

Basic Human Rights of Foreign Fishery Workers in Taiwan: Needs and Obstacles

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Abstract

Among all occupations taken by migrant workers in Taiwan, the working and living conditions in capture fisheries stands out as the most worker-unfriendly. The working environment, characterized by its precarious, labor-intensive, and isolated nature, poses significant risks, particularly for foreign crew members. The isolated nature of the work makes it difficult for outsiders to comprehend the challenges faced by these workers and hampers efforts to provide adequate protection or supervision. Consequently, human rights violations and inhumane incidents at sea are unfortunately common occurrences.

There are currently two ways in Taiwan to recruit foreign fishing workers, recruiting domestically or overseas. Domestic recruits mainly serve nearshore fisheries, while workers hired overseas typically work in distant-water fisheries. The legal basis for hiring and the supervisory authorities are all different. Crew members employed domestically follow the “Employment Service Act” and their rights are protected under the “Labor Standards Act”, which are both under the jurisdiction of the Ministry of Labor. For employing crew members overseas, they are three sets of legal instruments: “Regulations on the Management of Overseas Employment of Foreign Crew Members,” “Regulations on the Management and Approval of Fishing Vessel Operators Employing Crew Members Overseas and Transferring and Temporarily Settling Crew Members from Mainland China,” and “Regulations on the Approval of Investment in or the Operation of Foreign Flag Fishing Vessels (FOC Vessels).” The supervisory authority is the Fisheries Agency, so the workers are not covered under the Labor Standards Act.

Thus, the working conditions and rights of fishing workers employed overseas are more susceptible to exploitation and abuse. This is primarily due to the reluctance of the Ministry of Labor and the Ministry of Agriculture to extend the coverage of the Labor Standards Act to this group of workers.

Foreign crew members employed domestically and overseas perform the same work, but often receive different levels of compensation. The working conditions at sea can vary vastly. Compounded by languages and cultural barriers, the foreign fishing workers often lack access to basic living conditions, and may even be deprived of their rights to communicate externally.

Many non-profit organizations are vocal advocates for migrant workers, tirelessly campaigning on the rights and welfare of foreign fishing workers. Drawing on real-world cases, these NGOs stress the importance of showing care and respect for the fundamental human rights of foreign crew members. It is the government’s

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responsibility to ensure the living standards and safety of foreign crew members. Such a commitment also reflects our respect to other nations in the international arena.

Speaker Profile

Chenghsin Lee currently works as a social worker supervisor at Rerum Novarum Center, Society of Jesus of Catholic Church. With 12 years of experience living in Indonesia, he understands Indonesian culture and customs. He is able to support migrant workers working in Taiwan by empowering them through professional social work approaches, including individual, group, and community-based interventions aimed at enhancing their understanding and problem-solving abilities. By doing so, migrant workers gain the necessary resources and tools to navigate challenges effectively and develop problem-solving abilities.

When Lee provides mobile outreach service at fishing ports, he often encounters foreign crew members who lack sufficient physiological, mental, and social support. These challenging environments often leave workers in vulnerable positions, torn between competing interests.