

# A Safe Harbour

Securing the rights of migrant workers in Taiwan's fisheries is an ongoing and evolving process

Taiwan is an island country. The fisheries in the surrounding seas are crucial to its development. This informs the government's policy on marine fisheries. The flourishing capture fisheries are one of the country's main economic activities. Unlike the more stable and favourable land-based economic activities, capture fisheries are risk-prone and labour-intensive; this has lowered the willingness of people to work on board fishing vessels in recent years.

To meet the labour shortage, it has become a norm to recruit migrant fishers, especially for Taiwan's distant-water fishing vessels, numbering an estimated 1,140 Taiwan-owned and -flagged fishing vessels, and 230 Taiwan-owned, foreign-flagged fishing vessels. Nowadays, fishers on board mainly comprise workers from Southeast Asia. In 2019, migrant workers comprised an estimated 11 per cent of Taiwan's 300,000-plus fisheries workforce, of whom 12,476 worked in coastal and offshore fisheries and 22,302 were in the distant-water fishing fleet. Most migrant fishers come from Indonesia, with the Philippines, Vietnam and other Asian countries accounting for the remaining.

The 2020 Trafficking in Persons Report, published by the United States Department of State, identified excessive working hours, abusive working conditions, verbal and physical violence on the Taiwanese distant-water fishing fleet. The US Department of Labor also includes the fish caught by the Taiwanese distant-water fishing vessels in its 'List of Goods Produced by Child Labor or Forced Labor'; this points to labour violations in the Taiwanese fleet, including wages not paid in full, poor living conditions and care on board, and operations lasting for months at sea without stopping at a port of call. Altogether, these create a

negative impact on the development of the fishing industry.

In order to provide the international community with the correct information and to ensure that the distant-water fisheries are sustainable, the Fisheries Agency of Taiwan recognizes the need to advance relevant protection of human and labour rights in the sector. It fits relevant domestic laws and regulations with international standards such as the C188 'Work in Fishing Convention' adopted by the International Labour Organization (ILO) in 2007 (hereafter, C188).

In view of this, the Executive Yuan, the executive branch of the Taiwanese government, had convened the Co-ordination Conference for Human Trafficking Prevention and the Human Rights Promotion Task Force on December 30, 2020. It also tasked the Council of Agriculture to formulate the Action Plan for Fisheries and Human Rights, as a sub-plan of the National Action Plan for Human Rights, in collaboration with relevant governmental bodies.

This plan was submitted to the Executive Yuan on April 21, 2022, and approved within a month. It is expected that its implementation would strengthen the protection of human rights and labour rights in Taiwanese fisheries, maintain the reputation of Taiwan, and ensure the sustainable development of the industry.

## Ongoing process

In recent years, the protection of rights and benefits of migrant fishers on board Taiwanese-flagged fishing vessels has received increasing attention from international and local non-governmental organizations (NGOs). The Fisheries Agency has been entrusted to improve the protection of the rights and benefits of migrant fishers through institutional guarantees. That is, relevant laws and regulations have



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been examined and amended in phases to meet the ILO standards and enforce their implementation.

The Act for Distant Water Fisheries, published in July 2016, and the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members, promulgated in January 2017, are the legislative basis for the management of migrant fishers employed overseas. These regulations were revised in May 2022. Their enactment was benchmarked to C188; they include resting hours, the use of the standardized contract to guarantee minimum wage, insurance coverage and other basic rights and benefits to crew members.

Additionally, the Fisheries Agency took several steps with relevant government bodies to address human trafficking and labour violations in the fisheries sector. The Regulations on the Approval of Investment in or the Operation of Foreign Flag Fishing Vessels were amended, prohibiting Taiwanese nationals from engaging in human trafficking and other illegal activities by flying 'flags of convenience' (FOC). The draft amendment notice of Regulations on the Management and

Approval of Foreign Flag Fishing Vessels Entering into Ports of the Republic of China stipulates that a vessel will be denied entry to the port if a domestic court decides, or an international organization or foreign government reports, that the vessel is in violation of human trafficking or forced-labour laws.

Indicators of forced labour have been included in the Standard Operation Procedures for Reporting and Processing Cases of Foreign Crew Members Employed Overseas Onboard Distant Water Fishing Vessels Suspected of Violating the Human Trafficking Prevention Act so as to identify human trafficking cases. Cases requiring further investigation will fall under criminal matters.

In order to meet C188 standards for onboard accommodation of workers, Taiwan has partially waived the requirements for building new vessels or rebuilding existing ones. From November 2020, the Ministry of Transportation and Communications requires all vessels over 24 m (or smaller distant-water fishing vessels) to meet the minimum requirements of ILO.

The Fisheries Agency has also completed the construction of seven showering facilities in fishing ports with a large migrant fisher population, with plans to construct more in other places, if needed. The agency, jointly with the labour ministry, conducted an inspection of distant-water fishing vessels when they returned to ports in 2020. It invited fishery worker groups to review recruitment agents. It also invited NGOs to join the interviews of migrant fishers, holding two seminars with these organizations to discuss the findings.

### Further improvement

Responding to labour issues identified by the civil society, the agency further improved the rights and benefits of migrant fishers by amending its regulations in May 2022. The template of the employment contract between distant-water fisheries operators and foreign crew members employed overseas has been revised. It raised the minimum monthly wage of migrant fishers from US \$450 to US \$500, subject to adjustments after annual reviews. The amendments stipulate the means of payment, ensuring it does not go to any foreign agent.

The claimable amount of life insurance has been raised from NTD 1 million (US \$31,300) to 1.5 million (US \$47,000). The coverage of pay-as-you-go medical insurance now cannot be less than NTD 300,000 (US \$9,400). The amended regulations stipulate that records of daily working hours of crew members be maintained on board fishing vessels. Crew members are entitled to a minimum 77 hours of rest in any seven days, in accordance with C188.

Foreign agents recruiting workers overseas will have to meet the same requirements as domestic agents. Foreign agents will require the approval of each worker's home country to recruit them. If a migrant crew member wishes to return home before his contract expires and if his continuous service on a vessel is more than one year, the employer will be required to pay the full return airfare. For employment durations between three months and one year, transport expenses are to be reimbursed *pro rata*.

For a period of less than three months, the crew member will have to pay.

If an employer terminates a contract early, severance pay will be calculated according to the length of service. If a crew member dies due to injury or illness during employment, the employer shall arrange and pay for the repatriation of the bodily remains. The regulations also stipulate reasonable compensation to be made for the loss of personal belongings of the crew in the event of accidents on the vessels.

The Taiwanese government has initiated other actions to enforce the rights and benefits due to migrant fishers, including revising the labour contract template in July 2022 and amending the care service plan. The Fisheries Agency has instituted an annual review of recruitment agents in the sector; strengthened crew inspection and interviews at domestic and foreign ports; improved the management of foreign-flagged vessels; established and deepened international cooperation; and strengthened collaboration mechanisms with NGOs. Responding to the COVID-19 pandemic, the Taiwanese authorities provided free rapid tests and antigen tests, managing quarantine measures for foreign workers.

The rights and benefits of migrant fishers can be further improved with additional funds and manpower, supported by the Action Plan for Fisheries and Human Rights, and through cooperation between relevant authorities to promote implementation in a multidimensional and systematic manner.

### For more

#### A review of migrant labour rights protection in distant water fishing in Taiwan

[https://www.researchgate.net/publication/354961194\\_A\\_review\\_of\\_migrant\\_labour\\_rights\\_protection\\_in\\_distant\\_water\\_fishing\\_in\\_Taiwan\\_From\\_laissez-faire\\_to\\_regulation\\_and\\_challenges\\_behind](https://www.researchgate.net/publication/354961194_A_review_of_migrant_labour_rights_protection_in_distant_water_fishing_in_Taiwan_From_laissez-faire_to_regulation_and_challenges_behind)

#### The 2020 Trafficking in Persons: Report

<https://www.state.gov/reports/2020-trafficking-in-persons-report/>