

United We Fight

The first migrant fishworkers' union in Taiwan has come a long way in establishing rights for workers

Even as migrant workers increasingly form the engine of the fishing industry in Asia, they remain a very exploited group, denied the possibility of organizing themselves as workers in several Flag States. In the early-1990s, the International Collective in Support of Fishworkers (ICSF) attempted to address the problems of Filipino migrant fishers aboard Taiwanese fishing vessels but not much progress was made. Subsequently, ICSF provided important inputs to the process leading to the Work in Fishing Convention, 2007, of the International Labour Organization (ILO).

The following interview with Allison Lee, Secretary-General, Su-Ao Migrant Fishermen's Union, Taiwan, was conducted at a recent dialogue on labour, migration and fisheries management, organized in Bangkok.

How did you get involved with migrant fishworkers?

Actually, I don't know much about fishing. I was working with foreign spouses in Taiwan who all have problems of integration. My husband, who is not a migrant worker, is a Filipino. I married him when I visited the Philippines. That was when I came to realize that illegal workers exist. Since I was then working in the government's Department of Labour, I began to look into the issue. From the cases that came to my attention, I understood that there is no law to protect migrant workers who could not form unions in Taiwan. I was taken aback when the workers told me about how they are exploited by Taiwanese skippers. I quit my job and, through the Labour Rights Network, began to propose amendments

to the Employment Services Act. That was around 10 years ago. In 2012, we finally got the Act amended. Although the Act is meant for Taiwanese nationals, it includes special categories. Article 46.7, for instance, covers crew members of merchant vessels, while Article 46.8 covers marine fishing. The Act enumerates service conditions too.

So how did you build the union?

It wasn't easy. Most of the migrant workers are recruited by agents who hold them in bondage. But once a worker loses an arm in a boat accident, for instance, he's dismissed. I took up one such case and managed to get a compensation of 3 mn Taiwan New Dollars (TWD), almost US\$3,000, as well as money for his passage home. That case made the workers believe in me and trust the rule of law.



Allison Lee, Secretary-General, Su-Ao Migrant Fishermen's Union, Taiwan, is a pioneer in the struggle for migrant workers' rights

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The workers are largely ignorant of the Act and their rights. Even the government departments do not understand the complexities of labour in fishing and don't bother to take interest to see that the law is implemented.

Since my husband is from the Philippines, I took his help to explain the issue to the workers. As each case of abuse came to my notice, I understood better the problems of the workers, which I conveyed to them. We soon began to hold meetings

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ALLISON LEE



Filipino workers, members of the Su-Ao Migrant Fishermen's Union, on board a Taiwanese distant-water fishing vessel

cut from the employers and passed on only a pittance to the workers. But today, under the new law, a minimum wage has been declared and work conditions specified in the contracts.

What can the workers do if these conditions are not respected by the employer?

There is a helpline that the worker can call. Once a case is registered, it is referred to the respective labour bureau. The government pays for interpreters to represent the worker. Earlier, the agents used to act as interpreters, which meant that the workers rarely got a fair deal. Now, however, either I myself or some other union member functions as the interpreter, and so we are able to ensure that the case is well represented and the worker has a fair chance of getting his due.

According to the new Act, a migrant worker can work only for 12 years, after which the work contract expires. The idea is to ensure protection of workers during their employment period in Taiwan, allowing them to save enough money to return home to start a new life. Migrant workers are discouraged from marrying locals during their employment period here, and should they do so, they can claim no rights to settle in Taiwan. 3

with them with the idea of forming an organization of workers. That was not easy since they are often out at sea for long fishing trips. The Filipino workers are more politically conscious and, aware of their rights, they are quick to take initiatives. In February 2013 they registered the Yilan Fishermen Labour Union. Regular meetings are now conducted and, with the support of a foundation, the union has been able to set up an office and lodging for the workers to stay when they are on land. As of now only Filipino workers are members of the union. But the majority of migrant workers on the fishing vessels are Indonesian, so we need to find a way to organize them too.

Can you tell us a bit more about how the new law protects the rights of the migrant workers?

The Employment Services Act, 2012 lays down several conditions for workers who must be legal migrants holding official documents (like passports) from their country of origin. The new law now mandates a work contract that clearly spells out their conditions of work, the remuneration and social-security benefits due to them, as well as conditions for repatriation. Earlier, the workers were dependent on agents who received a

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First Migrant Workers Union Formed in Taiwan

<http://laws.cla.gov.tw/eng/EngContent.asp?MsgID=68>

Employment Service Act, 2012 Taiwan