



**Asia-Pacific
Economic Cooperation**

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Preventing Facilitation Payments and Managing Gratuities

Submitted by: Pertamina



**Workshop on Strengthening Integrity Through
Public-Private Partnership: Preventing
Facilitation Payment and Managing Gift Rules
Medan, Indonesia
24 June 2013**

Preventing Facilitation Payments and Managing Gratuities

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Medan, 24 June 2013



Topic of Discussion :

1. Introducing Gratuities
2. The Purposes of Gratuities Management
3. Kinds of Gratuities
4. Boundaries of Gratuities
5. Mechanism of Gratuities Management

GRATUITY IS

Law No. 31/1999 jo
Law No. 20/2001

A bribery in a broad meaning, is including giving money, materials, discount, commissions, loan with no interest, a ticket for travelling, accommodation, having a tour, free medical treatment, and other facilities.

Those briberies or gratuities are either the ones accepted in the country or out side the country and which is done by electronic or non electronic system.

Pertamina Guide
No. A-002/N00010/2012-S0

Gratuity is giving and/or receiving in a broad meaning, including a gift and entertainment to employees of Pertamina*, either the ones accepted in the country or out side the country and which is done by electronic or non electronic system.

* Employees of Pertamina are Board of Commissioners, Board of Directors, a person which is working on behalf of Pertamina and also a person who works in the internal of Pertamina including of their core family.

GRATUITY CLASSIFICATION

A bribery or a gift is all of giving and/or accepting and/or requesting in the kind of money and/or equal to money, materials, *discount*, commission, loan with no interest, ticket for travelling, accommodations, having tour, free medical treatment, and other facilities.



Entertainment is all kind of everything that is entertaining and giving fun, including but not limited to **music, film, opera, drama, game, sport and tour.**

THE PURPOSES OF MANAGED GRATUITY



1. Giving a direction and guide for all the employees of Pertamina regarding the gratuity.



2. Giving a direction and guide for all the employees of Pertamina regarding the importance of compliance for reporting the gratuities in accordance to protect themselves and/or their families from a potential opportunity of being accused from criminal bribery .



3. Developing the environment in the organization which is aware and properly managing gratuities, so openness and accountability are well implemented in doing the business operation.

GRATUITY CATAGORIES

Gratuity which is considered as bribery

Bribery which is given to Pertamina's employees in relations with Position and in opposite of the Duty or their Task.

Gratuity in relating to duty

Giving gratuity to Pertamina's employees in carrying out the duty which is given as company representative.

Not considered as Gratuity

Every gift which is accepted by Pertamina's employees based on agreement or the one has got a certain achievement.

ATTITUDE TOWARD GRATUITY

Kind of Gratuity

Gratuity which is considered as bribery

Examples

1. Money from third party after finishing a tender;
2. Giving tour facilities from third party;
3. Accepting parcel in the "Hari Raya Keagamaan" such as Idul Fitri day; from third party
4. Informal giving from third party;
5. Facility of catering from third party
6. Teaching payment from third party

Treatment

REFUSE

ACCEPT

1. **Do not recognize** the giving process and the donor identity;
2. **Refusing will break company image:**
 - 9 Not money/equal to money, obligation/precious metal
 - 9 Not exceeded the proper boundary

REPORT

ATTITUDE TOWARD GRATUITY ON DUTY

Kind of Gratuity

Gratuity on Duty

Examples

1. Any kind of facilities for supporting formal duty;
2. Party, accommodation and other facilities from third party when on duty;
3. Money or equal to money from third party on duty;
4. Any kind of materials from third party, because of official appointment.

Treatment

REFUSE

If money / over the boundary, with type and value of gratuity is recognized before accepted

ACCEPT

If below the boundary, or type and value of gratuity is recognized after accepted.

REPORT

THE ATTITUDE TOWARD NON GRATUITY

Kind of Gratuity

Examples

Treatment

Not
considered
Gratuity

1. Salary & other legal income;
2. Party with other Pertamina employees;
3. Doorprize in company's event;
4. Internal teaching payment.
5. Placard/banner/gimmick event which is the total prize up to Rp.1.000.000,00;
6. A gift based on agreement / contract.
7. A gift from family, circumcision, wedding, religion activities as far as there is no conflict of interest.

ACCEPT & ENJOY

No need to report

REPORTING PROCESS OF GRATUITY

Reporter

Compliance
on line
system

Compliance
Dept.

KPK

1. If There is any Transaction
Maximum 14 days after receiving / giving.

2. No Transaction
Every the end of month and once in three months.

Each employee fill compliance on line system every month either there is a transaction or no transaction

Compliance Dept. will summarize the report every month.

Compliance Dept. will analyse the data and analyse the using of bribery

Will it belong to :
1. Receiver;
2. Office;
3. Country.

KPK will clarify & verify to reporter.

After accomplishing the ownership status , KPK will send a confirmation letter to reporter.

ONLINE REPORTING SYSTEM

Selamat Hari Raya Idul Fitri
1 Syawal 1433 H
Minal Aidin Wal Faidzin

Pertamina Enterprise Portal > Human Resources
Human Resources

Pertamina Monitoring Gratifikasi

HOME OUTSTANDING PENGIRANAN PEMERIKSAAN PERMINTAAN REPORT ADMIN LOGOUT

27 Aug 2012 13:59

MONITORING HADIAH/CINDERAMATA DAN HIBURAN (ENTERTAINMENT)

Berikan gift yang wajib dilaporkan:

☐ Tidak ada penerimaan bulan lalu ☐ Tidak ada penerimaan Transaksi II
☐ Tidak ada penerimaan Transaksi I ☐ Tidak ada penerimaan Transaksi IV
☐ Tidak ada penerimaan Transaksi III ☒ Ada penerimaan

Terakhir pengisian penerimaan pada 31-07-2012

Tgl. Penerimaan:

Bentuk/Jenis yang Diterima:

Penerimaan Nilai (Rp):

Jumlah hadiah:

Pemberi hadiah:

Keterangan:

* Harap diisi

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Gratuity on line reporting system is filled each month either there is a transaction or not.

Reporting includes :

1. Receiving
2. Giving
3. Requesting

BOUNDARY OF RECEIVING GRATUITY

Boundary of Receiving of Entertainment



1. Maximum once in a year from a third party;
2. Refusing from an offering of entertainment will influence business relationship;
3. Not disturbing working time;
4. No discussing regarding the secret internal information;
5. Minimum is accompanied by 2 other employees.

Boundary of Receiving a Gift



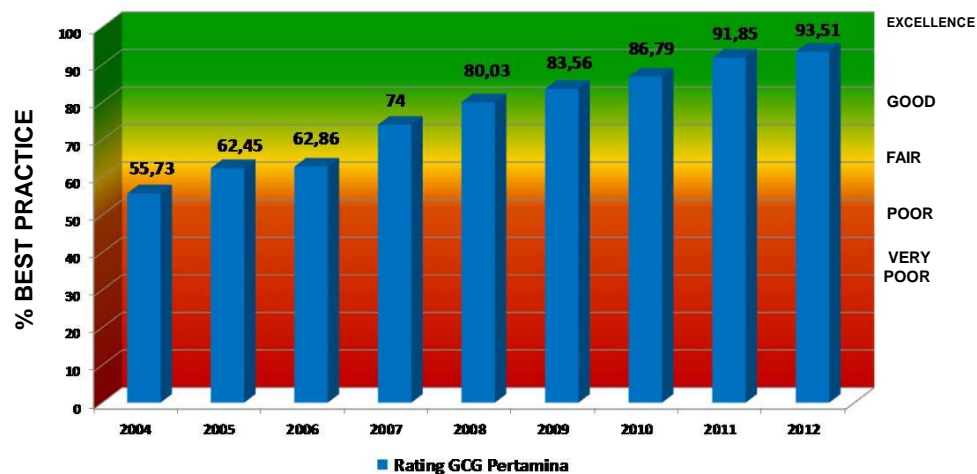
1. A gift /cinderamata with logo/name of third party;
2. The value is not more than Rp.1.000.000,00 (one million Rupiah);
3. A gift or souvenir is not something that considered against the law and norms.

BOUNDARY OF GIVING GRATUITY

1. A gift that had been planned, allocated and the realization is approved by otorized person.
2. A gift is used for supporting the importance of Company and is not a bribery;
3. A gift is not in a cash / equal to money except in term for sponsorship;
4. A gift or souvenir is not something that considered against the law and norms.
5. The value is not more than Rp. 1.000.000,00 except in term of **sponsorship, gathering and event**;
6. A gift in kind of material must be attached with permanent Company logo.
7. Maximum only once in a year .



RATING OF GCG PERTAMINA 2004-2012





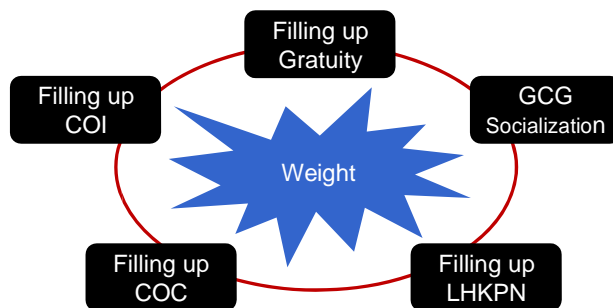
THANK YOU

Back Up Slide

GCG BOUNDARY KPI (Key Performance Indicator) - 2013

Boundary KPI of GCG Compliance in 2013 includes 5 (five) items based on employee level. Not included filling up the LP2P.

1. Boundary KPI for employees which are considered reporting LHKPN
2. Boundary KPI for employees which are considered not reporting LHKPN



WEIGHT OF GCG BOUNDARY KPI - 2013

Scale for which are considered reporting LHKPN

Items	Weight
1. Filling up COC	15%
2. Filling up COI	15%
3. Socialization of GCG	20%
4. Filling up LHKPN	20%
5. Filling up Gratuity	30%

100%

Scale for which are considered not reporting LHKPN

Items	Weight
1. Filling up COC	20%
2. Filling up COI	20%
3. Socialization of GCG	30%
4. Filling up Gratuity	30%

100%

Minimum target must be achieved in 2013 is 85%

Note :

LHKPN : Laporan Hasil Kekayaan Penyelenggara Negara
COC : Code of Conduct
COI : Code of Integrity
LP2P : Laporan Pajak – Pajak Pribadi
KPI : Key Performance Indicator

QUALITY CLASSIFICATION IMPLEMENTATION OF GCG

Scale/score of implementation GCG :

Excellence	Good	Fair	Poor	Very Poor
Score > 85	75 < Score ≤ 85	60 < Score ≤ 75	50 < Score ≤ 60	Score ≤ 50

Excellence classification if implementation of GCG achieved total score above 75 (Good).

If final score above 85 but there is still some achievements below 75 so the classification is **Good**.

Score
Boundary

Good classification if the total score above 60 or minimum score **Fair**.

If final score above 75 but there is still some achievements below 60 so the classification is **Fair**.

LEGAL OFFENCE OF GRATUITY

Article 12 B, point (1)
Law No. 20 the year of 2001

- ” Government Officer
- ” Accepting Gratuities
- ” In relations with Position and in opposite of the Duty or their Task
- ” Receiving gratuity is not reported to KPK (The Corruption Eradication Commission) in 30 days after receiving gratuity.



BOUNDARY OF REQUESTING GRATUITY



1. Pertamina's employee is supposed to refuse politely and give the related description about the Gratuity rule underdone in Pertamina when he/she is asked to give gift or souvenir.
2. If the request tends to threaten and force , it ought to be reported to the Superior / Direct Report and fill the Compliance Online System or gratuity form.
3. Direct Report must coordinate this to the local highest leader and give its copy to Chief Compliance Officer. It can be consulted to the Law Dept. when it is needed.