

Sheltering and empowering migrants in distress, the role of host and sending governments

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Background

- The Ministry of Labor (MOL) subsidizes for shelters for migrant workers with grievances.
- The National Immigration Agency (NIA) subsidizes other shelters for women victims from domestic violence.
- SPA is one of the shelters for migrant workers. Now we have 3 shelters for Indonesian, Vietnamese and Filipino migrant workers since May 2014.

Job categories of migrant workers

1. Manufacturing

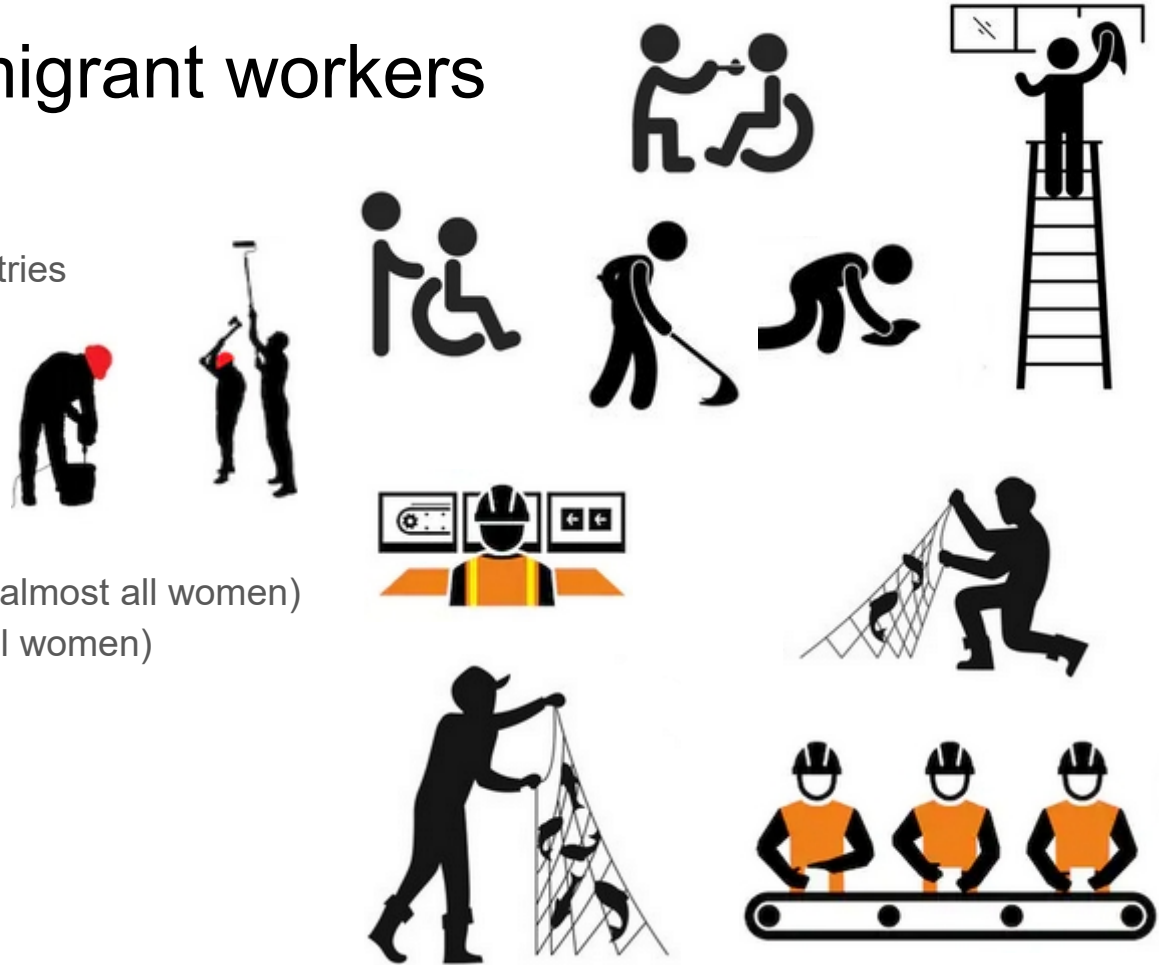
1. Factories in different industries
2. Constructions

2. Social welfare

1. Caretakers
 1. Facilities
 2. Out-reached
 3. Domestic caretaker (almost all women)
2. Domestic helper (almost all women)

3. Fishing

1. Inshore
2. Offshore (distant waters)



Major complaints and grievances for women migrant workers in Taiwan

Physical attacks



No protection from labor laws

- All domestic workers are excluded from the Labor Standard Act.
- No regulation on maximum working hours.
- No regulation on days off.
- No minimum wage (it is NTD23,100 or USD758 now, but domestic workers only have NTD17,000 or USD558).
- No labor insurance (only health insurance).

Lack of privacy

- Very few domestic workers have their own rooms.
- Many sleep in the same room with their wards.

Unable to hold their own IDs and documents

- Even it is illegal, it is still a common practice for the employers in Taiwan to hold the passport and/or with the Alien Residence Certificate (ARC) of the migrant worker.
- Employment contract and other important documents are also taken by the employers.

Sexual harassment

- Sexual harassment in oral or physical forms is rampant especially in the domestic works.
- Most of the time it's too hard to acquire sufficient evidence.
- If the migrant worker complains to the broker, sometimes the latter helps, but it's quite often that the latter tells the worker to stop the complaint for there's no evidence.

Rape

- According to the official statistics, there are 633 reported rape cases among the migrant workers from 2012 to February 2018, averagely 105 cases per year.
- But it's only the reported cases, there are too many unreported cases.
- The qualification of interpreter and the participation of social worker are often questionable.
- Some prosecutors and judges have prejudices and bias on migrant workers.
- The psychological impact and trauma of the victims are highly underestimated and addressed.

Discrimination on pregnancy

- Even the rights of pregnancy and giving birth is protected by the law,

Verbal violence

Empowering the migrants

Help to file and follow up the complaints

- Most of the cases of the migrants are labor disputes and will be handled by the local labor offices.
- We help most of our complainants to organize and file the cases to 1955, then follow up with local labor officers, attend the mediation meeting with migrants, help to argue for the justice for the migrants.

Help the migrant workers for lawsuits

- If the migrants want to continue for the demands can't be satisfied from the mediation meeting in local labor offices, we help them to apply a civil case through the lawyer from Legal Aides Foundation (LAF) and accompany them for interviews and court hearings.
- If the migrants want to sue for physical attacks, sexual harassment or rape, we also help them to sue the violator for a criminal case through the same channel from LAF.
- For the migrants who have been identified as victims of human trafficking, we also accompany them for the judicial process.
- Usually the legal cases will take 1-2 years, but we still continue to help even the migrant is already working or went home.

Offer shelter for migrant workers

- After the approval from the local labor offices, Migrant workers can stay in our shelter before they find a job or go home.
- Some migrants request to be sheltered when the situation is emergent.
- Usually local local labor offices approve the subsidies for sheltering, but sometimes they refuse, and they didn't subsidize if the migrants had to extend to sheltering and postpone the transfer because they were pregnant (this has been changed in October 2019), but we still offer the free services to all.

Legal consultation



Labor education



Chinese class

- Most employers can't speak English, not to mention other languages of the migrant workers; on the other hand, many employers require the migrants for their ability in Chinese.
- It is practically crucial for migrants in Taiwan to be able to understand and speak some basic mandarin or even Taiwanese.



Art works

- Theater.
- Painting.
- Music.



Organizing

- We helped to organized the National Home-Based Workers' Union (NHWU).
- After two years, it's still a new and small union, but we are continuing to work on it.



The role of governments of Taiwan and
th sending countries

Taiwan



- Mostly only take the migrant workers as laborforce, not as human beings.
- 1955 hotline offers services 24 hours a day in the languages of migrant workers (Bahasa Indonesia, Vietnamese, Tagalog and Thai), but the training is not enough, many complaints are discouraged.
- Local multilingual services are limited to labor departments only, and it's not even really sufficient.
- There are basic protection system for migrants, but the general laws and system is still unfriendly and even discriminatory.
- Some local labor officers are much closer and friendlier to the employers and brokers, and always side with them instead of the migrants.
- While most migrant workers fit the condition of victim of human trafficking, the education of it in the government is not enough, so the records and investigation on human trafficking is totally underestimated.

Governments of migrant sending countries in general

- Taiwan doesn't have official diplomatic relation with any of the migrant sending countries, but there are mutual representative offices between Taiwan and these countries.
- Even they have the responsibility to protect their citizens, these offices often concern about the trade and relation with brokers or employers more.
- In many instances, the representative offices of the migrant sending countries try to block the NGOs from families of the victims who died in Taiwan; moreover, they often work together with agencies to threaten the families not to find help from NGOs at all.

the Philippines



*Manila Economic
and Cultural Office*

菲律賓駐台代表處

- In Manila Economic and Cultural Office (MECO), most officers don't really know the details of the labor laws in Taiwan, and very few of them can really understand Chinese.
- But they like to take part and settle the complaints of Filipino migrants.
- Their settlements are usually not based on the law, but only ask each sides to compromise.
- Brokers prefer to bring Filipino migrants to MECO to settle than to go to local labor offices, because they know it's much easier to get away from MECO, and they would never need to pay any penalty.
- They usually authorize brokers to do the services to the families of the victims.

Indonesia

- Even they claim to have seven officers in the labor department, it's always very hard even to make a phone call to contact them or to complain.



A crisis in democracy

- Taiwan is a democratic country, but the democracy is mostly for its affluent citizens, blue-collar migrant workers are totally excluded.
- The migrant workers are mostly deprived of the freedom to change job and all of the internal core labor standards.
- The severe violation on the basic human right and labor rights on migrant workers have to be reveal and changed.
- It is a common obligation to everyone who supports and advocates for human rights, labor rights, women's rights to address the real situation of the migrant workers in Taiwan and demand the government to change.

Most serious problems for women migrant workers

- Lack of legal protection (no law, no minimum wage, no compulsory day off, no labor insurance) for domestic workers.
- Lack of even a compulsory day off in a week.
- Lack of effective systematic protection from the rampant cases of physical violence, sexual harassment and rape.
- Lack of effective protection from the discrimination of pregnancy, and an alternative system for the employers.

Conclusion

- The real situation of migrant workers in Taiwan is far from good; they are in a total dark system out of the democratic system in Taiwan, they are much closer to slaves, and most of them show several indicators of human trafficking.
- Taiwan government will not really react fast enough for the migrant workers who cannot vote; their move is always too slow.
- Government of the migrant sending countries is more problematic, we cannot rely on them, either.
- We have to continue to find ways to work for and with the migrants, all of you can be our allies to work for justice and humanity.

Thanks for your attention!

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