is not just a legal obligation but also an investment in employee well-being and the company's long-term success. Companies can create a work environment that balances productivity and employee welfare by paying attention to these aspects.

4.1 Implementation of Rest Time Requirements in Manokwari Regency

Applying rest time requirements in Manokwari Regency's applicable laws and regulations may influence me nationally and locally. Several things that generally need to be considered in implementing rest periods in the workplace, including in Manokwari Regency, include legislation, break schedules and duration, communication with employees, provision of facilities, and monitoring and evaluation. It is essential to consider various strategies and factors to effectively implement rest time requirements in Manokwari Regency in Manokwari Regency. Research by Lehmann (2023) highlights the benefits of active rest programs in the workplace, emphasizing structured activities

such as warm-ups, cognitive functional training, aerobic exercise, and resistance training. Implementing these programs during lunch breaks can significantly improve employee well-being and productivity.

Understanding current break practices among specific occupational groups is critical. Sagherian et al. (2021) discuss the importance of breaks in reducing the accumulation of acute fatigue during work shifts, which is particularly relevant for nursing staff. Organizations can help reduce fatigue and improve employee well-being by incorporating regular rest periods into work schedules. Additionally, shorter but more frequent breaks may positively impact physical performance and psychophysiological responses. This approach allows for better hydration and temperature management, improving employee health and performance. Additionally, it emphasizes the importance of mandatory breaks in high-intensity work environments such as slaughterhouses to prevent fatigue and occupational health problems. Regular rest periods can significantly improve worker health and safety in demanding environments. In conclusion, to effectively implement rest requirements in the workplace, organizations should consider structured active rest programs, understand and improve current best practices, implement shorter but more frequent rest periods, and implement mandatory rest periods in high-density work environments. Request. By implementing these strategies, employers can improve employee well-being, productivity, and overall health. Blitar.

4.2 Calculation of Overtime Wages

Calculating overtime wages is a process for determining the payment given to employees for additional work carried out outside regular working hours or exceeding the specified working hour limits. This calculation is based on the provisions regulated in labor law and company policy. It is essential to consider various factors and regulations to calculate overtime pay at work. Overtime pay is an obligation that employers must give to workers for additional working hours outside regular working hours (Zakiyya, 2023). This means employers are legally required to compensate workers for their overtime work. Calculating overtime pay usually involves determining the number of hours worked outside standard working hours. Total hours worked are considered to count overtime overtime, excluding hours that may be paid by the client directly (Malagodi et al, 2021). Once the total overtime hours are identified, the next step is to apply the appropriate overtime rates. Overtime rates are usually higher than regular hourly rates and are often determined by law or collective bargaining agreements. Overtime premium rates usually do not depend on the length of weekly work hours (Bell & Hart, 2022). This means that overtime pay remains consistent regardless of the hours worked in a standard week. In practice, overtime premiums are usually 1.5 times the regular hourly rate. However, reforms have been discussed, which include adjusting the standard hours at which overtime pay begins or increasing the overtime premium to "double time" (Goff, 2022). These changes may impact how overtime pay is calculated and awarded to employees. In conclusion, to calculate overtime pay in the workplace, employers must determine the total overtime hours worked, apply the appropriate overtime rate (usually 1.5 times the regular rate), and ensure compliance with relevant regulations and agreements. By understanding and adhering to these principles, the government in Manokwari Regency can accurately compensate employees for their extra efforts and maintain fair labor practices.

Several essential points that need to be considered in calculating overtime wages in Manokwari Regency are first regarding the overtime rate. Overtime rates are usually set as a percentage of the average hourly wage or as a fixed amount per additional hour worked. Overtime rates may vary depending on company policy and applicable labor regulations—second, Normal Working hours. Determine regular working hours per day or week. Normal business hours may vary based on local regulations or specific industries. Third, calculate overtime hours by identifying working hours that exceed the standard time limit as overtime hours. These overtime hours can be calculated per day or week, depending on the applicable rules. Fourth, labor regulations ensure that overtime wages are calculated according to the provisions stipulated in local labor laws. Laws may set standard overtime rates and limits on hours worked. Fifth, Holidays and Working Weeks by determining whether overtime rates will be different for holidays or working weeks that exceed normal limits. Some companies charge higher overtime rates for work time on these days. Finally, calculating overtime is calculating overtime over time for each additional hour of work the employee does. Calculate the total hours of overtime over time in a specific period.

4.3 Legal protection To Worker Outsourcing At workplace

Legal protection for agency workers in Manokwari Regency is a crucial aspect that guarantees the rights and safety of individuals involved in temporary or contract work arrangements. Discussions around legal protection for agency workers cover a variety of dimensions, as highlighted in the literature. Dehghani et al. (2020) emphasize the importance of preventive measures, including technical and administrative controls, to protect workers, especially during the COVID-19 pandemic. This underscores the need for specific regulations and practices to safeguard the health and well-being of agency workers in various work environments. Nazneen & Huq (2023) highlighted the role of social norms in overcoming sexual harassment in Manokwari Regency faced by domestic workers. Strengthening institutions involves creating alternative public discourse, developing community relationships, and changing perceptions to provide adequate protection against harassment. This highlights the importance of a holistic approach beyond legal reform to ensure the safety and dignity of agency workers.

Furthermore, Marselli and Wahyuningsih (2018) discussed legal protection for contract employees, pointing out challenges in implementing protective measures optimally due to unclear regulations. This shows the need for a clear and robust legal framework to protect the rights of agency workers based on fixed-term work agreements. Additionally, Weil (2018) emphasizes the importance of a strategic law enforcement approach to address problems such as wage theft and ensure that workers receive essential protections in the workplace. By improving law enforcement mechanisms and organizational transformation, institutions can better protect the rights and interests of all workers, including institutional employees. In conclusion, the discussion regarding legal protection for agency workers in Manokwari Regency includes efforts to overcome challenges such as workplace safety, harassment, contract agreements, and legal enforcement mechanisms. By considering insights from various studies, policymakers and organizations can develop comprehensive strategies to improve legal protections for agency workers and promote safe and fair work environments.

The general principle often applied to protect outsourcing workers in Manokwari Regency is the employment contract, which ensures that the contract between the outsourcing company, client company, and outsourcing workers is clear and complete. The contract must include the rights and obligations of each party, including provisions on wages, social security, working hours, and other working conditions. Furthermore, regarding wages and welfare, agency workers receive wages equivalent to permanent workers with similar jobs in client companies. Some jurisdictions may have regulations regarding welfare facilities and other benefits that must be provided to agency workers. Furthermore, regarding working hours and rest periods, paying attention to protecting working hours and rest periods usually applies to agency and permanent workers. Outsourcing parties must ensure their work complies with working hours limits and provides rest periods regulated by law.

5. CONCLUSIONS AND RECOMMENDATIONS

5.1 Conclusion

The conclusion from this research based on the results and discussion of the research presented is that implementing rest time requirements in the workplace is a critical step in maintaining employee welfare and productivity. This includes establishing a clear policy regarding the duration and schedule of breaks by applicable government regulations and labor laws. Companies must ensure that work and rest schedules comply with established legal standards to avoid potential conflicts and legal sanctions. Apart from that, comfortable resting facilities must also be considered, creating an environment that supports relaxation and energy recovery. Continuous monitoring and evaluation of the implementation of this policy is essential so that companies can balance productivity and employee welfare while ensuring compliance with applicable regulations. Legal protection for agency workers according to government regulations is designed to protect their rights and welfare. Outsourcing companies must understand and comply with these provisions to create a fair work environment by applicable regulations. Consulting with legal experts who understand local labor regulations can help companies conduct their operations by legal standards. Overtime pay is essential in maintaining worker welfare and establishing fair payment standards for work outside regular working hours. By considering appropriate overtime rates, companies can incentivize employees to take on additional work or work more than their scheduled time.

5.2 Suggestions

Based on the conclusions from the research results stated above, suggestions can be given, including that the Manokwari Regency government is essential for companies to carry out a thorough audit of employment policies, including rest time and overtime pay policies, as well as consulting with legal experts to ensure full compliance with government regulations. Involving employees in policy changes and providing effective outreach can help ensure collective understanding. Educating employees regarding the importance of rest and rights related to overtime pay must be considered while maintaining comfortable welfare facilities. Implementing an effective monitoring system and regularly evaluating policies will help ensure compliance and relevance to company needs. Open communication between management and employees is also crucial, with consideration for building flexibility in implementing policies according to company dynamics.

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