

The Conflict Transformation And Role Of Regional Representative Council (Dpd Ri) A Case Study Of Conflict Management Between Pt Freeport Indonesia And The Workers

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Abstract

Papua is a province in Indonesia that has a lot of natural resources, including gold mining in Timikia Papua. The mining activities managed by PT Freeport, despite its economic benefits, generate social conflict as well. The social conflict between PT Freeport management and its workers has been going on for a long time. This research examines the role of the Regional Representative Council (DPD RI) in mediating the conflicts between PT Freeport management and its workers. The research methodology used is qualitative, in which field observations and interviews were conducted with three key informants, workers, PT Freeport Management, and DPD RI Leaders. The results show that the conflict resolution mediation carried out by the DPD RI has not been successful. Each party involved in the conflict insisted on their own respective principles. In addition, the conflict between PT Freeport's SPSI (All Indonesian workers' union) workers had economic, social, political, and security impacts.

Keywords: Conflict Transformation, PT Freeport, Workers, DPD RI.

INTRODUCTION

Papua has become a political target due to its rich natural resources. Many countries aim for Papua to be separated from Indonesia. In addition, poverty, low education level, and the discrepancy in economics could be factors that lead to the emergence of various demonstrations, which generate social and political conflict in Papua. The conflict in Papua has always caught the attention of the Indonesian government, society, and the public media. It is because the issue of Papua, especially the social conflict, can be lifted to become a political issue at the national and international levels. The social issues that exist are varied, from indigenous Papuan's welfare, human rights violations committed by the Indonesian National Police, issues of natural resources control, and workers' violations rights by the management of PT Freeport Indonesia. Conflicts between workers and the management of PT Freeport frequently occurred. The workers staged demonstrations, which led to the destruction of company facilities, as a form of protest injustice policies implemented by the management of PT Freeport. The company's regulations were considered unfair and paid little attention to the workers' security, safety, and welfare aspects. The workers who gathered in the Timika Branch of the SPSI (Indonesian Workers' Union) organization carried out various actions demanding their rights which PT Freeport has ignored. PT Freeport Indonesia is a mining company whose majority shares are owned by Freeport Mc Moran Copper & Gold Inc. The company revenues reached 2.3 billion dollars. According to PT Freeport, its existence directly or indirectly contributes to Indonesia's economy (Fatma Dian Pratiwi, 2009). Based on the contract of work signed with the Indonesian government in 1991, Freeport Indonesia has two work areas. First, in the mining area with an area of 100 km², the activities include drilling, open pit mining, underground mining, ore processing, and overburden stockpiling. The second project area is 2,029 km² which stretches from the Arafura Sea coast in the south to the mining area in the north at an altitude of more than 4,000 meters above sea level (RS Luhukay, 2016).

Conflicts between workers' unions and management at PT Freeport are often in the spotlight among civil society, the company's relations, and even from the international community. The conflict lasted for 7 years. There have been always good actions that aimed to change the system within the company, including wages, working hours, and social

security with the K3 principle: occupational health and safety (Safety First Principle), and workers' rights. The actions were done for the sake of workers' welfare as well as the continuity of the company. However, various acts of intimidation were also seen to be carried out by irresponsible parties from the management which lead to the criminalization of workers who are members of labor unions (Juliana & Evie).

The demonstration was carried out by workers both from indigenous Papuans and non-Papuans. Their feeling has been humiliated by merely being recognized as laborers, who work to enrich the owner of PT Freeport, which is an American foreign company. Although PT Freeport has been operating for a long time, its existence did not bring prosperity to the indigenous Papuan population. In addition, the mining activities of PT Freeport have harmed the environment, such as polluted rivers. With abundant natural resources, Papuans are supposed to be prosperous, not the other way around.

Papua is one of the regions that has extraordinary natural resources in Indonesia. Natural resources are obtained mainly from the oil and gas mining sector. In fact, Papua is still the poorest region (Sri Yanuarti 2012). To create a positive company branding, PT Freeport carries out various programs that concern the environment, local cultures, and the welfare of the local Papuan community. Besides PT Freeport also provides educational assistance and healthcare to indigenous Papuans in Timika. In addition, PT Freeport's building infrastructure displays the cultural and artistic features of the indigenous people of Timika, Papua.

Tribes and civilizations in Papua are varied, it is not surprising that each region has its customs, arts, and crafts. The customs and cultures are still well preserved considering that modernization has not interrupted the region. PT Freeport takes advantage of this situation as an alternative to fostering the company's positive image. They try to communicate that their existence elaborated the indigenous people's cultures to win the hearts of those who are interested in their work (Nurita Riri Pratiwi 2018).

PT Freeport's first existence in 1967, influenced the Papua economy, especially in the Timika. Initially, Timika was a tiny village in the mid of the forest, which turned into a city and attracted migrants from various regions in Indonesia as well as foreign workers to work at PT Freeport. Not many indigenous

Papuans, work at PT Freeport due to their limited education and skills. Indigenous people who work there are considered unskilled laborers. Therefore, this situation creates social jealousy between indigenous Papuans and migrants who are more skillful and successful.

In 1971, PT Freeport built Timika Airport and a supply center. Then, main roads were also built with access to mines and collector roads to connect the remote areas. The independent city which was built gradually by PT Freeport was later named Tembagapura in 1972 by President Soeharto (Erni Yoesry: 2019). The existence of PT Freeport Indonesia has contributed to the country's economic benefits yet triggered social conflicts as well. The conflicts happen at any level, such as conflicts between the residents, the company, and security forces; between Freeport workers and the company; and between workers (indigenous and migrant workers) (Yudhi Hari Wibowo: 2013).

Resolving the Papuan conflict is not only the government's or the executive's responsibility. It is the responsibility of all parties including the Legislature, DPR, and DPD RI. The DPR RI is a legislative body that functions as stipulated in Article 22 of the 1945 Constitution. The functions consist of legislation, supervision, and regulation (MPR Secretariat, 2018). Thus, the function that belongs to the DPD RI is responsible to help the government resolve various cases of social and political conflict in Papua. One of them is the conflict between PT Freeport Indonesia and workers who seek help from the SPSI (All Indonesian Workers' Union).

The involvement of DPD RI in resolving conflicts between PT Freeport and Workers who are gathered in SPSI is interesting to research. DPD RI used to only work as senators conveying various aspirations to fight for regional interests. Meanwhile, in the Freeport Timika case, DPD RI has become a third party that mediates the conflicting parties to find solutions. The DPD RI is chosen as a mediator because it is considered neutral and has no conflict of interest over PT Freeport's problems.

LITERATURE REVIEW

Conflict is inevitable in the lives of individuals, groups, communities, and states. Etymologically, conflict comes from the Latin configure which means hitting each other. A conflict can be a social force, for a group, community, or nation if

managed properly. Various social groups, and state-owned companies, become more existent or stronger because they can manage the conflicts they experience well. Through conflict management, each group can know one another, and dialogues, negotiation, and compromise can be built so that it can emerge as a new power.

People's perception of conflict is commonly in negative view because they often associate conflict with violence or hostility. In fact, conflict and violence are two different things. Conflict happens between two or more individuals or groups who have or feel their goals that are not in line. On the other hand, violence includes actions, words, attitudes, and various structures or systems that cause physical, mental, social, or environmental damage and or prevent someone from fully optimizing their potential.

Table 1. Conflict Transformation

	Latent Conflict	Conflict on The Surface	Open Conflict
Conflict Prevention			
Conflict Resolution			
Conflict Management			
Conflict Resolution			
Conflict Transformation			

Conflict prevention tries not to cause violence. Meanwhile, conflict resolution is needed to end, limit, and avoid violence. Acknowledging the causes of conflict and building new relationships can change the perspective of conflict from a negative to a positive thing.

Conflict Transformation

To analyze the conflict between workers and Freeport Management, researchers use the theory of Conflict Transformation, which assumes that conflict is caused by the injustice that arises as a social, cultural, and economic problem

(Fisher; 2021). Conflict transformation theory aims to make changes from the unfair policies carried out both by state actors and external factors, which cause inequality in social life, injustice in law enforcement, and injustice in economic policies that cause extreme economic disparities in a society or country. The desired solution from this theory is the establishment of communication, peaceful dialogue, and cooperation between civil society, the private sector, and the government. Therefore, various social problems, economic disparities, and legal injustice can be overcome. Conflict transformation is not limited to prevention, settlement, management, and resolution. However, the most important thing in conflict transformation is resolving conflict, from the root of the problem, and formulating solutions to stop conflict in the long term. The roles of the government, executive, and legislature are vital in transforming the conflict in Timika Papua between Freeport Management and workers. The DPD RI was formed on 1st October 2004 because of the 1998 reform, is a legislative body that functions as regional representatives in parliament from non-party elements and intends to fight for regional interests and progress.

DPD RI

DPD RI has legislation functions based on Article 22D 1945's Constitution. The functions consist of the following roles. 1) Submitting constitution draft relating to regional autonomy; central and regional relations; formation, expansion, and merging of regions; and management of natural resources, as well as those relating to central and regional financial considerations to the People's Representative Council (DPR). 2) Participate in discussing the constitution draft relating to the first issue, compile and submit a flat inventory of draft laws initiated by the DPR or the president. 3) Considering the DPD on the draft law on the State Budget and the draft law relating to education and religion taxes. 4) Supervising the implementation of the Law on regional autonomy, the formation of expansion and merging of regions, central and regional relations, management of natural resources, and other economic resources, and implementation of the state budget, education, and religious taxes. 4) Submitting supervision results over the implementation of the Law on regional autonomy, formation, expansion, and merger of regions, central and

regional relations, management of natural resources and economic resources, implementation of the Law on the State Budget, taxes, education, and religion to the DPR as the follow-up material. 5) Drafting a national legislation program related to regional autonomy, relations between the central government and the regional autonomy, the formation of expansion, management of natural resources, economic resources, and related to central and regional considerations. 6) Conducting monitoring and evaluation of regional regulations.

Based on the legislative functions, DPD RI members, especially those from Papua and West Papua Province with each of four legislature members, have the responsibility to mediate the conflict resolution between PT Freeport and the workers.

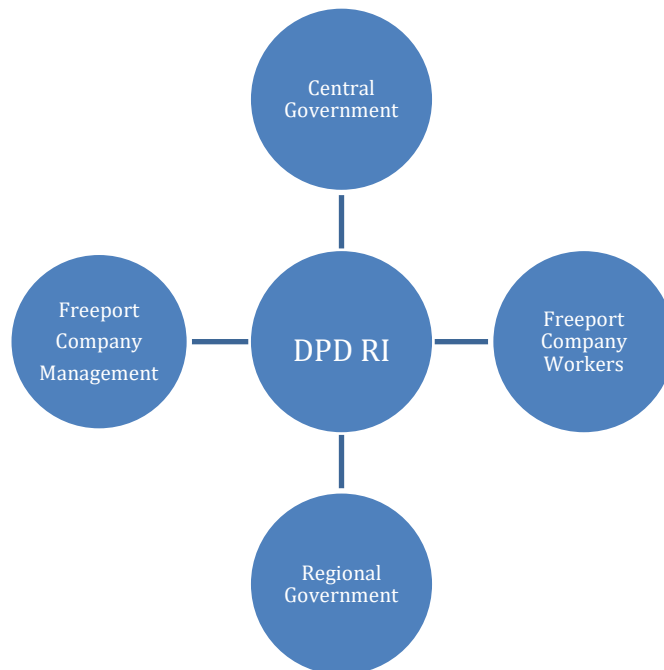


Figure 1. DPD RI's Negotiation Role

METHODS

The research method was qualitative. The data collection techniques were carried out by using interviews with key and main informants. In addition, the researcher also distributed questionnaires to six members of the SPSI management and six indigenous peoples in Timika Papua, who work at PT Freeport

Papua. Finally, the researcher also made two observations in the Timika mining area of Freeport Papua.

There were fifteen informants interviewed in this research, including three key informants and twelve main informants. There three key informants interviewed in this study were the Head of the Timika SPSI branch as the workers' representative, the Deputy Chairman of DPD RI, and the PT Freeport Management director. For each key informants, there were four main informants. For SPSI's side, four workers chosen as main informants were members of the SPSI and participated in a demonstration against PT Freeport in 2017. All of them came from the Comoros tribe of Papua. Then, for DPD RI's side, the four main informants were the delegates of the DPD RI for the Papua and West Papua provinces. The four main informants were active in the peaceful dialogue between PT Freeport's management and workers, so they were aware of the various problems in this research. Lastly, for the Freeport Management side, the main informants were Freeport management staff, who worked in the field of Human Resource Development (HRD) and Public Relations. Besides key and main informants, the researcher also conducted interviews with two local journalists. The two local journalists have been involved in conducting investigations and reporting on the conflict that occurred in Timika, Papua. The interviews were conducted in two places, in Timika Papua during the first phase of the Peace Dialogue, and the second interview was conducted in Jakarta during the second phase of the Peace Dialogue.

To gain an understanding of the research problem, observations were conducted twice in Timika Papua. The first observation was to observe the dialogue process facilitated by the DPD RI, which is located at the Aston Timika Hotel and the Regency office of Timika Papua. Second, field observations were conducted at the location of the PT Freeport mining area to observe the safety and security standards applied by PT Freeport for their workers. In addition, the field observation was also to observe Corporate Social Responsibility (CSR) programs run by PT Freeport, such as public facilities, healthcare facilities, educational institutions, and sports facilities. In the case of healthcare, PT Freeport collaborates with private hospitals in Timika to provide free health services to the indigenous people of Timika.

Data obtained through interviews, questionnaires, and observation techniques, were analyzed through the stages of data reduction. First, the appropriate data relevant to the research problem were sorted. After completing data reduction, the next step was displaying data, where the sorted data were presented. So, the data linkages were visible in an organized manner. Next, the data were analyzed to find out the meaning by capturing the similarities and differences from one another. Finally, the data were concluded and verified.

RESULTS AND DISCUSSION

PT Freeport Indonesia is a subsidiary of Freeport-McMoRan Copper & Gold Inc. The company operates in Indonesia based on a Contract of Work signed in 1967. The operation of PT Freeport in Indonesia shows that the government has legally authorized the company to carry out mining by fulfilling the requirements based on the laws in Indonesia. The conflict that occurred between PT Freeport workers and the management lasted for a long time. It caused casualties and damage to various company facilities and public facilities in Timika. Various ways have been carried out by the government in participating in resolving conflicts between management and workers. However, after reconciliation was carried out, new conflicts reoccurred.

The conflict at PT Freeport is considered complex because many factors generate the conflict. From a historical point of view, a small group of Papuan people, especially those living in mountainous areas, assume that they have a different history, and culture, compared to most of the Indonesian population. They have an assumption that the Indonesian population (especially people from Java), intended to dominate the Papua region, which has a small population, with abundant natural resource potential. PT Freeport, for the majority of Papuans more likely benefits Indonesia, especially the government, than indigenous people. In addition, PT Freeport's mining land which is in the customary land area of the Kamoro tribe of Papua is causing trouble. Corporate Social Responsibility (CSR) funds and various assistance in the education and health sector were given to Comoros, but because of a lack of socialization and a cultural approach, many indigenous people were still left behind in terms of education and skills.

After the 1998's reformation, the freedom in expressing aspirations and democracy courage indigenous peoples to demand customary community rights from the management of PT Freeport. Various strategies were carried out to suppress the actions of indigenous peoples, one of which was to put the Papuan indigenous people who have political influence in management positions. In addition, the indigenous people were given the opportunity to become laborers at PT Freeport. Some of the indigenous Papuan workers who have ownership of their customary territory dare to voice their aspirations and fight for workers' rights. However, many of the indigenous workers tend to obey PT Freeport's rules, because of economic considerations. They assume that even though Papua has natural resources it does not mean the opportunity to get a job in Papua is high. PT Freeport by some Papuans is considered to provide job opportunities for indigenous peoples and contribute to improving their social, economic, and educational life, who have been left behind.

Another factor that generates conflict is PT Freeport's hiring policy. The employees who are indigenous people are only about 10% of all employees, which gives feelings of "colonization" and hurts their self-esteem. The company's defense for its policy of only hiring a few indigenous people due to low education/skills and discipline. Meanwhile, people think that they are capable and consider the company can find the most suitable position, if they can become permanent employees, not freelance laborers (Witrianto: 2015).

The prosperity of PT Freeport's employees has led to jealousy and the desire of indigenous Papuans to become permanent employees at PT Freeport. This situation has caused conflict issues in Timika Papua. The management of PT Freeport said that they had provided opportunities for Papuan indigenous people and given them to occupy various important positions in the company. However, the workers often receive provocations from outsiders, such as the management of SPSI Timika, to oppose PT Freeport's management.

A conflict is considered domestic, not conflict between countries, because of two strong elements inherent in conflict. First is identity, where there is the mobility of power based on similarities in race, religion, culture, language, etc. Second, the unbalanced distribution from the point of view of race, religion, culture, and language, will bring up the potential for conflict.

The potential conflict arises as the result of a combination of identity factors and unfair economic and social distribution, and employment prospects (David & Ben: 2000). Therefore, the conflict that occurred in Timika Papua, was a domestic conflict, caused by various factors, including the issue of Papuan race, as natives who felt that PT Freeport was exploiting their customary land and not paying attention to it. Instead of being contract employees, they demand the company give more opportunities for indigenous people to work there.

In 2017, the workers' strike was followed by a decision by the management of PT Freeport to lay off PT Freeport workers, raising various problems, including demonstrations and vandalism by PT Freeport Indonesia workers. The protests and management actions carried out by PT Freeport Indonesia had an impact on social, economic, and political issues, at the local and national levels.

The conflict resolution did not reach a common ground because the workers and the management of Freeport Indonesia insisted on their principles. Mediation which has been carried out by the Regional Government, DPR RI did not produce any results. The management of the SPSI brought the matter to the DPD RI. SPSI asks the DPD RI as a regional representative institution to help resolve conflicts between workers that involve the majority of SPSI members.

The suspicion of various parties to the conflict in Timika Papua was deliberately designed with economic interests. Because of the conflict, PT Freeport's Management will need the Indonesian National Armed Forces (TNI) and Indonesian National Police (Polri) to provide security services, and the budget for security services is very expensive (Nita Safitri: 2011).

In response to the conflict between workers and the management of PT Freeport, the leaders of the DPD RI sent a team to Timika Papua with the following tasks. 1) Collect data and information objectively from various parties, Regional Government, TNI, Polri, and local media. The data obtained from various sources will strengthen the understanding of the problems. 2) Conduct mediation efforts between PT Freeport Indonesia's management and the workers, which involved the local government, military, and police.

Based on the field observations conducted by the DPR RI team, they found the chronological order of the conflicts. In fact,

conflicts between workers who are gathered in the SPSI organization have been going on for a long time, and various mediation effort by the government has not opened a permanent solution. These are the following timeline of conflict issues between workers and PT Freeport management.

Table 2. The Conflict Timeline

Number	Year	Conflict Issues
1	2011	Workers went on strike demanding a wage increase, of 40% of the base salary.
2	2014	Workers went on strike because of a landslide in the mining area which caused 28 workers to die. The demands in the 2014 demonstration were aspects of worker safety that were not paid much attention to by the management of PT Freeport Indonesia.
3	2015	The strike was carried out by workers because they felt that PT Freeport Indonesia's local management was acting arrogantly.
4	2016	Demonstration in the Grasberg Operation Open Pit area where workers are shifted from the highlands to the lowlands.
5	2017	The strike was caused by the implementation of Furlough which was deemed to have violated the provisions of the Indonesian Labor Law No. 13 of 2003.

Based on the interview with SPSI's Timika coordinator, PT Freeport management, and other stakeholders, the research found that the conflict between workers and PT Freeport management in 2017 are caused by internal and external factors.

Internal Factors

The internal factor is the company's policy that was intended to stabilize the internal management condition. However, the policy led to conflicts with the workers who were members of the SPSI. The policies that gave rise to the conflict are as follows:

- Termination of employment (PHK) for PT Freeport workers. Termination of Employment is carried out in three categories:

- First: layoffs for workers aged over 50 years, and given severance pay 12 times the basic salary. Workers affected by the official layoff policy with severance pay were 1.537 people (Source by PT Freeport Management).
- Second: Temporary layoffs or referred to by PT Freeport Management as Furlough. The Furlough concept according to the management of PT Freeport is to lay off workers, to save on production costs, workers are still given a salary. Workers will return to work if PT Freeport's work volume increases. The number of workers affected by the Furlough is 300 people. (Source by Management of PT Freeport).
- Third: Termination of employment by Freeport Management and have not yet received approval from the Manpower Office. This layoff by Freeport Management was caused by workers striking and not fulfilling calls to return to work by PT Freeport Management. Workers affected by this layoff were 3,274 people (Source by Management of PT Freeport).

The management of PT Freeport stopped paying Social and Healthcare Insurance (BPJS) premiums to workers who were terminated by the management of PT Freeport because they were on strike. Meanwhile, workers affected by Furlough still had their BPJS insurance premiums paid by PT Freeport.

External Factors

The external factor is because of lack of certainty of long-term investment for the PT Freeport company due to the difficulty in negotiating the extension of the Special Mining Business License (IUPK) between PT Freeport and the government of Indonesia.

The role of DPD RI

The role of the DPD RI Team to mediate the conflict is through holding dialogue meetings with all parties, local government, TNI, Polri, SPSI workers, and PT Freeport Management. To maintain neutrality as a mediator, the RI DPD Team led by Dr. Nono Sampono was not held the meeting at the PT Freeport office but at the Horizon Hotel in Timika. The meeting was held on Thursday-Friday, 24-25 August 2017. However, the meeting which lasted two days did not produce a common ground, because there was no unanimity of opinion between SPSI and PT Freeport on several issues.

First, SPSI desired the conflict to be resolved through reconciliation, while PT Freeport's management is through the industrial court in Jayapura, to have a permanent legal decision that is binding on both parties. SPSI demanded for workers who went on strike in 2017 be reemployed, arguing that striking is a worker's right and guaranteed by law. PT Freeport remains adamant that striking workers will not be allowed to work again. The company argued that previously PT Freeport had allowed striking workers to return to work, with an agreement that they will no longer strike and demonstrate, but the agreement was betrayed. The strike occurred again and even carry out terror provocations against workers who do not want to strike and demonstrate. The company assumed that they were consistent with their policy to avoid protests among workers. Workers who are loyal to the company do not agree that those who have been terminated are reemployed because they have often been terrorized and intimidated.

Second, SPSI asked that 4,100 workers who were laid off remain to receive salary rights and BPJS health insurance services. PT Freeport did not agree because if they were terminated, their rights as workers would no longer be given. Third, SPSI assessed that PT Freeport Indonesia has only prioritized generating profits and not paid attention to the welfare and workers' safety because many of the workers become victims of work accidents. PT Freeport management conveyed that as an international company engaged in the mining sector, PT Freeport is professional in providing security and safety for workers. The company is extremely strict in enforcing rules related to job security and safety.

Although the first stage of the dialogue mediated by the DPD RI did not produce results, the second dialogue was continued at the DPD RI Office, Senayan Jakarta. In the second stage of the dialogue, each party conveyed their claims and demands to the Chairperson of the RI DPD Usman Sapta Odang, and the team. In responding to the demands of both parties, the Chairman of the DPD RI reminded that the problem of conflict between Freeport Management and Workers must be resolved quickly. The interests of the indigenous Papuan people must be considered, especially to promote their welfare. To promote the welfare of the indigenous people, PT Freeport should provide educational programs, healthcare, and provide business opportunities. Papuan indigenous people should not

only become workers but also be given the opportunity to be a subcontractor for various projects from the PT Freeport company. So, the projects will not only be given to entrepreneurs outside Papua.

Based on the results of the first stage of dialogue in Timika Papua, the second stage of the dialogue in Jakarta involved PT Freeport management, workers' representatives, and the DPD team. DPD RI is the legislature that has the task of conveying and representing the people's aspirations from various regions in Indonesia. In the second dialogue, DPD RI conveyed the resolution to the central government as follows.

1. First, resolving the conflict between PT Freeport Indonesia management and the workers would be done through the Industrial Court so that it would be a binding decision for all parties.
2. Second, the conflict resolution must be resolved holistically by involving the central government, in this case, the president and related ministries.
3. Third, workers who have been terminated by the management of PT Freeport, and are not involved in a criminal act, are to be reemployed immediately to avoid economic, social, and political impact.
4. PT Freeport's management must pay attention to welfare, education, economy, and employment opportunities for local Papuan indigenous peoples who are in mining areas. The DPR RI perceived that the conflict between PT Freeport and SPSI must be resolved immediately because it will have an impact on social and political issues if it is not resolved properly. The dialogue facilitated by the DPD RI team has given the DPD team an understanding of the problems that occurred, so they can formulate the right solution. Then, DPD RI formulated the draft of conflict resolution and submitted it to policy stakeholders, in this case, the President of the Republic of Indonesia, the Commander of the Indonesian National Armed Forces (TNI), and the Chief of Police (Kapolri). It is hoped that the recommendations submitted by the DPD to the government will be a long-term solution to a peaceful settlement (conflict transformation) between PT Freeport's Management and the workers gathered in the SPSI.

CONCLUSION

The conflict between SPSI and PT Freeport Indonesia has been going on for a long time. The workers carried out demonstrations, went on strike, and carried out anarchic actions. The resolution of the conflict so far has been temporary. The DPD RI as a legislative institution that has the function to deliver and bridge the aspirations of the people, has tried to accommodate a mediation in seeking a peaceful solution.

The mediation carried out by the DPD Team in Timika Papua, in the first stage did not find common ground, because each party remained true to their respective principles. In the second mediation stage, each party began to open communication and realize the importance of peace. DPD RI as a high state institution reminded the government through a letter of recommendation to the President, Commander of the Indonesian Armed Forces, and Chief of Police. The recommendation stated that the conflict between workers and management of PT Freeport will have impacts not only on economics but also on social politics, and national and even international security if it continues. DPD RI as a legislative institution plays the role to bridge the interests between people, the private sector, and the government. Conflict resolution in Timika Papua should use a conflict transformation model so that the conflict is resolved from its roots. One of the solutions is by changing the policy in the field of welfare and safety for PT Freeport workers.

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