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Recruitment and Employment Experiences of Filipino Migrant Fishers in Taiwan's Tuna Fishing Sector: An Exploratory Study

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With the generous support of the:



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Acronyms and Abbreviations

CLA	Taiwan Council of Labor Affairs
CMA	Center for Migration Advocacy
CSO	Civil society organization
DWF	Distant water fishing
EEZ	Exclusive economic zone
EJF	Environmental Justice Foundation
FOC	Flag of Convenience
ICLS	International Conference of Labour Statisticians
ILO	International Labour Organization
IUU	Illegal, unreported, and unregulated [fishing]
MECO	Manila Economic and Cultural Office
MOU	Memorandum of understanding
MWCD	Migrant Workers' Concern Desk
NBI	National Bureau of Investigation
OWWA	Overseas Worker Welfare Administration
PCTFSC	Presbyterian Church in Taiwan Fishermen's Service Center
POEA	Philippine Overseas Employment Agency
POLO	Philippine Overseas Labor Office
SALIGAN	Sentro ng Alternatibong Lingap Panlegal
SIRB	Seafarer's Identification and Record Book (also known as a "Seaman's Book")
SPA	Serve the People Association
SRC	Seafarer's Registration Certificate
STF	Seafood Task Force
TIWA	Taiwan International Workers' Association
VSEA	Verité Southeast Asia

Executive Summary

Introduction

The International Labour Organization (ILO) has reported that, globally, migrant workers are particularly vulnerable to labor abuse and forced labor on fishing vessels. In addition to facing the isolation and workplace hazards inherent to fishing, migrant workers being recruited risk being deceived or coerced into accepting employment on vessels where they are trapped by force or debts.¹

Taiwan is one of the world's five major seafood exporters² and the primary flag state of the world's longline tuna fleets.³ Recent research by non-governmental organizations (NGOs) has shown serious human rights violations, including slavery-like conditions, among migrants crewing fishing vessels linked to Taiwan.⁴ Some allegations of forced labor have implicated employers engaged in illegal, unreported, and unregulated (IUU) fishing,⁵ but many of the identified risks could also affect migrants recruited for legal fishing operations. The U.S. Department of Labor's 2020 *List of Goods Produced with Forced or Child Labor* also noted evidence of forced labor in the production of fish in Taiwan.⁶

As part of a larger program on responsible recruitment supported by the Walmart Foundation, Verité conducted an exploratory study on recruitment-linked risks faced by Filipino migrants in Taiwan's tuna fishing sector. Filipinos represent the Taiwanese distant water fishing (DWF) sector's second largest population of migrants,⁷ and Verité has documented labor conditions and risks faced by Filipino migrant fishers on Taiwan-flagged vessels since the early 2000s. Previous Verité research indicated that many Filipino fishers were undocumented, recruited through informal channels, and vulnerable to trafficking for forced labor and other forms of exploitation.⁸ In more recent years, in Verité's experience and as indicated through discussions with civil society organizations working with Filipino fisher populations,



Photo: Verité Southeast Asia

more Filipinos appear to be recruited through formal channels (likely due, in part, to government and industry efforts). However, while the government of the Philippines has devoted significant efforts to regulate its recruitment industry and its responsible recruitment policies have been a model for other governments,⁹ Verité has found evidence that Filipino migrants continue to be exposed to serious risk during recruitment.

Recognizing the complexity and intersection of risks faced by Filipino migrant fishers, Verité undertook qualitative research conducted from January 2018 to January 2020 to assess the legal and actual processes through which migrant workers are recruited for work on Taiwanese fishing vessels, as well as the working conditions they experience during employment. Field research explored the recruitment practices of labor intermediaries in the Philippines and Taiwan, including private recruitment or “manning” agencies and labor brokers, and explored how gaps in regulatory frameworks contribute to the labor conditions that Filipino migrant fishers in Taiwan have experienced. Risks that workers experienced were analyzed to understand links with regulatory gaps and other root causes. Based on an analysis of field research findings and consultations with experts, the report recommends practical actions that stakeholders can and should take to address recruitment-related risks, and describes what mechanisms need to be in place in tuna supply chains to ensure that workers are more fully protected.

Key Findings

Verité interviewed 67 Filipino migrant fishers in Taiwan who were engaged in two types of fishing: offshore and DWF. Significant evidence of unethical recruitment practice was detected, as well as reports of poor working and living conditions that included some indicators of forced labor. Findings included:

- **Charging of high recruitment fees, in contravention of the law.** Among the workers interviewed, a majority (60 out of 67) reported paying excessive fees and expenses¹ to obtain their job in DWF or offshore fishing. Most workers reported that to land the job, in addition to paying for passports and other legal documents, they paid more than USD 2,000 on average for fees that included a placement fee for the Filipino manning agency. For several workers, the fee to the Filipino manning agency exceeded USD 3,000. The Philippine government prohibits the charging of any fee for recruitment or placement of overseas foreign workers in the fishing sector.
- **Recruitment-linked debt.** Almost half of workers interviewed reported that in order to pay the steep placement fee, they took out private loans at high interest rates, which would typically be repaid over a period of eight to ten months.

¹ Verité defines ‘excessive’ as fees that exceed what is legal and allowable.

- **Lack of transparency in the recruitment process.** No worker interviewed in Taiwan had received a clear briefing on the terms and conditions they were being asked to agree to, either in the Philippines or in Taiwan. Additionally, most workers indicated that they lacked written copies of agreements and could not confirm whether the terms of their contract—including any legal requirements—were actually being met. A few workers reported being asked to sign blank pieces of paper, and a few reported coercion during the recruitment process. In separate interviews, NGO representatives asserted that offshore workers' agreements signed in Taiwan that enabled deductions for food and lodging should be viewed as systemic contract substitution.
- **Passport withholding.** Most workers interviewed did not hold their own passports, and some did not hold their own Seafarer's Identification and Record Books (SIRBs – also known and referred to as "Seaman's Books"). The passports of workers on DWF vessels were typically held by the captain even when vessels were docked or otherwise onshore, while most offshore workers' passports were held by their employer or broker. In either case, Verité considered passport holding to be a contributor to workers' risk of forced labor.
- **Wage withholding and forced savings.** Some DWF workers reported pressure to stay in the job due to wage withholding. These DWF workers reported that they are unable to access approximately 10 percent of their salary until they complete their contract, even if an emergency arises. Among workers reporting this work arrangement, some indicated that the fear of not receiving the remainder of their pay prevented them from leaving abusive or dangerous situations. Some offshore workers also reported extremely low take-home pay. Some offshore workers reported signing agreements allowing 80 percent of their pay to be sent to a designated party, such as a family member; this agreement left them with access to very little money in Taiwan.
- **Lack of transparency in wage payment.** Most workers interviewed did not receive a clear breakdown of their pay and deductions. Most workers employed in DWF and offshore fishing reported that they did not receive pay slips, leaving workers with no evidence of their exact breakdown of pay or documentation to support a formal complaint.
- **Excessive work hours.** Workers interviewed reported extremely long hours and rare days of rest. Both DWF and offshore workers reported that they typically worked over eight hours a day, often seven days a week, with no overtime pay.
- **Poor living conditions.** Offshore workers in the sample described the poorest living conditions. All workers reported that they could not demand better accommodations regardless of how poor they might be. Many offshore workers reported that they were deducted a monthly

accommodation fee, which could amount to over a fifth of their pay, for cramped and unhygienic shared sleeping spaces on the boat.

- **Barriers to contract termination.** Workers faced serious financial barriers to terminating their contracts, including through forced savings and loans.
- **Lack of access to grievance and remedy.** Workers faced significant barriers to seeking help and filing formal complaints about their conditions. DWF and offshore workers experienced a consistent lack of access to formal assistance and grievance mechanisms during their recruitment and employment. Because of the nature of their work, DWF workers were the most isolated from outside assistance.

Workers reported the same types of recruitment-based risks whether they worked in offshore or distant water fishing (DWF). Both types of workers were recruited through similar processes and under similar conditions.

In addition to workers interviewed in Taiwan, 10 workers were interviewed at a manning agency in Quezon City, Philippines. These workers were either in between contract renewals or in the process of applying for their first fishing job. Their experiences of recruitment were markedly better than those of workers interviewed in Taiwan, and they exhibited very few risks.¹⁰ The experiences of these workers are presented as a case study of good practice.

Summary Recommendations

Verité's findings highlight the need for responsible recruitment interventions that shift the cost of labor migration away from migrant fishers and that implement risk-prevention mechanisms to address workers' vulnerabilities at specific phases of the labor migration cycle.

The findings also support calls from NGOs engaged in migrant fishers' rights for strengthening regulations in both the Philippines and Taiwan. The Philippine government should improve enforcement and jobseeker protections. The Taiwan government should afford equal labor protection to all migrant fishers, with the Ministry of Labor of Taiwan overseeing conditions of all migrant fishers regardless of vessel type.

The precariousness of Filipino migrant fishers' working conditions is more pronounced in the context of the COVID-19 global pandemic, as migration has become more difficult and demand for tuna food products has risen.^{11,12} A recent report by the Business and Human Rights Resource Centre noted these worsening conditions and reported survey findings of a lack of adequate response from multinational companies sourcing tuna, noting that "Companies are simply failing to address these heightened risks."¹³ Global brands, buyers, traders, and manufacturers that source tuna from Taiwan should implement stringent monitoring

mechanisms to screen out and address recruitment-linked risks to workers and assist suppliers in developing ethical recruitment and employment systems. Grievance and other communication channels and systems should be established and supported, to ensure that workers have access to information vital to their safety and are able to report recruitment and workplace violations and seek remedy.

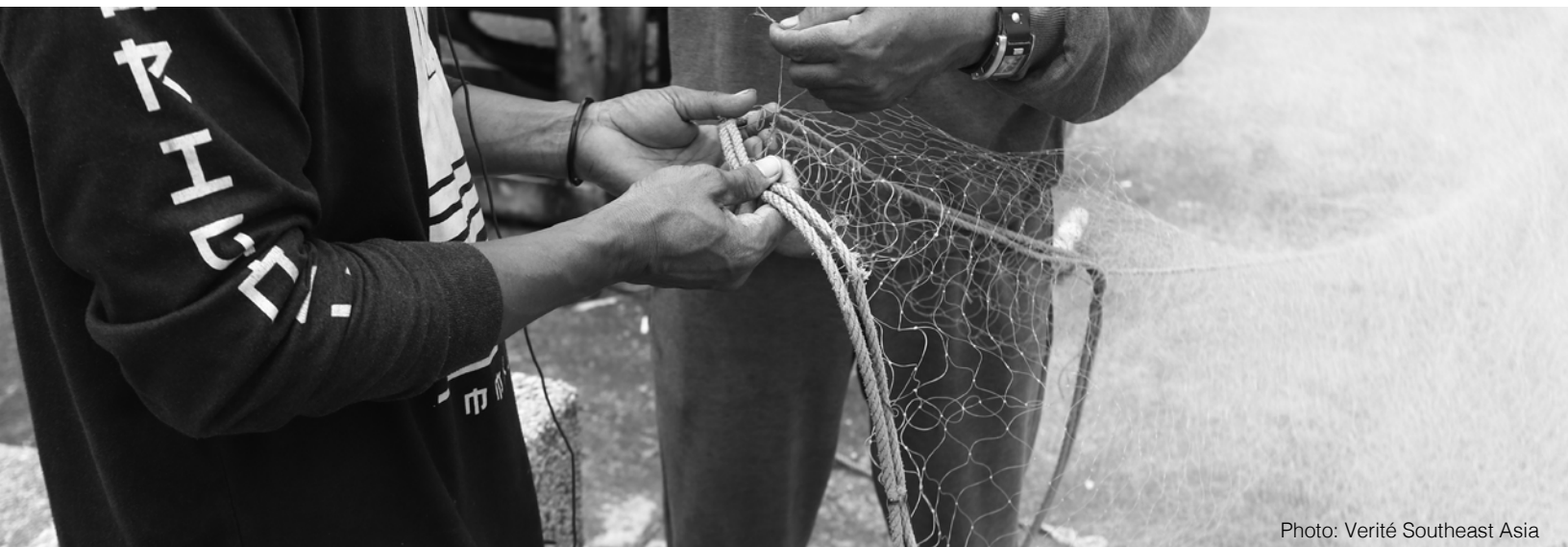


Photo: Verité Southeast Asia

Methodology

Research Objectives

The objective of this research was to explore the links between recruitment practices and documented labor risks, including indicators of forced labor, for Filipino migrant fishers in the tuna sector in Taiwan. This research forms part of a multi-component Responsible Recruitment Program supported by the Walmart Foundation, and focuses on understanding and addressing recruitment-related risks and issues that Filipino workers face in the tuna industry. Recognizing the complexity and intersection of risks that Filipino migrant fishers face, Verité's research was guided by the following questions:

1. **What are the various modes and means used to recruit Filipinos for work in Taiwan-flagged tuna fishing vessels?**
 - What are the different legal and regulatory frameworks applicable to the recruitment and hiring of Filipino migrant fishers in Taiwan?
 - Who are the actors involved in recruitment, what are their roles and responsibilities, and how are their practices regulated?
2. **What are the working conditions of Filipino migrant fishers on Taiwan tuna vessels and how are these linked to recruitment practices?**
 - What unethical recruitment practices do Taiwan-bound Filipino fishers experience?
3. **What are the root causes and drivers of unethical recruitment practices?**
4. **What are some of the best practices in recruitment, and what policy reforms and initiatives have been developed to increase uptake of responsible recruitment in the sector?**
 - What mechanisms should be explored to detect, prevent, and remedy recruitment-related risks and issues?

Research Design and Key Informants

Research took place between January 2018 and January 2020 with interviews conducted in several waves. An initial wave of research was conducted to map and investigate the means through which workers were being recruited, the actors involved, and impressions of local stakeholders of the working and living conditions of Filipino tuna workers on vessels docking at Taiwanese ports. During this initial phase, Verité gathered information through key informant interviews with Filipino migrant fishers and local NGOs. Yilan and Kaoshiung were identified as ports in which to conduct interviews, as discussed in more detail below.

Verité conducted several follow-up visits to Taiwan in June through October 2019 to consult additional stakeholders, interview more workers, and ultimately gain a deeper understanding of specific labor conditions and risks faced by Filipino migrant fishers. Additional interviews with offshore and DWF workers were conducted. Among those interviewed was a group of fishers in Kaohsiung whose

vessel was forced to dock after a violent incident in the high seas resulted in the deaths and injuries of Filipino and Indonesian crew members.¹⁴ Another group of five respondents interviewed were survivors of the bridge collapse in Su'ao Township of Yilan County in October 2019, which killed six Filipino and Indonesian migrant fishers engaged in offshore fishing.¹⁵ In Taichung and New Taipei City, Verité interviewed a few additional migrant fishers in December 2019 who were staying in NGO-run shelters, where they received assistance in filing formal complaints against their brokers and employers or seeking safe repatriation to the Philippines due to expired visas. In addition to interviews and consultations, Verité conducted field observations of working and living spaces on offshore and DWF vessels docked in Su'ao Township and Kaohsiung, respectively, with the assistance of St. Christopher's Church, the Migrant Workers' Concern Desk (MWCD), and the Presbyterian Church in Taiwan Fishermen's Service Center (PCTFSC).

Verité researchers obtained additional insight on recruitment processes through interviews with staff at two manning agencies in the Philippines. After conducting extensive outreach to labor agencies in the Philippines and Taiwan, only two agencies in the Philippines agreed to participate in the study. One of the participating agencies is a major manning agency based in Quezon City that actively supplies laborers to Taiwan DWF vessels. The other is a Manila-based agency supplying workers to land-based facilities and DWF vessels in Taiwan. Both agencies reported to follow a comparatively ethical recruitment business model, especially the agency based in Quezon City. Management representatives of each agency were interviewed in January 2020. A group of 10 migrant fishers being deployed through the Quezon City agency were also interviewed on a targeted set of topics related to recruitment experience. The majority of these respondents had already worked on Taiwanese fishing vessels and were being assisted by their Philippine manning agency with renewing their contracts. These workers all reported recruitment experiences consistent with responsible recruitment practices. Because these workers were interviewed onsite at the agency and were all working with the same recruitment agent, their responses are presented as one case study in the report, and good practices are highlighted where applicable.

Verité researchers supplemented information obtained through worker interviews with key informant interviews and consultations with a wide variety of experts and stakeholders in Taiwan and the Philippines, including civil society organizations, government agencies, tuna industry association members, and private recruitment agency representatives. Verité consulted with a diverse set of civil society organizations and faith-based groups providing direct support to migrant fishers in the Philippines and in Taiwan, including: Caritas Taiwan, the Center for Migrant Advocacy (CMA), Environmental Justice Foundation (EJF), Hsinchu Catholic Diocese Migrants and Immigrants Service Center / Hsinchu Catholic Diocese Hope Workers Center, Human Rights at Sea – Taiwan, Migrant Workers' Concern Desk (MWCD), OND-Hesed Foundation, Inc., Presbyterian Church in Taiwan Fishermen's Service Center (PCTFSC), Rerum Novarum Center, Sentro ng Alternatibong Lingap Panlegal (SALIGAN), Serve the People Association (SPA), Stella Maris International Service Center, Taiwan International Workers' Association (TIWA), Ugnayan Migrant Ministry and the Chinese Regional Episcopal Commission for Migrants and Itinerant People, and the Yilan Migrant Fishermen Union. Verité also spoke with officials from

relevant Philippine government institutions, including the Manila Economic and Cultural Office (MECO) in Taipei, the Philippine Overseas Labor Office (POLO) in Kaohsiung, and the Philippine Overseas Employment Administration (POEA) - Seabased Accreditation and Contract Processing Center.

In total, 101 respondents were interviewed or consulted, as follows:

Table 1. Summary of interviews by stakeholder group

Stakeholder group		Number of respondents or agencies interviewed
Filipino Migrants Deployed to Taiwanese Fishing Sectors	In the Philippines	10
	In Taiwan	67
Government agencies		4
Recruitment agencies		2
NGOs		16
Tuna industry association members		2

Field research and expert consultations were carried out in tandem with desk review of relevant literature, which covered legal and regulatory frameworks; public presentations and conference papers by representatives of the Taiwan Council of Labor Affairs (CLA) and the Fisheries Agency; and media, academic, and NGO reports. Desk review also included analysis of some original documentation, including current case files on Filipino migrant fishers shared by NGOs; sample employment contracts shared for review by the Philippine Overseas Employment Agency (POEA) and manning agencies; and pay records presented by workers and advocates interviewed.

Data Collection, Sampling, and Analysis

Verité conducted in-depth interviews with Filipino migrant fishers in Taiwan engaged in two types of fishing: offshore and distant water fishing (DWF). (See the Overview section below for more information on these two types of fishing.) The respondents came from over 12 different provinces in the Philippines and were hired through 16 different Philippine recruitment agencies (referred to in Philippine law and henceforth in this report as “manning agencies”). To obtain a sufficiently diverse sample of workers, Verité researchers identified key research locales and mapped out where Filipino migrant fishers were likely to be located. Yilan was chosen as a site to interview Filipino migrants engaged in offshore fishing, while Kaohsiung was chosen as the site for interviewing Filipino migrants in Taiwan’s distant water longline fishing sector (DWF), due to the port of Kaohsiung’s importance to the DWF sector. Other respondents were based on vessels in ports in the northern part of Taiwan. In Su’ao and elsewhere in Yilan, most workers interviewed were engaged in

offshore fishing and shared that they could return to the ports regularly—almost every day or every few days. In Kaohsiung, all workers interviewed were engaged in DWF. At the time of Verité’s research, many of them had just docked after five to six months of voyaging in foreign waters.

For the selection of respondents, Verité used nonprobability sampling, including convenience and snowball sampling. Workers and NGO representatives interviewed at the beginning of field research referred researchers to workers whose vessels were docked. Verité researchers sought to capture a diversity of recruitment experiences in the sample, selecting workers who reported that they had been recruited and hired through different Philippine and Taiwanese labor agencies.

Filipino migrant fishers were engaged in one-on-one interviews and small group interviews. All worker interviews conducted during the field research used the same semi-structured interview guide. Most questions were qualitative and open-ended, designed to invite workers to provide detailed, descriptive information on their recruitment experiences, working and living conditions, and priority concerns. Other topics, such as recruitment fee payments, necessitated more structured, close-ended questions.

Due to logistical limitations such as difficulty accessing workers outside the vessels where they worked and lived communally, worker interviews varied in length and number of participants. Most interviews were conducted one-on-one using the full semi-structured interview form; but some interviews were conducted in small groups, on a sub-set of topics from the interview guide, as researchers only posed as many questions as were deemed feasible and prudent in the given context. These interviews were typically conducted while workers were engaged in cleaning vessels, mending nets, landing fish, and carrying out various other tasks while docked at port. Information obtained from workers directly was triangulated by interviews with civil society organizations and faith-based groups providing direct support to migrant fishers.

Three group interviews were treated separately from the rest of the data pool, as they focused on very specific experiences. In one case, five Filipino offshore fishers who had survived a bridge collapsing on their vessel were asked about the incident and about their living conditions onboard the vessel. In another case, three Filipino distant water fishers who survived a violent attack by another crew member spoke about the incident, and their living conditions and access to grievance mechanisms and support services. In a third case, workers interviewed in shelters in Taichung and New Taipei City described experiences and challenges around their precarious documentation status and unpaid wages. Data from these group interviews is presented in the form of case studies in the report.

In addition to interviews conducted in Taiwan, 10 migrant fishers were interviewed in the Philippines. These respondents were interviewed during a visit to a major manning agency that deploys workers to fishing in Taiwan; these workers were interviewed after they confirmed that they were being hired or rehired to work on

fishing vessels based in Taiwan. Findings from these interviews are also presented as a case study in the report.

Due to the non-probability sampling and open-ended interviewing techniques used, findings have been analyzed and presented with a view to avoiding their interpretation as statistically representative. The report findings note precise numbers where phenomena were common among the respondent pool. Where particular phenomena were not common but have been included—either because they are illustrative of specific phenomena or because they are associated with particular characteristics of fishers, such as being recruited under specific kinds of conditions or in specific locations—the number of workers reporting the issue is also referenced.

Limitations
This exploratory research was qualitative in nature and sought to uncover information about the presence of labor and human rights risks. The sample was not statistically representative, and no claims are made regarding national- or sector-wide prevalence. However, triangulation of these findings through review of relevant literature and interviews with local experts suggests that the experiences of workers interviewed were not isolated or unusual. Additional in-depth research would be required to document the prevalence of the labor abuses found here in a more precise and conclusive manner.

The ability to conduct detailed interviews was limited by the availability of migrant fisher respondents, who all worked long hours and, because of the nature of fishing operations, could only be reached when they were onshore. Offshore fishers returned to port almost every day or every few days, but workers in distant water fishing remained on vessels for many months.

Research findings were also limited by the types of sources consulted and, more specifically, the inability to triangulate reports made by workers with site observations of vessels they were employed in, in most cases²; reviews of workers' employment documents; and interviews with employers and labor agents. Many workers interviewed described a lack of employment documentation. For example, most did not have a copy of their original employment contract and most did not receive pay slips. DWF workers interviewed identified their vessels, vessel captains, and brokers as Taiwanese. Although descriptions provided by a few workers indicated that their vessels may have been involved in the practice of using Flags of Convenience (FOC)³, researchers had limited ability to verify how many of these vessels were practicing FOC.

Although Verité actively solicited engagement from Philippine and Taiwanese labor agents over the course of the field research, only two Philippine agencies agreed to interviews. This study is therefore limited by a lack of robust information and perspectives of labor agents themselves.

² Note: The research team did conduct limited field observations of some workers' working and living spaces on offshore and DWF vessels.

³ Flag of convenience (FOC) is a practice by which a ship is registered in a country other than that of the ship's owners, and the ship flies the flag of that country, referred to as the "flag state".

Analytic Framework

Verité's analysis is framed against globally accepted definitions and elements of responsible recruitment, as well as indicators of forced labor where relevant. Responsible recruitment principles used in this research framework are based on international human rights standards, primarily those described in the ILO's Private Employment Agencies Convention (181)¹⁶ and the ILO's General Principles and Operational Guidelines for Fair Recruitment.¹⁷ The Dhaka Principles for Migration with Dignity;¹⁸ the UN Guiding Principles on Business and Human Rights;¹⁹ certification frameworks such as the International Recruitment Integrity System (IRIS);²⁰ and the Fair Hiring Initiative's On the Level Core Principles and Standards of Ethical Recruitment standards were also used.²¹ Industry codes of conduct that contain some responsible recruitment elements were also consulted, including codes of the Responsible Business Alliance (RBA)²² and Seafood Task Force (STF). While the STF standards are not yet consistent with the "employer pays"/"zero fees to workers" principle, they are otherwise aligned with this study's framework.²³

Core elements of the responsible recruitment framework included for consideration in this study were:

- Prohibition of recruitment fees to jobseekers
- Complete and accurate information about workers' rights, recruitment, and employment conditions
- Voluntary and transparent employment contracts
- Recruitment free from deception or coercion
- Freedom of movement, including no retention of identity documents
- Freedom to terminate employment
- Access to remedy and grievance mechanisms

In addition to analyzing findings against responsible recruitment frameworks, findings have been analyzed against internationally recognized indicators of forced labor. References to forced labor and forced labor risk indicators used throughout the report are based on definitions provided by the ILO. According to the ILO Forced Labour Convention, 1930 (No. 29), forced or compulsory labor is "all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself or herself voluntarily."²⁴ To evaluate the risk of forced labor and the underlying practices that contribute to that risk, Verité analyzes for the existence of the forced labor indicators as presented in the Guidelines Concerning Measurement of Forced Labour, published in 2018 by the International Labour Organization and the International Conference of Labour Statisticians (ICLS). The ICLS Guidelines, in conjunction with earlier guidance on indicators provided by the ILO, provide specific indicators which can contribute to conditions of involuntary work and threat or menace of penalty, the two primary components of forced labor. Based on stakeholder interviews and desk review, the following indicators listed by ICLS were determined to be applicable to labor migration from the Philippines to Taiwan for work in tuna fishing:²⁵

Table 2. Indicators of forced labor relevant to the research

Indicators of involuntariness:

- Situations in which the worker must perform a job of different nature from that specified during recruitment without a person's consent
- Abusive requirements for overtime or on-call work that were not previously agreed with the employer
- Work with very low or no wages
- Degrading living conditions imposed by the employer, recruiter, or other third-party
- Work with no or limited freedom to terminate work contract

Indicators of menace of penalty:

- Restrictions on workers' movement
- Debt bondage or manipulation of debt
- Withholding of wages or other promised benefits
- Withholding of valuable documents (such as identity documents or residence permits)

Forced labor and trafficking in persons are legally prohibited in Taiwan and the Philippines. In the Philippines, forced labor is prohibited in the Constitution²⁶ as well as in the Revised Penal Code.²⁷ The Philippine Expanded Anti-Trafficking in Persons Act of 2012 specifies that trafficking in persons includes involuntary debt bondage, among other activities, and specifies extraterritorial jurisdiction for trafficking.²⁸ In Taiwan, the Labor Standards Act prohibits forced labor and the Criminal Code prohibits slavery, as well as the use of deception or coercion for exploitation.²⁹ The Human Trafficking Control and Prevention Act (HTPCA) bans human trafficking for labor,³⁰ and cases of trafficking have been prosecuted under multiple laws, including the Labor Standards Act and Criminal Code.³¹

The above elements have been cited alongside core elements of the Responsible Recruitment framework to better illustrate the links between interviewed workers' recruitment experiences and their relative risk of becoming trapped in forced labor.



Photo: Jordan Tan/shutterstock.com

Overview of the Taiwan Fishing Sector

Global Importance of the Sector

Taiwan is one of the world's major seafood exporters. According to Global Fishing Watch, 85 percent of the world's high seas fishing products come from five countries, including Taiwan.³² The United Nations Food and Agriculture Organization (FAO) has reported that there are more Taiwanese-flagged vessels than any other flagged state engaged in tuna longline fishing, comprising more than one-third of the world's longline tuna fleets.³³

More than 50 percent of Taiwan's marine capture consists of fish caught by Taiwan-flagged fleets fishing in waters beyond national jurisdiction.³⁴ This practice, called distant water fishing (DWF), pertains to fishing activities that take place outside of the state's 200-mile Exclusive Economic Zone (EEZ). Kaohsiung, a major port city in southern Taiwan, is known as the world's center for distant water longline fishing. Most DWF vessels are based in Kaohsiung due to its proximity to regions rich in tuna resources.³⁵

Although Taiwan has a robust seafood processing sector of its own, much of the tuna caught by Taiwan-flagged vessels is transported frozen to be canned in other countries, such as Thailand, the Philippines, and China, before it is exported to global markets for consumption.³⁶ Taiwan has previously been referred to as the single largest exporter of frozen tuna.³⁷

Distant Water versus Offshore Fishing

Offshore and distant water fishing operations both fish for tuna species and may use the same fishing techniques. Taiwan-flagged fleets engage in DWF through a variety of methods, especially longlining for tuna.³⁸ Coastal and offshore fisheries conduct longlining as well as other types of fishing, such as purse seining, trawling, and set-net fishing.³⁹ The fishing technique used affects the type and size of vessel required, as well as type and length of work tasks; for example, industrial tuna longlining involves setting out lines of baited hooks in the water, then resting for approximately four hours before the entire crew spends a full day—estimated at 11 hours or more—hauling in the lines and landing the catch.⁴⁰

LABOR RECRUITMENT ROLES AND TERMS

Labor agency—a private entity that assists employers in sourcing labor. The labor agent or agency may assist the employer with workers' recruitment, legal application requirements, hiring, and deployment to the place of work, in addition to related services.

Manning agency—a common Philippine term for a labor agency. Manning agencies are a key actor in sourcing and recruiting workers in the Philippines for employment abroad.

Labor broker—a common Taiwanese term for a labor agent or agency. Labor brokers initiate recruitment activities for the Taiwanese employer in need of labor, escort hired foreign workers to their jobs in Taiwan, and provide administrative services to the employer and workers.

The primary difference between offshore and distant water fishing for the purposes of labor research is the relative distance the vessel fishes from the Taiwan EEZ and type of government oversight. Taiwanese offshore fishing refers to fishing activities conducted in Taiwan's internal waters, territorial sea, and EEZ, while DWF tuna longlining takes place outside of Taiwan's EEZ,⁴¹ in the world's major oceans.⁴² Licensed Taiwanese distant water vessels fish in the EEZ of more than 26 countries, each of which has bilateral fishing access agreements with Taiwan.⁴³ In another key difference, DWF activities and DWF licensed vessels are overseen by the Council of Agriculture, even in regards to migrant labor,⁴⁴ while labor matters for offshore fishing operations are overseen by the Ministry of Labor.⁴⁵

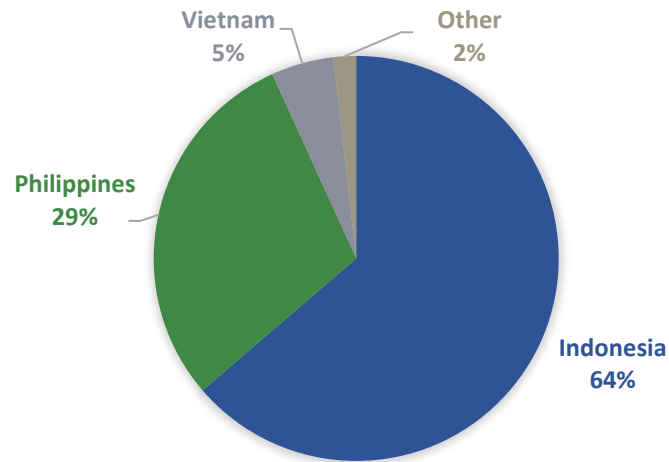
Filipino Migrants in the Taiwan Fishing Sector

According to the Taiwan Fisheries Agency, rapid growth in the fishing sector since the 1980s, alongside a prolonged labor shortage, created a demand for foreign crew members in DWF. The Agency also reported that while crew members primarily came from mainland China in the past, employment of foreign crew members from the Philippines, Indonesia, Vietnam, and Thailand has increased in the last decade or so, for both DWF and offshore fishing in Taiwanese coastal waters.⁴⁶

The Philippines has long supplied migrant workers to Taiwan, and many actors in the migration process – both in the Philippines and Taiwan – have likewise benefited from the movement of thousands of Filipinos in this corridor. Verité and other organizations that have been documenting the presence of Filipino migrant fishers on Taiwanese-owned vessels for over a decade reported that in the early 2000s, many of them were recruited through informal channels.⁴⁷ The formal recruitment process for a single Filipino migrant fisher now typically involves two private labor agents and oversight by multiple government offices. Typically, workers apply for the job in fishing via a private, government-licensed Philippine labor agency—often referred to as a manning agency—that connects workers to an employer in Taiwan through that employer's own Taiwanese labor agency, often referred to as a labor broker. While formal processes and channels are now in place, and all fishers interviewed by Verité for this research had migrated through formal channels, it remains unclear how much of the sector relies on formalized recruitment and migration.

According to interviews with Philippine manning agencies and the POEA, the deployment of Filipino workers for work aboard Taiwan fishing vessels started to rise significantly in 2010. Today, Filipinos account for about one third of the total population of foreign workers employed in the Taiwan fishing sector.⁴⁸ According to interviews with the POEA and manning agencies, the trend is moving upward. After Indonesians, Filipinos make up the second largest population of migrants employed in Taiwan's fishing sector. The Taiwan government estimated the total number of foreign crew members working in distant water fishing to be around 20,400 as of June 2019, including about 6,100 Filipinos. The distribution of foreign crew members by nationality is illustrated in Figure 1, below.⁴⁹

Figure 1. Nationality of foreign crew members on Taiwanese DWF vessels



Meanwhile, the Workforce Development Agency of the Ministry of Labor reports that there are 12,406 migrant fishers employed under Taiwan's domestic employment scheme, mostly working in offshore fishing. About 14 percent of migrant fishers in offshore fishing are Filipinos.⁵⁰

Labor advocates, however, contest the official figures; some claim that the real number of migrant fishers is almost ten times greater than official Taiwanese reports. In 2014, for example, the U.S. Department of State reported that according to NGO estimates, as many as 160,000 migrant workers could be employed on Taiwanese fishing vessels.⁵¹ According to Verité interviews with Taiwan-based NGOs, they continue to encounter Filipino migrant workers on fishing vessels whose work permits are expired, or who do not have all the legally required documentation. NGOs interviewed by Verité also reported that the practice of FOC can obscure the ability to obtain accurate counts of the total number of migrants employed on Taiwanese-owned vessels. Verité also received unconfirmed, anecdotal information from workers interviewed about Filipino workers being picked up in Singapore ports to join Taiwan-flagged vessels that then fish in international waters.⁴

Labor Conditions in the Taiwan Fishing Sector

The Philippines is often cited as a model for its careful regulation of migration for employment and measures to protect Filipino workers abroad.⁵² However, despite the protections put in place, recent research by Verité and other organizations has

⁴ In January 2020, as part of this study, Verité interviewed a Filipino fisher who disclosed that his visa had expired. In his desire to extend his stay in Taiwan, in order to continue earning, he joined fellow Filipino workers who "jumped ship" and sought work in other fishing vessels. At the time of research, this worker was seeking assistance from an NGO and the Manila Economic and Cultural Office (MECO) in Taipei to be repatriated safely to the Philippines.

indicated that migrant fishers recruited for work in the Taiwan fishing sector, including Filipino migrants, are vulnerable to unethical recruitment practices and exploitative working conditions on Taiwanese fishing vessels, including forced labor.⁵³ The US Department of Labor's 2020 *List of Goods Produced with Forced or Child Labor* also noted evidence of forced labor in the production of fish in Taiwan.⁵⁴

A recent Greenpeace report documented workers on fishing boats working up to 22 hours per day, seven days per week, being denied food, and being beaten for not finishing tasks assigned to them. Employers also reportedly forced workers to work when they were injured and paid some workers as little as USD .50 per hour, and some never paid workers at all.⁵⁵ The precariousness of Filipino and other migrant fishers' working conditions is more pronounced in the context of the COVID-19 global pandemic, as migration has become more difficult and demand for tuna food products has risen.^{56, 57}

Migrant fishers aboard DWF vessels have been found to be especially vulnerable to abuse, as they are isolated at sea for months at a time, and not covered by key laws governing workers' rights in Taiwan.⁵⁸ Migrant DWF fishers are ineligible for minimum wage, overtime pay, rest days, and other benefits mandated by law.⁵⁹

Although migrant fishers engaged in offshore fishing are protected by the Taiwan Labor Standards Act, they are exposed to various forms of exploitation as well. Workers have been found to experience substandard and sometimes inhumane living accommodations inside fishing vessels, even as the cost of food and lodging is deducted from their wages every month. NGO and media reports have focused on these issues in recent years, in some cases describing slave-like working and living conditions.⁶⁰

For both categories of workers, long hours of work, insufficient safety and protective measures, and limited access to nutritious food and water while on board have been reported.

Migration and Employment Policy Context

Philippine Recruitment Regulations and Processes for Fishers

The Philippines government has a long history of fostering and regulating cross-border migration. The main government body responsible for facilitating labor migration, the Philippines Overseas Employment Administration (POEA),⁵ was first created in 1982. Over time, the mandate of the POEA has grown to include broad regulatory and management responsibilities, including regulation and monitoring of private recruitment agencies.⁶¹ The Migrant Workers and Overseas Filipinos Act of 1995 (Migrant Workers Act), notably, mandated the POEA to regulate and manage overseas employment from the pre-employment stage, including by setting up a licensing system for recruitment agencies.⁶²

At the time of writing, the regulation broadly covering the migrant fisher recruitment process was the 2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers (2016 Rules), promulgated by the POEA. The 2016 Rules expanded the role of the POEA beyond the regulation of recruitment agencies, as they state that it is the policy of the POEA “to protect every Filipino seafarer desiring to work overseas by securing the best possible terms and conditions of employment.”⁶³

Selected Protections for Filipino Migrant Fishers

Recruitment fees and expenses

Per the 2016 Rules, workers may be charged documentation costs for all statutory requirements such as, but not limited to, a birth certificate, passport, Seafarer’s Identification and Record Book (SIRB – also known and referred to as the “Seaman’s Book”), Seafarer’s Registration Certificate (SRC), and official clearance certificate (issued by the National Bureau of Investigation (NBI), police, or barangay).⁶⁴ Workers may not be charged any other fees, unless otherwise provided by law.⁶⁵

Manning agencies may charge the principal/employer with manning and processing fees. Manning fees cover services rendered by the licensed manning agency in the recruitment and deployment of seafarers.⁶⁶ Processing fees refer to charges related to requirements for deployment, such as pre-employment medical examinations, visas, principals’/employers’ flag state ship requirements, trainings required by principals/employers, and POEA and Overseas Workers Welfare Administration (OWWA) fees.⁶⁷

⁵ To be precise, the POEA is directly responsible for regulating, promoting, and monitoring foreign labor migration, and is overseen administratively by the Department of Labor and Employment (DOLE).

Workers may be required to refund processing fees, however, if they fail or unjustifiably refuse to join ship after said processing fees are incurred by the employer.⁶⁸

Standard employment contract

Another important feature of the 2016 Rules is the requirement that employment contracts follow the standard contract issued by the POEA for employment of Filipinos in sea-based work (see Annex A). The contract must include the following:⁶⁹

- Name of agent and employer
- Name, type, and flag of vessel
- Duration of contract
- Position
- Monthly salary
- Hours of work
- Overtime policy
- Vacation leave pay

Interviews with the Philippine Overseas Labor Office (POLO) in Kaohsiung indicate that job orders issued by the Taiwanese employer are evaluated against these items, and any additional or different terms included in the contract must be evaluated, verified, and approved by the POEA.

Recruitment agency and employer accountability

The 2016 Rules also contains provisions on the ethical responsibilities and liabilities of recruitment agencies and the employer. The agency and the employer have joint and solidary liability for worker claims arising out of the employment relationship and the employment contract they are signatory to.⁷⁰ The 2016 Rules reiterate this liability, integrating it into the application requirements for the manning agency license. As part of the application requirements, they must notarize and submit the following commitments, among others:⁷¹

- comply with existing legislation, including with regards to contracts;
- negotiate the best terms and conditions of employment for seafarers;
- inform seafarers of the full terms and conditions of their employment contracts;
- orient seafarers on the recruitment process, their rights, and other information;
- respond to complaints or problems;
- adhere to ethical standards as prescribed in the Code of Conduct for Ethical Recruitment; and
- repatriate deployed seafarers and their personal belongings when the need arises or reimburse expenses of repatriation advanced by the Overseas Workers Welfare Administration (OWWA).

Licensed manning agencies may be held liable for acts constituting illegal recruitment, including acts committed by their employees who conduct recruitment

activities, such as, but not limited to: accepting any amount of money, goods, or services from an applicant seafarer; providing false information about the recruitment or employment; misrepresenting a job; reprocessing seafarers for non-existent work or for work with a different ship; influencing any entity not to employ any seafarer because of union affiliation; altering verified employment contract without the approval of the POEA; or withholding travel documents from applicant seafarers before departure for monetary considerations, or any other legally unauthorized cause.⁷²

See Annex B for tables listing administrative offenses, classification, and corresponding penalties. See Annex C for a complete description of criminal penalties for committing illegal recruitment and prohibited acts.

Legal Recruitment Process for Migrant Fishers

As laid out in the 2016 Rules and related regulations, and as explained by workers interviewed, the legally required recruitment process that a worker must undergo to work as a fisher in Taiwan includes the following key steps, excerpted below. Manning agencies and jobseekers interviewed confirmed that the same basic documentary and procedural requirements apply to workers applying for both DWF and offshore fishing.

- **Documentary Prerequisites** – In order to travel abroad for employment in fishing, the worker must possess a valid passport and a SIRB.⁶ If the worker does not possess a SIRB, they may apply for one by completing a basic safety training course (see below), obtaining government security clearance,⁷³ and, as reported by workers, confirming their identity and proof of age using a passport or birth certificate. Several workers interviewed lacked a birth certificate at the start of their recruitment, which lengthened the application process.
- **Basic Safety Training Certificate** – If the worker does not already possess a SIRB, they must complete an eight- to ten-day Basic Safety Training program provided by an accredited maritime training center, at which point they are provided a training certificate.⁷⁴ Many workers interviewed needed to complete the training course as part of their recruitment process.
- **Interview** – Jobseekers must go through an in-person interview by the agency or a representative of the employer. Passing an interview signals that the jobseeker has been selected as a candidate for the job. An interview did not appear to be a legal requirement in and of itself but is required before the agency can send the worker to undergo a pre-employment medical examination (see below).
- **Medical Clearance** – The 2016 Rules state that after the manning agency has interviewed the applicant and there is “reasonable certainty” that the

⁶ Technically a Seafarer's Identification and Record Book (SIRB), also called the Seaman's Book. This requirement is set out in the 2016 Rules.

applicant will be hired and deployed to employment on a vessel through the manning agency, the worker may undergo a medical examination at a facility accredited by the Department of Health (DOH).⁷⁵ Worker interviews and expert consultations indicated that a medical certificate was typically required in practice.

- **Pre-Departure Orientation** – Once selected for the job, candidates are then required to complete a pre-departure orientation⁷⁶ prior to signing a standard government-approved contract (see below).
- **Standard Employment Contract** – As part of the legal process, the POEA reviews and approves workers' signed employment contracts,⁷⁷ which should include the minimum terms and conditions laid out in the standard employment contract (see Annex A).⁷⁸ The 2016 Rules state that the recruitment agency should provide a copy of the approved standard contract to the hired worker.

Box 1. Direct hiring: a government process to obtain work without a recruitment agency

In 1999, the Philippine and Taiwan governments signed a bilateral agreement formalizing an alternative channel for hiring Filipino workers called the Special Hiring Program in Taiwan (SHPT). This program was developed to enable Taiwanese employers to recruit Filipino workers without needing to resort to the services of a recruitment agency. The Manila Economic and Cultural Office (MECO), one of the two government offices signing the agreement, stated that the new process was intended to “provide a system that is transparent and would lessen opportunities for and the possibilities of abuse of the Filipino workers in Taiwan.” According to MECO, “most importantly, the process prevents the workers from falling prey to exploitation and does away with the possible collusion of unscrupulous manpower agencies.”⁷⁹ Instead of using recruitment agencies, workers and employers would use the government-created Direct Hiring Service Center.⁸⁰ The system also eases the process for rehiring Filipino workers.

However, despite the existence of a direct-hiring program between the Philippines and Taiwan, job orders and recruitment transactions are still largely controlled by private recruitment agencies and labor brokers. In June 2020, the U.S. Department of State reported that the program was not used by most Taiwanese employers seeking foreign labor.⁸¹ Similarly, Verité’s research found that all workers interviewed in Taiwan and the Philippines went through brokered recruitment and hiring processes.

Gap Analysis of Philippines Regulations

The 2016 Rules incorporate at least five elements of responsible recruitment.⁸² Under the regulated recruitment process, all documents needed to complete an overseas employment application are clearly outlined. During the contract-signing process, workers must not be subjected to contract substitution or other deception.

Before departure, workers must be oriented on the job and migration process. Furthermore, in a requirement that is crucial for workers' protection from risks of debt bondage, recruitment agencies are prohibited from charging workers fees for placement or other services rendered; workers may only pay for their passports and related documentary requirements. For agencies and employers that violate these and other rules, the 2016 Rules describe a grievance process and disciplinary actions.⁸³

Verité's review of legal frameworks in the Philippines, however, revealed several gaps in the government's regulations on responsible recruitment and protections for workers. While the decision by the POEA to prohibit placement fees is commendable, the revised regulations still allow workers to take on significant cost burdens. Per the 2016 Rules, workers may be charged documentation costs for all statutory requirements.⁸⁴ Nearly all Filipino fishers interviewed by Verité in Taiwan reported paying close to USD 250 in fees on the average for these documents alone. This sum represented close to 50 percent of workers' expected monthly take-home pay, whether they worked on DWF or offshore vessels (see Findings for further detail). It should also be noted that, on average, workers who traveled to the National Capital Region for recruitment reported spending PHP 25,000 (about USD 500) per month on basic sustenance and living expenses while processing documents to complete their applications (see Findings for further detail).

In addition to allowing workers to bear certain costs, the revised Rules do not describe sufficient measures to capture cases when workers are being charged fees illegally. Although the revised Rules set out monitoring and assessment procedures,⁸⁵ the procedures do not clearly require a review of the fee payment process, such as through worker interviews or a form of post-arrival monitoring, to ensure that agents and employers comply with regulations.

The revised Rules further indicate that even if the Philippine authorities are alerted to violations by recruitment agents, either through worker testimony or other means,



Photo: Shi Yali/shutterstock.com

the set penalties may not be dissuasive. Several administrative penalties to employers, for example, are less than what many workers reported being charged for recruitment and other related fees. Offending employers face a penalty of PHP 50,000 (approximately USD 1,000) for the first offense and PHP 100,000 (approximately USD 2,000) for the second offense for: defaulting on contract obligations; substitution of the POEA-approved contract; withholding travel and other pertinent documents; and violation of other laws, rules, and regulations on recruitment and placement.⁸⁶ In comparison, workers reported paying placement fees to recruitment agents that exceeded USD 2,000; a few workers reported paying placement fees in excess of USD 3,000.

Taiwan Employment Regulations and Processes for Migrant Fishers

Taiwanese Regulatory Background

In Taiwan, the regulation of foreign migrant fishers has been split between government bodies according to the type of fishing activity undertaken and vessel to which the worker is assigned. Migrants employed in offshore fishing fall under the jurisdiction of the Ministry of Labor and are covered by the Labor Standards Act, Employment Service Act, and the Foreign Workers Regulations.⁸⁷ In contrast, migrant DWF workers are overseen by the Fisheries Agency and are covered by the Act for Distant Water Fisheries (DWF Act) and DWF Regulations.⁸⁸ Stakeholders interviewed described offshore migrant fishers as no different from Taiwan national workers and land-based migrant workers, as they are entitled to all rights and benefits provided under Taiwan labor laws such as the Labor Standards Act; while migrant workers on DWF vessels are not covered by certain legal protections and can be treated differently.

Legal Recruitment Process for Migrant Fishers

All agencies recruiting and facilitating process for migrants to work in Taiwan's fishing sector, whether for distant water or offshore fishing, must go through the same approval process with the Ministry of Labor of Taiwan and comply with the *Regulations on the Permission and Administration of the Employment of Foreign Workers*, which is issued by the Workforce Development Agency under the Ministry.⁸⁹

A review of regulations,⁹⁰ combined with interviews with the Philippine Overseas Labor Office (POLO) and Philippine manning agencies, indicate that recruitment requirements and processes are similar for offshore and DWF fishers:

1. **Initial Job Order Request** – The vessel operator or employer (referred to in this example as the employer) submits a job order to approved labor agents in Taiwan, specifying the number of workers needed.

2. **Job Order and Contract Verification** – The Taiwanese agent submits the job order, terms and conditions of the job, and qualifications of the agent and employer for verification by the POLO in Taiwan.
3. **Recruitment Initiated in the Philippines** – After receiving approval from the POLO to recruit workers for the stated job positions, the Taiwanese agent communicates information about the job to the Philippine licensed manning agency, which is given a Special Power of Attorney to represent the employer in its activities in the Philippines.
4. **Entry Visa Application and Medical Examinations** – After foreign crew members are offered employment by the employer through the Philippine agent, and with approval from the relevant authority and verification that requirements have been met, the employer begins to apply for entry visas for the foreign crew members. As part of the application process, the employer must provide information on the fishing vessel and the health of the worker, with the latter demonstrated by a medical examination undergone by the worker in the Philippines in the past three months.
5. **Post-Arrival Requirements** – The employer arranges for the foreign crew members to undergo a medical examination within three working days of their arrival in Taiwan. Once medical clearance is issued, the foreign crew member assigned to the DWF vessel must depart for fishing operations within 14 days of entry into Taiwan.⁹¹

Selected Protections for Migrant DWF and Offshore Fishers

Protections for migrant workers employed in fishing vary depending on whether they are employed in DWF or offshore fishing. These differences extend to legal requirements for workers' contracts of employment, workers' service agreement with a Taiwanese labor broker and the fees that may be charged to workers, and the minimum or base wage rates applied to them, among other differences in legal protections.

With regards to labor contracts, for example, offshore fishers' contracts should broadly follow the minimum standards for contracts and working conditions set out in the Labor Standards Act, which governs foreign and domestic workers alike.⁹² The Labor Standards Act does not specify what the employment agreement (or labor contract) should contain, but defines the labor contract as the agreement establishing an employee-employer relationship.⁹³ DWF contracts, in contrast, must lay out very specific terms, conditions, and protections per a regulation that is unique to migrant distant water fishers (see Annex C for further details).⁹⁴ DWF Regulations also specify how the contracts should be signed, as they state that the foreign crew member must be briefed on the terms of the employment contract (whether by the employer or labor broker) before they sign a bilingual contract and receive a copy.⁹⁵

Other conditions of the job that distinguish DWF and offshore fishers are the wage rates, broker fees, and deductions for food and lodging that can be applied to them.⁹⁶ All foreign workers under the jurisdiction of the Taiwan Ministry of Labor, including offshore fishers, are required by the Workforce Development Agency of the Ministry of Labor to complete a "Foreign Worker's Affidavit for Wage & Salary

and Expenses Incurred before Entering the Republic of China for Employment.” This affidavit details all recruitment-related expenses and other payables that workers may have incurred in the sending country for which they agree to be responsible, as well as additional charges they agree to pay in Taiwan. Additional charges include the Taiwan broker service fee and board and lodging costs.⁹⁷

At the time of Verité’s research, the current monthly minimum wage in Taiwan was TWD 23,100 (approximately USD 770) for all workers in all occupations and sectors. However, the DWF sector has its own, separate minimum wage: at the time of research, DWF workers received a monthly minimum wage of USD 450.⁹⁸ Although offshore workers are entitled to the regular legal minimum wage, unlike the DWF workers, they can be subjected to legally allowed additional charges or deductions.

The DWF Regulations prohibit labor brokers from charging service fees in Taiwan,⁹⁹ but this prohibition does not apply to offshore fishers. According to standards set by the Ministry of Labor, which governs the employment and management of migrant offshore fishers, offshore fishers may be charged monthly service fees of no more than TWD 1,800 (USD 63) for the first year; TWD 1,700 (USD 60) for the second year; and TWD 1,500 (USD 53) for the third year and beyond. These service fees must not be charged “in advance,” meaning they should be charged after the offshore fisher has been placed in a job and has signed an employment contract.¹⁰⁰ Apart from the service fees, a deduction for food and lodging costs is also permitted.¹⁰¹ Some offshore vessel workers interviewed reported deductions of up to TWD 4,500 (USD 158) for food and accommodation. Altogether, these legally allowed charges to offshore workers earning the minimum wage would mean that in effect, they would earn almost 30 percent less than the minimum wage. Some offshore workers interviewed indicated that the cumulative effect of legal deductions and illegal recruitment fees taken from their wages was that they earned about the same rate as DWF fishers’ minimum wage, or less.

Gap Analysis of Taiwan Regulations

In recent years, Taiwan has actively reviewed its policies to align with ILO Convention 188 (Work in Fishing Convention). Additional reforms made improvements to the DWF Regulations as they apply to workers, including the establishment of a DWF minimum wage standard¹⁰² and involvement of the labor ministry in inspections.¹⁰³ After a 2018 documentary on migrant fishers in Taiwan reported on serious exploitation and abuse of migrant fishers, including indications of forced labor,¹⁰⁴ the Taiwan Fisheries Agency issued a public statement listing protections for migrant workers in the country’s fishing industry. These protections included telephone numbers for voicing complaints, designated staff to interview foreign workers at ports (and flag risks for further investigation), and educational cards to distribute to fishing workers. The agency also asserted in its statement that it would carry out future compliance inspections, including of DWF vessels on entry to domestic ports; apply “stringent penalties” where owners or labor agents were confirmed to violate employment regulations; and refer cases to relevant courts.¹⁰⁵

Taiwan has also instituted other policy reforms benefiting migrant workers, such as the amendment of Article 52 of the Employment Service Act in 2016, (which

eliminated the requirement that, after working in Taiwan for three years, a foreign worker had to leave the country for at least one day).¹⁰⁶ Moreover, the bilateral agreement between Taiwan and the Philippines also allows Taiwanese employers to hire Filipino workers directly, without involving labor brokers or manning agencies.¹⁰⁷

In terms of the regulations designed for the protection of DWF workers,¹⁰⁸ these contain several elements consistent with responsible recruitment principles, including the prohibition on charging of service fees, clear documentation requirements, contract-signing requirements, and the existence of a grievance process and disciplinary actions to be taken against manning agencies and employers that violate the law.¹⁰⁹ However, although the DWF regulations outline required elements of the employment contract, including recruitment-related costs, they do not specify which costs can be charged to workers.¹¹⁰ In other words, the lack of detailed provisions in the regulations do not explicitly prohibit passing on other costs of recruitment to workers. Furthermore, employer and agent obligations do not include verification of fees or repayment to workers when excessive or illegal charges are found.¹¹¹

Another gap identified in the Taiwanese regulatory framework is that DWF vessel workers do not benefit from Taiwan's regulations on minimum wage, overtime pay, and regular work hours limit per week, among other national labor regulations. The DWF sector is the only sector employing migrant workers that is exempted from paying the legal minimum wage, as it does not fall under the jurisdiction of the Ministry of Labor. Labor advocates and NGOs repeatedly cite this lack of benefits among DWF workers as discriminatory and contributing to workers' vulnerability to exploitation.¹¹² It is unclear, per Fisheries Agency regulations, whether DWF workers can seek assistance or protection from the Taiwan Council on Labor Affairs for matters pertaining to labor conditions, although the Deputy Director of the Agency has reported that migrant fishers may access the 1955 hotline, which is the Ministry of Labor's multi-language counseling and complaints line for migrant workers.¹¹³

Moreover, labor inspections are not conducted on DWF vessels. As a result, the Taiwanese government has poor visibility into labor conditions experienced by migrant fishers on DWF vessels. The Fisheries Agency reported in 2018 that assessments will be conducted jointly with the Ministry of Labor at domestic ports.¹¹⁴ This commitment needs to be monitored for effectiveness, given that the vessels are out at sea for most of the year.

In the case of offshore fishers who fall under the Ministry of Labor's jurisdiction, in 2017, the Ministry of Labor declared that labor brokers in Taiwan are not allowed to collect placement fees from migrant workers. The Labor Minister further stated that agents will be fined for collecting placement fees from migrant workers—with penalties 10 to 20 times the amount they collect—and if proven guilty, their agency will be forced to close.¹¹⁵ While prohibiting placement fees is good practice, the Ministry of Labor still allows labor brokers to charge migrant workers service fees ranging from TWD 1,500 to 1,800 per month (approximately USD 53 to 63).¹¹⁶ Under an "employer pays"/"zero fees to workers" model, service fees represent a cost that should be borne by the employer, not the worker.¹¹⁷

In addition, the standard contract workers sign in the Philippines indicates that food and lodging are to be provided by employer, but in Taiwan, some workers reported being required to sign an affidavit that effectively granted the employer or broker the authority to deduct payments for food and lodging of up to TWD 4,500. For offshore fishers, this is doubly onerous since they are typically provided poor to substandard vessel-based accommodations, and there is currently no legal requirement for employers to provide onshore accommodations to migrant fishers. Various stakeholders consulted have termed this as “systemic contract substitution,” and have urged the Philippine and Taiwan governments to enforce the Philippine contract provision on food and lodging and enforce inspections of worker accommodations.

Access to grievance mechanisms presents a regulatory gap for all migrant fishers. While Taiwan’s Ministry of Labor provides a multilingual hotline for migrant workers to report concerns, migrant fishers face barriers to accessing the hotline due to long working hours, long duration at sea, and limited access to communication. Because of the nature of their work, workers engaged in distant water fishing experience particularly serious barriers to communication, as reported by several workers interviewed.



Findings on the Recruitment Experiences and Working Conditions of Filipino Migrant Fishers in Taiwan

Demographics of the Respondent Pool

The Filipino migrant fishers interviewed in Taiwan were male and between the ages of 23 and the early 50s, and most of them originated from coastal towns and fishing communities in the north, central, and southern parts of the Philippines.⁷ Many of the workers had some exposure to fishing or seafaring, while a few workers from farming villages reported having no prior experience. About one-fourth of workers interviewed had either college degrees or formal maritime education. Many of the workers with formal maritime education said they had been preparing to work as seafarers on commercial or transport vessels, but accepted work on fishing vessels due to limited opportunities in their preferred sector.

Most workers reported being recruited directly from their hometowns, either by labor agents or through personal contacts with links to manning agencies in Manila. Only a few workers reported traveling to the capital city on their own to actively seek work in Taiwan fishing.

Recruitment Process

Almost all workers interviewed processed their formal documents and other employment requirements in Metro Manila. Some workers who came from locations on other islands such as Cebu, Iloilo, and parts of Mindanao reported paying for a flight to Metro Manila, where most manning agencies are based. Others traveled by land and water for an entire day to reach Manila. Several workers from land-locked areas in the northern part of the Philippines reported traveling eight to twelve hours.

Workers and manning agencies interviewed consistently reported that the contracting process for first-time applicants can take as long as two to three months, while contract renewals can be as short as two weeks. The two manning agencies interviewed shared that the most common deficiency among applicants is the Seafarer's Identification and Record Book (SIRB). The SIRB acts as an identity

⁷ An additional 10 Filipino migrant fishers were interviewed in the Philippines prior to deployment. These workers were applying for work through self-described ethical labor agents. Their information is not included in the demographics section, but their recruitment experiences are described in good practice case studies below.

document and record of a fisher's sea service, and specifies the particular category or rating which the holder is qualified to serve.¹¹⁸ The SIRB can only be acquired after successfully completing a basic safety training that costs between PHP 6,000 and 10,000 (approximately USD 124 to 206). Workers and manning agencies interviewed also both reported that first-time applicants from outside the National Capital Region are likely to lack birth certificates, school records, and passports. An individual application for a document may be a relatively low cost—especially in comparison to manning agency fees—but the overall process to obtain the documents can be time-consuming and costly.

Recruitment Fee Charging and Associated Wage Deductions and Debt

Almost all workers interviewed in Taiwan (60 out of 67) reported paying excessive⁸ amounts in recruitment-related fees and expenses to either manning agencies in the Philippines, labor brokers in Taiwan, and/or in some cases other intermediaries. While the best practice described by the ILO and other groups is for workers to pay no fees or related expenses for their recruitment,¹¹⁹ workers interviewed described paying fees that went considerably beyond the legal limits of both the Philippines and Taiwan. Workers also reported covering the costs of travel, documentation,



Photo: Shi Yali/shutterstock.com

⁸ Verité defines 'excessive' here as fees that exceed what is legal and allowable.

training, medical screening, and other prerequisites. Every worker interviewed incurred some type of expense to obtain the job. There was no marked difference in reported fee-charging by Philippines manning agencies for workers recruited for offshore and DWF sectors.

Recruitment “placement” fees paid to the Philippines manning agency were typically paid for either through taking out a loan while still in the Philippines, or through a system of wage deduction from earnings in Taiwan. Although most manning agencies advertise a “no placement fee” policy, almost all Filipino fishers interviewed in Taiwan (representing 15 of the 16 manning agencies named by the workers in this study) had paid recruitment fees, either directly to the manning agency in the Philippines or in the form of monthly deductions from their paychecks that went toward fees to both the Taiwan agent and a Philippine manning agent. Whether recruited for DWF or offshore fishing, workers reported that if they resorted to financing recruitment fees by taking out private loans, or if they simply allowed the Philippine recruitment agency to deduct costs of recruitment, loan payments and other deductions once in Taiwan generated pressure to stay in the job.

Deductions were a key mechanism through which recruitment and placement fees were being collected among the population of fishers interviewed. More than half of the offshore vessel workers interviewed in Taiwan reported salary deductions beyond the legally allowed Taiwan broker service fee and for food and accommodations. Recruitment fee deductions were often made on a monthly basis for the first eight to ten months of the workers’ employment contracts. A few workers reported experiencing monthly deductions for recruitment fee repayment for an entire year. Some DWF workers who incurred loans in the Philippines to cover recruitment fees also reported that loan payments were automatically deducted from their salary.

Levels of Fees Charged by the Manning Agency in the Philippines

In terms of levels of recruitment-linked fees and expenses paid, Table 3 shows average amounts paid by workers – as reported by workers interviewed – for expenses that a worker is legally allowed to be charged as part of the recruitment process in the Philippines.¹²⁰ Table 4 presents average amounts that workers interviewed by Verité reported paying in the Philippines for types of fees and expenses prohibited by Philippine law.

Table 3. Average levels of legally allowable fees and expenses levied by the manning agency in the Philippines, as reported by workers interviewed

Application requirement	Approximate cost	
	In USD	In PHP
Passport	30	1,500
Basic safety training and seafarer's identification and record book (SIRB)	120 – 200	6,000 – 10,000
High school or university diploma	4	200
Security clearance (NBI)	3	140
Total:	157 – 237	7,840 – 11,840

Table 4. Average levels of illegally charged fees and expenses levied by the manning agency in the Philippines, as reported by workers interviewed

Expense	Average amount workers reported paying, among workers who paid fees	
	In USD (rounded)	In PHP (rounded)
Placement fee for manning agency	1,933	96,654
Training fee	121	6,035
Medical exam and certificate ¹²¹	86 (range of 40 – 170)	4,148 (range of 2,000 – 8,500)
Total:	2,140	106,837

Workers interviewed by Verité reported an average of PHP 96,654 (USD 1,933 or TWD 58,100) in Philippines manning agency fees. Among workers who reported charges for training and medical exam, the average amounts charged were 6,035 PHP (121 USD) and 4,148 PHP (86 USD), respectively. In addition to these illegal charges, most workers also reported paying for airfare to Taiwan and the visa application. This occurred despite Philippine regulations stating that the visa application's cost should be covered by the employer.¹²² Some of the workers reported that they were required to pay for these additional expenses up front. In most reported cases, however, recruitment agencies initially covered travel and visa costs, which were later deducted from workers' monthly salary. Workers could not always provide the amount they were charged for airfare and visa. For reference purposes, the published visa fee rate according to POEA is PHP 2,800 (USD 56), and the one-way airfare from Manila to Taiwan at the time of this report was approximately PHP 7,500 (USD 150).¹²³

In addition, all workers and jobseekers interviewed reported that funds were necessary to cover transportation and food expenses they incurred while processing the application and recruitment requirements. Some workers who

traveled from remote provinces shared that they had to rent a small room in Metro Manila while waiting for their papers to be processed, which could last for over two months. On average, workers who came from outside the National Capital Region reported spending PHP 25,000 (about USD 500) per month on basic sustenance and living expenses while processing their applications.

Levels of Fees Charged by the Taiwan Broker

Table 5 shows fees and expenses that are legally allowed to be charged to offshore workers and, in some cases, DWF workers in Taiwan.

Table 5. Fee items and levels allowed per Taiwanese regulations¹²⁴

Recruitment Fee	Amount in TWD (monthly)	Amount in USD (monthly)	Legally Payable by the Worker	
			DWF workers	Offshore workers
Service fees Fees paid to labor brokers to cover the costs of worker accommodations, assistance in processing documents, and other services.	1,800 (year 1) 1,700 (year 2) 1,500 (year 3)	60 56 50	No – Prohibited	Yes – Permissible
Agency placement fee			No – Prohibited	No – Prohibited
Alien Residency Certificate (ARC)	83 (1,000 per year)	2.85 (33 per year)	No – Prohibited	Yes – Permissible
Board and lodging	0 - 4,500 max	0 - 150	No – Prohibited	Yes – Permissible
National Health Insurance and labor insurance mandatory deduction	approx. 810	approx. 27	No – Prohibited	Yes – Permissible
Medical test (twice in year 1, once every year for the next 2 years)	150 (1800 per year)	5.15 (60 per year)	No – Prohibited	Yes – Permissible
Total	2,543 – 7,393	85 - 245		

Legally allowable charges for the Taiwan broker service fee, as well as for board and lodging, health insurance, medical testing, and the alien residence certificate were frequently bundled into a monthly deduction from a worker's wages that also included a deduction for the Philippines manning agency recruitment fee where

relevant, as well as allotments and any forced savings. This practice of a bundled deduction, performed without issuance of a pay slip or other documentation, rendered workers unable to determine the amounts of individual deduction items month to month. This is discussed in more depth in Wages and Deductions below.

Box 2. Good practice in handling of recruitment fees and expenses

Unlike the workers interviewed in Taiwan, ten Filipino workers who Verité interviewed during their application processing at their Philippine manning agency in Quezon City reported not paying fees beyond their passport and SIRB renewal. They said that they were not charged for placement fees, medical exams, or training expenses, and were even provided free lodging while processing their application and waiting for deployment in Manila. First-time applicants reported receiving free bus transportation and a cash advance to cover the cost of their passport application.

In contrast with the reports provided by workers hired through other agencies, workers who were renewing contracts through the Quezon City agency affirmed that during their previous contract, no recruitment fees had been deducted from their pay.

When asked about these practices by Verité, the agency owner reported that her agency discontinued passing costs of recruitment on to workers five years ago after identifying more Taiwanese employers who were willing to cover the cost of recruitment. The agency owner explained that she included statutory and market-related recruitment costs in negotiations with Taiwanese clients. She reported that she would decline to enter contracts with Taiwanese labor brokers who violated her requirements or tried to pay her kickbacks through deductions taken lawfully or unlawfully from workers' pay.

Recruitment-Linked Debt

Most workers interviewed said they had to borrow money from family and friends to cover the costs of documentation, training requirements, and their daily needs while waiting for deployment. In addition, almost half of the workers reported that they had to take out loans at high interest rates to cover recruitment agency fees. These workers started work indebted and therefore faced pressure to stay in their job, not only to earn money but also to pay back their debts. Such loans typically took eight to ten months to pay back. Some workers reported that repaying loans could take as long as 12 months. One worker employed on a DWF vessel reported exceptional pressure to pay back his loan: he shared that because he had used his family's land title as collateral for a loan and that terminating his contract early could mean losing the title to his family's land.

A few workers reported ethically questionable links between the manning agency and lending agency and also between the Taiwan broker and the Philippines manning agency. One worker shared, for example, that after he had borrowed PHP 80,000 (about USD 1,648) to pay for the placement fee required by his manning agency, his loan repayments went directly to the manning agency, not the lending

agency where he obtained the loan. Some workers (both DWF and offshore) who did not take out a loan or sign loan papers in the Philippines reported that they still faced automatic monthly deductions in Taiwan that they were told went in part toward recruitment-related charges owed to their Philippine manning agencies that had not been previously disclosed to them. The two manning agencies interviewed by Verité in the Philippines also mentioned a phenomenon known to them in which a Taiwan broker would sometimes require the Philippine manning agency to charge fees to workers and then flow part of the payment back to the Taiwan broker in a “kickback” scheme. These two manning agencies reported having declined job orders from specific Taiwan brokers on the basis of having been asked to engage in this practice.

Box 2. Case study of a Filipino fisher recruited for distant water fishing (DWF)

Ronaldo,⁹ a 25-year-old from Bicol, decided to apply for work as a seafarer after a friend told him they made good money. His friend warned him that seafarers do not see land for long periods of time and that there would be some application costs, but Ronaldo’s earnings from fishing near his home village were unstable, so he decided to apply. His friend and family knew the application process would involve costs, so they lent him PHP 20,000 (around USD 400), interest free.

Ronaldo took a 16-hour bus ride to Manila and went straight to a labor agency. Given his qualifications, they recommended he apply as a fisher in Taiwan and laid out all of the documents he would need: a passport, school records, ID cards, and more. It took Ronaldo over two months to obtain them all. To get a SIRB, for example, he first needed a basic safety training certificate from a training center. The labor agency pointed him to one that cost PHP 14,000 (around USD 290) for the training in addition to ten days of room and board.

After he finally secured all of the documents, Ronaldo returned to the agency. His documents verified and his final interview passed, there was one last catch: the agency expected him to pay a placement fee of PHP 60,000 (around USD 1,240). Dismayed and without other options, Ronaldo followed the agency’s recommendation to visit a lending agency in the same building and took out a loan for PHP 80,000, enough to pay the agency fee and pay back his friend for covering earlier costs. Ronaldo agreed to let the labor agency recoup the loan repayments, interest, and the cost of a plane ticket through wage deductions for a year. After saying goodbye to his family, he flew to Taiwan with seven other workers deployed by the agency, and they were met by a man who was to be their labor broker in Taiwan.

Ronaldo spoke to Verité about his experiences toward the end of his first contract, close to two years after he started work. He reflected that the job had been more difficult and exhausting than his previous work in fishing, and the conditions were very poor. Despite the difficulties, he said he planned to apply

⁹ Names have been changed to protect the worker from potential retaliation

for another two-year contract. He had earned less than expected and wanted the opportunity to earn his full pay, this time without deductions for loan payments.

Responsible recruitment element	Relevant forced labor indicator
<ul style="list-style-type: none"> Prohibition of recruitment fees to jobseekers 	<ul style="list-style-type: none"> Debt bondage or manipulation of debt

Employment Contracts and Deceptive Recruitment

All workers interviewed in Taiwan reported practices for issuing employment contracts and other agreements that were at best opaque and, for at least a few workers, resembled deceptive and coercive contract substitution. Workers reported that when they were first given the contract, none were given a clear or thorough explanation of the basic terms and conditions. After they signed, most workers were not given a copy for reference, leaving them unable to confirm that any later agreement they signed or conditions they worked under matched what they had agreed to. Once in Taiwan, many workers were asked to sign supplemental agreements and addendums. Some workers specified signing agreements in Chinese with no English translation; given the language barrier, they were unsure what they were being asked to agree to and could not be certain whether they had signed a new contract altogether. A few workers reported being asked to sign a blank document, with no explanation of what the document was for.

A few workers reported that they were required to sign an entirely different employment contract only days before leaving the Philippines. These new contracts stipulated a different set of wages and benefits from the original contract they signed, which had been verified and processed by the POEA. These workers described a situation in which their agents warned that if they did not sign, they would be held responsible for all expenses, including the travel arrangements and visa that the manning agency had already advanced or paid for. Some workers reported that they were informed of monthly deductions for agent fees only after they accepted the job offer.

Verité's desk review (which covered sample employment contracts provided by DWF and offshore workers) and key informant interviews identified additional risks of deception in the contracting process. The Philippines' standard employment contract states that food and lodging will be "provided" to workers (see Annex A).¹²⁵ In Taiwan, almost all workers on offshore vessels reported paying for food and lodging, suggesting that employers and agents either ignored the provision or interpreted it as merely holding the employer responsible for arranging food and lodging, not for bearing the costs. Most workers reported being required to sign affidavits or written declarations in Taiwan that they understood would give the employer or broker the authority to deduct payments for food and lodging, a practice that some NGOs interviewed described as systemic contract substitution. According to NGO representatives, these changes to workers' compensation and benefits are made without workers' full and informed consent. More specifically, the process for introducing the deductions to workers after they are already in Taiwan places workers in a situation where they have no choice but to stay in the job and accept the new conditions. Some Philippine government officials interviewed also cited this as a misalignment between the two government's rules, and one which, reportedly, is the subject of ongoing discussions between the governments.

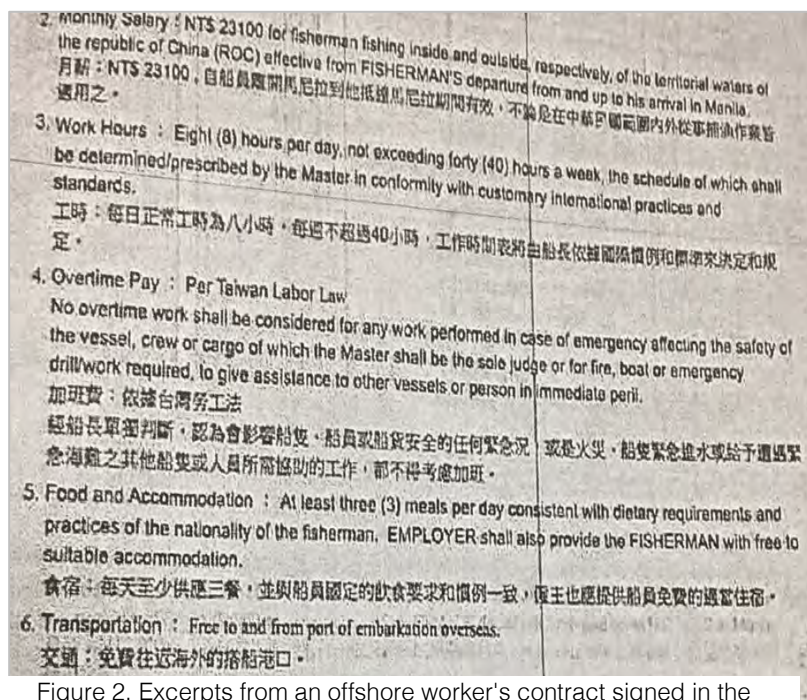


Figure 2. Excerpts from an offshore worker's contract signed in the Philippines, indicating food and accommodation

Responsible recruitment element	Relevant forced labor indicator
<ul style="list-style-type: none"> Complete and accurate information about worker's rights and recruitment and employment conditions Voluntary and transparent employment contracts Recruitment free from deception or coercion 	<ul style="list-style-type: none"> Situations in which the worker must perform a job of different nature from that specified during recruitment without a person's consent Withholding of wages or other promised benefits

Wages and Deductions

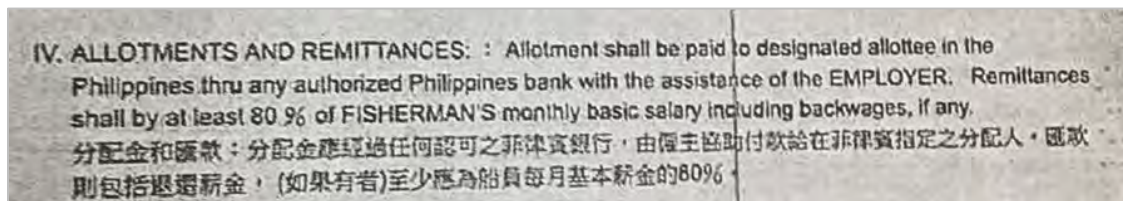
Although the regulated pay rates and payment systems for DWF and offshore workers vary, both categories of workers reported wage payment concerns, particularly regarding transparency into their earnings. All workers interviewed in Taiwan reported a lack of transparency in payment systems and withheld or delayed wages which, in turn, limited their ability to leave employment or terminate their contract.

In theory, offshore workers can demand a higher wage than DWF workers: offshore workers are entitled to the national minimum wage, which in 2019 was TWD 23,100 (USD 794), while DWF regulations cite a minimum monthly wage of USD 450.¹²⁶ However, the net take-home amounts reported by offshore and DWF fishers did not vary significantly. This was related to the fact that additional legal deductions can be taken from offshore fishers' pay for broker service fees, board, and accommodation; this is not the case for DWF fishers.¹²⁷

Allotments and Forced Savings

Some offshore and DWF fishers reported a wage payment practice in which the employer sent a portion – in some cases up to 80 percent – of the worker's salary to a designated “allottee” in the Philippines, such as a family member. Figure 3 shows an example of the contract provision of an offshore worker in which such an allotment is provided for.

Figure 3: Excerpts from an offshore worker's contract signed in the Philippines, indicating monthly allotment and remittance



Forced savings was also commonly reported among DWF fishers interviewed. Most of the DWF vessel workers interviewed reported that having savings deducted from their pay was mandatory and part of how their pay was structured. According to workers interviewed, this forced savings could not be accessed or withdrawn until the worker finished his contract. The most common level of forced savings reported by DFW fishers was USD 50, which would reach a total of USD 1,200 over a two-year contract. Because of this forced savings scheme, DWF workers interviewed reported that they were unable to access a significant portion of their salary until they completed their contract, even if an emergency arose.

Many workers under the allotment arrangement reported feeling pressured to maintain their employment and cooperate with the vessel operator and the broker, who oversaw the wage payment and remittance, out of concern that their families might not receive the full allotment if something went wrong. Similarly, some workers reporting forced savings indicated that the fear of not receiving the savings in full at

the end of their contract could prevent them from leaving abusive or dangerous situations.

Deductions

Many workers interviewed did not have a clear picture of the levels of individual deductions made to their wages, which was due in part to a lack of wage documentation (see below). Workers generally knew only the amount of money they received each month after all deductions, allotments and forced savings were taken. The cumulative effect of deductions, allotment and forced savings left most workers with only a small portion of their salary such that their ability to support their basic needs in Taiwan, particularly in the first eight to ten months of employment, was severely limited.

Most DFW workers interviewed reported that they typically received USD 50 in cash per month for the first eight to ten months of employment, after deductions for the Philippine manning agency fee and other recruitment fees and expenses, as well as allotment payments to their families and any forced savings. Other DFW workers reported receiving only this amount every month throughout the duration of their employment, and their understanding was that the rest of the amount was being sent home directly. These workers described a situation in which they would only know how much had been deducted for fees and expenses once they finished their contracts, returned home and were able to get a computation from their manning agencies.

Offshore workers similarly reported receiving roughly 50 USD on average in the first year, after deductions, allotment and any forced savings. Some offshore workers interviewed reported a total monthly deduction of up to TWD 8,000 (USD 281) for the first eight to ten months. Other workers reported that, after wage deductions, forced savings and allotments, they were left with only 50 USD per month.



Some offshore workers interviewed reported a total monthly deduction of up to TWD 8,000 (USD 274) for the first eight to ten months. Other workers reported that, after wage deductions, forced savings and allotments, they were left with only 50 USD per month.

These reports of deduction-based fee charging were supported by key stakeholder interviews; some NGOs interviewed also reported handling cases of Filipino offshore fishers whose salaries were deducted TWD 8,000 (roughly USD 281) per month, for as long as 14 months in a row, for recruitment-related charges.¹⁰ This amount did not include legally allowed charges to migrant workers, including the monthly broker service fee, worker's counterpart for health and labor insurance, Alien Residency Certificate (ARC), and medical tests.

Transparency in Payment Terms

Most fishers interviewed—both DWF and offshore fishers—did not receive pay slips. Because workers were not provided with pay slips, they had no way of confirming actual levels of deductions for recruitment and placement fees, loans and advances, or remittances/allotments to families. Without detailed pay slips and a way to check their accounts and communicate regularly with their families, workers reported not being able to fully account for how much was deducted from their salaries and how much actually went to their families until they finished their contract or were otherwise back in the Philippines. It also prevented them from providing documentary support if they wished to dispute deductions or file formal complaints.

The lack of transparency in payment systems was particularly problematic for DWF fishers interviewed, whose limited access to internet, radio, and mobile phones for several months at a time impeded their ability to confirm whether their families were receiving the money that they were supposed to receive.

¹⁰ The workers successfully filed formal complaints with the assistance of MWCD and brought the case to the Ministry of Labor. "Taiwan-based Filipino fishermen accuse brokers of 'overcharging'." *Focus Taiwan*, 7 Nov 2020. focustaiwan.tw/society/202007110007.

Box 4. Good practice in transparency of payment terms

During Verité's assessment of a manning agency in Quezon City, Philippines, which included a review of their documents and policies, researchers noted that pre-departure orientation materials paid special attention to information about the payment systems and procedures for workers to track their accounts. Upon return to the Philippines after their ten-month contract is complete, workers also received a full accounting of their wages and assistance in collecting documentation from their banks. The Quezon City manning agency owner said that this aspect of their work is critical if they are to retain the workers they deploy to Taiwan. Workers deployed by this agency, all of whom were recruited for DWF work, confirmed receiving accurate documentation of their pay and the amount indicated in their contracts. Some of the workers deployed by this agency reported funding the construction of their homes, paying for college education of their siblings or children, or starting small businesses.

Responsible recruitment element	Relevant forced labor indicator
<ul style="list-style-type: none">• Complete and accurate information about worker's rights and recruitment and employment conditions• Voluntary and transparent employment contracts• Freedom to terminate employment	<ul style="list-style-type: none">• Work with no or limited freedom to terminate contract• Withholding of wages or other promised benefits

Identification Documents

Most workers interviewed, whether employed in DWF or offshore fishing, reported that they did not hold their own passport, and in some cases, their SIRB. They reported that after arriving in Taiwan, they were required to surrender their travel and identity documents to either their labor broker or the boat captain for registration and other standard legal document processing. Some workers interviewed did recover and retain their passports and SIRBs, but other workers reported that the boat captain or Taiwanese labor broker had their documents for safekeeping and they would only get their documents back when they finished their contracts and were set to return home.

In the case of offshore workers, who are covered by Taiwanese labor law, withholding workers' documents after they have been processed appears to be illegal.¹²⁸ During civil society consultations, some NGOs reported that because offshore workers return to the ports almost every day, passport retention is one way for brokers to make sure that the workers do not abscond.

In the case of DWF workers, passports and other documents were usually maintained by the captain while workers were on board the vessel. Some stakeholders interviewed noted this practice was to ensure that all documents were

ready for review during inspections. Although their passports were nearby, these workers said that there was no guarantee they could retrieve their passports when their vessels were docked in foreign fishing ports. This also had an implication on their ability to take shore leave in foreign ports.

Responsible recruitment element	Relevant forced labor indicator
Freedom of movement, including no retention of identity documents	Withholding of valuable documents (such as identity documents or residence permits)

Hours of Work

Workers interviewed in Taiwan and the Philippines, whether employed on DWF or offshore vessels, reported very long hours of work and little to no leave. The duration of the fishing voyage and type of fish being caught impacted workers' ability to take rest days.¹²⁹ Some engaged in DWF reported being in the high seas for several months at a time, fishing mainly in the Indian and South Pacific Ocean, while other DWF fishers reported traveling as far as Ecuador, Argentina, and North America. DWF workers interviewed reported that they could take rest breaks on the vessel when there was not much work to do, although rest hours and days off were not guaranteed, for as long as they are on the vessel. Moreover, even when vessels were docked in foreign ports, according to workers, they were not allowed to take shore leave while in foreign ports.

Offshore vessel workers reported that although they returned to shore every few days (unlike DWF workers who are out at sea for months), there were three to five days in a month referred to as "full moon nights," during which they do not fish and are supposed to be on break; however, they were still required to perform work tasks, and work breaks were not guaranteed. Since they live on the boat, and are not provided onshore accommodations, they were still expected to perform some work even when there was no fishing. Workers reported being required to do repairs, run errands, and perform other chores for their boat captains or employers. All reported that even though they were supposed to receive holiday leave every year, they had never taken any holiday leave.

Both DWF and offshore workers reported that they typically worked more than eight hours a day, often seven days a week, with no overtime pay. Some workers described working 14 to 16 hours per day. Most workers reported that they fish for as long as there are fish to catch, even under the most severe weather conditions, regardless of workers' fatigue. Many workers were surprised by the question of how many hours they worked in a day, reporting that there was no set limit to the number of working hours for fishers, whether on offshore or DWF vessels.

Relevant forced labor indicator

- Abusive requirements for overtime or on-call work that were not previously agreed with the employer

Living Conditions

Verité found that poor living conditions were common among all migrant fishers. Offshore workers described the poorest living conditions, but all workers—in offshore and DWF sectors alike — said they could not demand better accommodations regardless of how poor these might be.

All workers interviewed by Verité reported that during their employment they live on the fishing vessel in cramped conditions. One offshore worker described his living quarters as “like a coffin, or an upside-down cabinet on the ground.” Workers said they took turns sleeping and resting in the living quarters, since they also work in shifts, and said that no private spaces are provided. Field observations conducted by Verité on at least three docked fishing vessels — including both DWF and offshore vessels — indicated that in terms of square footage, living accommodations were sufficient for only half the number of crew members on board.

Among the workers interviewed in Taiwan, offshore workers reported the most pressing concerns. They reported limited access to food and potable water while on the vessel. They also reported serious hygiene concerns, highlighting that when they were provided, toilet facilities were spare or very basic, and that sleeping quarters were prone to infestation. One Filipino worker engaged in offshore fishing described not being able to sleep well at night because his bed was infested with bed bugs; he added that it is rare for a captain or an employer to address such concerns.

Many offshore vessel workers reported being charged monthly fees of up to TWD 4,500 (around USD 158) for food and lodging, even though they lived on the cramped and spare vessel. Verité estimated that such accommodation fees could amount to over a fifth of the workers’ monthly pay.

Compared to reports from offshore workers, DWF workers interviewed appeared to have slightly larger living spaces and better access to adequate meals and water supply, although some still reported lack of space and privacy. On one DWF vessel Verité visited, workers explained that they took turns sleeping in a space that comfortably accommodated seven to eight people at a time, though there were 13 crew members on board, excluding the captain.

Box 5. Case Study: Filipino migrant survivors of offshore fishing vessel accident

In October 2019, a large bridge collapsed in the Nanfangao fish harbor in Su'ao Township, crashing onto three fishing boats docked below.¹³⁰ Because the workers were either sleeping in the boats' quarters or performing tasks assigned by the captain, they were under the bridge when it collapsed. Three of the six fatalities, and five of the twelve who survived but sustained injuries, were Filipino offshore fishers.

Verité informally interviewed the five surviving workers. They said that they usually stay in the vessel even when they are docked because they have nowhere else to go. One of the survivors, who recalled almost drowning in the incident, said that he did not want to return to fishing, but he worried that he did not have any other job skills. All five workers reported that they had already paid recruitment fees, or that they were still experiencing salary deductions for broker and service fees.

The workers were assisted by an NGO and received medical attention and financial assistance from the Taiwanese government. At the time of Verité's research, their transfer to a different employer was being processed.

The Yilan Fishermen's Union, along with migrant rights NGOs and church groups, have been advocating for onshore accommodations for migrant fishermen in addition to their living spaces on fishing vessels. According to Fr. Joy Tajonera, a Filipino priest who runs the Ugnayan shelter in Taichung, the collapse of the bridge in Nanfangao highlighted the risks migrant fishers are exposed to in the absence of decent onshore accommodations.¹³¹ Tajonera temporarily sheltered some of the workers who survived the bridge collapse and supported the call for provision of onshore accommodations to workers. In October, shortly after the incident, The Yilan County Labor Affairs Department reportedly started the planning process for building migrant fisher accommodations in the port of Nanfangao.¹³²

Responsible recruitment element	Relevant forced labor indicator
<ul style="list-style-type: none">• Access to remedy and grievance mechanisms	<ul style="list-style-type: none">• Degrading living conditions imposed by the employer, recruiter, or other third-party

Communication and Grievance Mechanisms

If illegal fee charging goes undetected by Philippine authorities, workers face serious barriers to obtaining redress. A review of interviewed workers' experience with the complaints process suggested that the burden is on workers to make a timely complaint and produce necessary documentary proof of claims. This presents serious challenges for workers, since the problems they face often relate

to a deliberate lack of transparency, missing payment transaction documentation, and unauthorized deductions and charges. These challenges are supported by worker testimonies.

A theme that emerged from interviews with workers was a lack of any grievance mechanisms, starting during workers' recruitment process. During recruitment, despite experiencing illegal fee-charging by manning agencies and other labor rights violations, none of the workers Verité interviewed had filed formal complaints with the POEA, citing the difficulty of the complaints process as a main deterrent.

Some workers who were interviewed in Taiwan through the assistance of NGOs and faith-based organizations reported that they were informed of the government 1955 hotline and counseling service after seeking assistance directly from these groups, who would sometimes visit port areas to check on workers' welfare. Interviews with the POLO in Kaohsiung also indicated that Philippine officials occasionally visited fishing ports to inquire after workers' conditions, but that these visits and interactions were limited, mainly due to the fact that workers were rarely onshore.

Interviews with representatives of Serve the People Association (SPA), an organization that provides legal assistance and shelter for migrant workers, indicated that migrant fishers are among the most vulnerable to abuse, but least informed about their rights and access to grievance mechanisms.

Workers' interviews indicated that they had no real way to complain about their working or living conditions, whether they worked in DWF or offshore fishing. Workers employed on offshore vessels with poor living conditions reported that they had no choice but to accept their conditions. For example, the one offshore worker who reported that he was losing sleep from bed bug-infested bedding reported that he did not believe that his employer would take any action if he complained. One DWF worker also explained that when he arrived in Taiwan, he had difficulty communicating with his Taiwanese labor broker due to language barriers, and on the DWF vessel there was no process for the crew to obtain help with difficulties they encountered. These DWF workers' testimonies contrast with the requirement set out in DWF regulations that, "The operator must provide convenient mechanisms for foreign crew members to submit grievances and complaints."¹³³

Responsible recruitment element

- Access to remedy and grievance mechanisms

Worker Wellbeing

Interviewed workers reported that being cut off from family, difficulties communicating with their Taiwanese superiors and coworkers, limited food choices, and chronic sleep deprivation were among the most challenging aspects of their work in fishing. This was true for workers on DWF and offshore fishing vessels alike. These conditions place lasting strains on workers and have contributed to a

growing concern for migrant workers' mental health among civil society organization (CSO) representatives interviewed by Verité. According to these CSOs, the number of distressed workers and cases of violence erupting on vessels are rising. Representatives also reported that vessel captains or supervisors, and the labor brokers assisting them, are ill-equipped to handle such concerns.¹³⁴

Verité interviewed a group of Filipino migrants employed on a DWF vessel who had direct experience with such a violent incident. Their vessel was docked in Kaohsiung after a Filipino crew member had suddenly become violent and fatally attacked other crew members with a knife. Workers recalled that the assailant had not slept for three straight days prior to the incident and had been openly emotionally distressed. The workers also expressed distress and difficulty sleeping following the incident. Nevertheless, they remained on the vessel while the case was being processed, since no alternative accommodations were provided.¹¹

Box 6. CSO action on protecting the wellbeing of migrant fishers

Taiwan and Philippine civil society groups have long advocated for and on behalf of migrant fishers. Several civil society organizations have been documenting the situation of migrant fishers for years and continue to push for policy and regulatory changes to address issues faced by migrant fishers. They extend direct assistance to migrant fishers through various services, including free legal and case management assistance, psychosocial support, educational activities, and language programs. Several organizations in Taiwan provide temporary shelters to those forced to leave their employers because of labor issues. In an interview with Fr. Ansensius Guntur, Director of Stella Maris International Service Center in Kaohsiung, the world's DWF capital, he described their shelter as a "home for all migrants." Similarly, the Kaohsiung-based Presbyterian Church in Taiwan Fishermen's Service Center (PCTFSC) provides migrant fishers access to communication, meals, basic amenities, counseling, and other important services. However, as the priest, Fr. Joy Tajonera of Ugnayan shared, most of the workers they encounter have already gone through some of the worst experiences of their working life before coming to the shelters. These workers, he said, have faced many labor issues that could have been prevented if they were recruited ethically. During an August 2019 consultation meeting facilitated by Verité in Taiwan, all organizations in attendance agreed that recruitment and employment reforms were critical to ensuring the protection of migrant fishers, and that stronger collaboration between Philippine and Taiwan NGOs is needed to address issues rooted in recruitment.

¹¹ At the time of the interview, the workers were being assisted by two faith-based NGOs in Kaohsiung, the Presbyterian Church and the Stella Maris Catholic Church who were providing workers counseling, food, and help in contacting their labor brokers in Taiwan and the Philippines. Officials from the MECO also eventually became involved in processing the repatriation of the workers.

Links between Recruitment Practice and Labor Risk and Industry Responses

Verité's research shows that third-party labor intermediaries are deeply embedded in the recruitment and hiring of migrant fishers in Taiwan. All workers interviewed for this study were hired through manning agencies in the Philippines and were managed or assisted by brokers in Taiwan. The research found widespread unethical recruitment practice among workers interviewed, which was associated in many cases with risks of forced labor.

In the Philippines, unethical practices reported by workers included:

- lack of transparency about the recruitment process and requirements;
- excessive service or manning fees charged to workers at the point of recruitment;
- processing fees passed on to workers that are the responsibility of the principal/employer (specifically, medical testing and certificate);
- additional fees recovered from workers after deployment; and
- insufficient information provided to workers about the job terms and conditions, including the payment and deduction systems.

In Taiwan, unethical practices reported by workers included:

- supplemental agreements and addendums, which workers are asked to sign, allowing for additional charges not outlined in the Philippine contract;
- unauthorized recruitment-related fees deducted monthly from workers' wages for the first eight to ten months of employment;
- regular deductions for forced savings and the Taiwanese broker's service fees; and
- withholding of passports from workers.

In combination, these practices place workers in situations wherein they are unable to refuse or seek remedy for other workplace violations that they are subjected to, such as excessive work hours, poor living conditions, withholding of wages and forced savings, lack of access to independent grievance systems, and lack of support for mental health and wellbeing. Most workers also reported that, mainly due to recruitment-related charges and withheld wages, it is impossible to leave the job without incurring serious income loss and penalties, at least for the first eight to ten months of employment.

The two manning agencies interviewed in the Philippines reported that while they make sure their recruitment practices do not put workers at risk, they are outliers

within their sector. The owner of the manning agency in Quezon City said that the agency “can be easily edged out of the market by brokers who charge nothing to their principals and transfer all financial cost of recruitment to workers.” One respondent further shared that “ethical employers are necessary for ethical recruitment in the seafood sector to take root.”

In response to calls for increased attention on recruitment practices amidst reports of rights violations at sea, including human trafficking and forced labor in the fishing industry, some companies that source seafood from Asia have responded by issuing their own codes of conduct and supplier monitoring programs. Many large seafood brands and seafood traders worked with industry peers to push a set of standards and codes of conduct for their supply chains. The Seafood Task Force (STF), one of the largest industry-led coalition of companies with seafood supply chains, included standards in their Code of Conduct that prohibit forced labor and child labor, promote responsible recruitment, and outline expectations for humane working and living conditions of workers.¹³⁵ The World Tuna Purse Seine Organization (WTPO) also committed to harmonizing fair labor practices with global standards among member boat owners.¹³⁶ However, some of the industry players that Verité consulted shared that their Taiwanese supply chains have taken only initial steps toward addressing these issues, in part because more attention has been focused on Thailand over the last five years. These respondents described that efforts are beginning to shift toward addressing unethical recruitment and inhumane labor practices in the Taiwan fishing sector.



Photo: CHC3537/shutterstock.com

Conclusion and Recommendations: Addressing Forced Labor Risks Through Responsible Recruitment

The recruitment of Filipinos for work in the Taiwan fishing sector is showing an upward trend, according to stakeholders interviewed. The sector provides opportunities for many unemployed and underemployed but skilled Filipino workers who are drawn by the prospect of working abroad and sending monthly remittances back home. Despite recent policy reforms, private sector initiatives, and CSO efforts to increase protections for migrant fishers, Verité's research documented the persistence of unethical recruitment practices that heighten workers' vulnerability to forced labor risks and other worksite violations.

Several conditions that increase workers' vulnerability are considered inherent to work in the fishing industry: remoteness of work sites and isolation; physically demanding, hazardous and time-intensive work; and difficult living conditions. These factors, in combination with excessive recruitment fees, onerous debts, and wage withholding, can lead to a working environment tantamount to forced labor, even for workers who migrated freely and legally for employment. Sixty out of 67 workers interviewed for this research (89.5%), and all the NGOs consulted for this research, reported these practices as pervasive in the sector. Likewise, the manning agency representatives Verité interviewed shared that they are aware of the unethical recruitment and employment practices reported by workers. Most workers also reported that, due mainly to recruitment-related charges and deductions, forced savings, and the system of allotments, it is impossible to leave the job without incurring serious income loss and penalties, at least for the first eight to ten months of employment.

Verité recognizes that regulations are in place in the Philippines that prohibit excessive fees and provide mechanisms for workers to raise complaints and seek remedy. However, gaps in enforcement of recruitment regulations, systemic challenges to filing formal complaints in accordance with legal procedures, and limited worker awareness, can lead to unethical recruitment practices that continue to evade the rule of law or the government's capacity for enforcement.

Verité welcomes the Taiwan government's commitment to incorporate the International Labour Organization's Work in Fishing Convention 188 into their regulations. Verité is also encouraged by Taiwan's commitment to conduct vessel

inspections and monitor working conditions in fishing as a collaborative effort between the Fisheries Agency and the Ministry of Labor;¹³⁷ this is a development that civil society organizations are monitoring closely. However, persistent labor issues such as those presented in this report may only be meaningfully addressed by the equal application of all labor protection standards (in the Labor Standards Act) to all fishers, regardless of the type of vessels they are assigned to.

In contrast to the unethical practices reported by most workers and all CSO stakeholders interviewed, Verité documented some commendable recruitment practices, reported by a small sample of 10 workers surveyed and two Philippine manning agencies. A small sample of 10 workers were recruited by a manning agency in Quezon City whose owner reported the need to evolve manning agencies' management practices to benefit workers, while maintaining a healthy and profitable business. This owner highlighted several good practices, including identifying more employers in Taiwan who are willing to cover all the statutory costs; absorbing other related expenses and building these into the cost structure; turning down contracts that encourage charging service fees to workers in the form of shared "kickbacks"; and prohibiting unauthorized deductions and forced savings. Additional good practices noted were the provision of thorough predeparture orientation sessions, explaining contract terms and conditions, and providing detailed pay documentation for workers. These practices go a long way in ensuring that workers are better protected during the recruitment process and offer employers, brands, governments, and labor advocates a model for effective due diligence.

Recommendations

Based on the research findings presented in this report, Verité recommends that government, private sector, and civil society interventions address the cost of labor migration to migrant fishers and focus on risk-prevention mechanisms. There is a need for a comprehensive agenda that takes stock of workers' vulnerabilities at specific phases of the labor migration cycle, addresses the risks that are systemic to the migration corridor and fishing sector, and focuses on innovative preventive interventions.

Verité further recommends supporting preventive strategies that: (a) stress the importance of multi-stakeholder responses; (b) engage all actors involved in the labor migration process, including labor brokers and intermediaries; and (c) highlight the protection and rights of workers.

Resources and efforts must be focused on interventions that relieve workers of financial burdens, improve workplace conditions, and promote worker empowerment. Crucially, efforts should engage and empower workers to become directly involved in preventing and addressing risks and issues that may arise in the recruitment process and in the workplace.

Recommendations to the Governments of the Philippines and Taiwan:

Responsible recruitment elements must be incorporated into recruitment regulations and government due diligence processes. To begin, Philippine and Taiwan recruitment and migrant worker regulations must include ratification and adoption of ILO Convention 181,¹³⁸ the ILO's General Principles and Operational Guidelines for Fair Recruitment;¹³⁹ and the ILO Work in Fishing Convention (C188).¹⁴⁰ Both countries should move towards an “employer pays”/ “zero fees to workers” model and implement more effective, inclusive, and rights-based inspection regimes.

- Direct hiring – that is, hiring without the use of private labor agencies -- must be made a viable option for workers and employers. Governments should ensure that regulations and procedures do not implicitly push employers to utilize recruiters or outsource key functions to labor intermediaries, without installing management controls to prevent unethical recruitment practices. Labor intermediaries can and do perform legitimate and important roles in linking employers to workers, a service for which they should rightly be paid. However, associated service fees, including the legally allowed monthly charges in Taiwan, should be charged to employers, not to workers.
- The Governments of the Philippines and Taiwan should align their regulations to clearly prohibit the charging of recruitment fees and expenses to workers. The Philippines prohibits the charging of manning and processing fees to migrant fishers and seafarers and requires provision of food and lodging to workers. In Taiwan, although DWF fishers are spared from service fees, offshore fishers can be legally charged monthly service fees, and food and lodging expenses.

In addition, based on report findings, Verité supports the following action items for the governments of Taiwan and the Philippines, which were raised by civil society organizations during an August 19, 2019 consultation forum that Verité facilitated in Taipei:

For the Government of the Philippines:

- Strengthen recruitment mechanisms. Incorporate fees-verification steps into agency assessment protocols and ensure that manning agencies properly orient jobseekers to the job terms and conditions.
- Require that predeparture orientations cover topics on access to justice and redress mechanisms specific to the fishing sector.
- Partner with Philippine *barangays* (villages) and regional DOLE offices to improve the process for connecting prospective workers to job openings and information on risks and worker protections in migrant worker sending communities.

For the Government of Taiwan:

- Apply all labor standards to all migrant fishers equally. There should be no distinction between offshore and DWF workers in terms of labor protections, benefits, and assistance. To this end, transfer the regulation of DWF workers from the Fisheries Agency to the Ministry of Labor.
- Provide feasible labor migration alternatives to private labor agencies.
- Address the issue of contract substitution, including the widespread practice of asking workers to sign supplemental agreements in Taiwan, which imposes charges not agreed to in the Philippines. NGOs highlight the significance of this issue, as supplemental agreements and broker fee charging are legally allowed.
- Conduct outreach and awareness-raising sessions on workers' rights. CSOs consulted emphasized that such sessions should include information on mandatory insurance, safety, and medical check-ups.

For both governments:

- Increase penalties for brokers who violate regulations. Ensure that penalties are effective deterrents to unethical practice.
- Require employers or brokers to provide migrant fishers with safe, decent onshore accommodations.
- Advocate for the implementation of free food and lodging for workers and ensure that legal accommodation standards are met.

Recommendations to the Private Sector:

Consumer brands and buyers should urgently examine the prevailing recruitment and hiring practices and the working and living conditions of Filipino migrant fishers employed on Taiwan-flagged fishing vessels. Industry associations, such as the Seafood Task Force, the World Tuna Purse Seine Organization, and others whose members source products from Taiwan-flagged vessels, should engage governments to advocate for employment and recruitment system reforms and press for stronger legal protections for all migrant fishers. An “employer pays”/“zero fees to workers” requirement should be incorporated into member standards, to prohibit charging of all recruitment-related fees to workers.

Additionally, individual consumer brands, seafood traders, and manufacturing facilities should implement their own robust due diligence and supplier monitoring mechanisms in their supply chains. At a minimum, supply chain responsibility programs and mechanisms should:

- incorporate an “employer pays”/“zero fees to workers” model into codes of conduct;
- require adherence to human rights and responsible recruitment standards in supplier and service agreements, including agreements between employers and labor brokers;

- expand monitoring and due diligence processes to cover the recruitment practices of sending country brokers and Taiwan brokers;
- require transparency in contracting to ensure that workers sign only one verified contract;
- require safe onshore accommodations (for offshore workers, as well as for DWF workers on occasions when they return to shore);
- ensure that workers have access to effective grievance mechanisms and remedies (through the employer, as well as through a worker association if in place); and
- invest in responsible recruitment capacity building for suppliers, vessel owners, and employers, and incentivize good practices.

With the global COVID-19 pandemic, and as demand for tuna food products continues to increase, there is a need for not only health and safety measures throughout the supply chain, but also effective grievance and communication systems to ensure that workers are able to access information vital for their safety and are able to report practices that expose them to risks. A recent report from the Business and Human Rights Resource Centre notes survey findings indicating that companies are not acting swiftly enough to address these risks and must accelerate commitments and actions to stem systemic labor abuse in the tuna sector.¹⁴¹

Recommendations for Further Research

Verité has observed improvements in recent years for foreign workers in land-based manufacturing facilities in Taiwan that are routinely inspected and monitored through both government and third-party supply chain audits. The nature of fishing work limits the ability of inspectors to observe and track conditions onboard, presenting a need to develop a different set of monitoring and inspection processes and tools. New processes should leverage existing technology used to document vessel catch and fishing location and utilize onboard observers. Verité has compiled a set of data points that can be collected through these processes in a report produced for the USAID Oceans program.¹⁴² There is a need for further research to test the effectiveness of these data gathering tools and processes.¹⁴³

Lastly, Verité recommends further research to analyze recruitment-related issues against the frameworks of anti-corruption and business conduct. Further research should inquire into the practices of fishing companies, labor brokers, manning agencies, and government agencies that compromise the environment and taint global seafood supply chains.

Annexes

ANNEX A: POEA Standard Employment Contract

Figure 4. Philippine model contract of employment

Republic of the Philippines
Department of Labor and Employment
PHILIPPINE OVERSEAS EMPLOYMENT ADMINISTRATION

CONTRACT OF EMPLOYMENT

KNOW ALL MEN BY THESE PRESENTS:

This Contract, entered into voluntarily by and between:

Name of Seafarer: _____
Date of Birth: _____ Place of Birth: _____
Address: _____
SIRB No.: _____ SRC No. _____ License No. _____
hereinafter referred to as the Seafarer

and

Name of Agent: _____
Name of Principal / Shipowner : _____
Address of Principal / Shipowner: _____
for the following vessel:
Name of Vessel: _____
IMO Number: _____ Gross Registered Tonnage (GRT): _____ Year Built: _____
Flag: _____ Type of Vessel: _____ Classification Society: _____
hereinafter referred to as the Employer

WITNESSETH

- That the seafarer shall be employed on board under the following terms and conditions:
 - Duration of Contract: _____
 - Position: _____
 - Basic Monthly Salary: _____
 - Hours of Work: _____
 - Overtime: _____
 - Vacation Leave Pay: _____
 - Point of Hire: Manila, Philippines
 - Collective Bargaining Agreement, if any: _____
- The herein terms and conditions in accordance with POEA Governing Board Resolution No. 09 and Memorandum Circular No. 10, both series of 2010, shall be strictly and faithfully observed.
- Any alterations or changes, in any part of this Contract shall be evaluated, verified, processed and approved by the Philippine Overseas Employment Administration (POEA). Upon approval, the same shall be deemed an integral part of the Standard Terms and Conditions Governing the Employment of Filipino Seafarers On-Board Ocean Going Vessels.
- Violations of the terms and conditions of this Contract with its approved addendum shall be ground for disciplinary action against the erring party.

IN WITNESS WHEREOF the parties have hereto set their hands this _____ day of _____ 20____ at _____, Philippines.

Seafarer

For the Employer
Name and Signature/Designation

Verified and approved by the POEA:

Date

Name and Signature of POEA Official

ANNEX B: List of Offenses and Penalties for Philippine Manning Agencies

Under the 2016 Rules, victims of illegal recruitment may file reports or complaints with the POEA. If victims seek free legal assistance, the report must be submitted in writing and under oath.¹⁴⁴ Although the POEA has exclusive jurisdiction over administrative cases arising out of recruitment,¹⁴⁵ criminal actions must be raised before the appropriate Prosecution Office. Criminal actions may be initiated by the aggrieved person, the DOLE Secretary, POEA Administrator, DOLE Regional Directors, or their authorized representatives.¹⁴⁶

The 2016 Rules classify offenses by manning agencies or principals/employers into serious, less serious, or light; and provide administrative sanctions for each. Penalties for manning agencies in violation of recruitment regulations can range from suspension to cancellation of licenses, plus refund of relevant costs to the complainant or worker. For offenses committed by principals/employers, the penalties range from monetary fines (PHP 50,000 – 100,000) to permanent disqualification and delisting from the roster of accredited principals/employers.¹⁴⁷

Table 6. Offenses committed by Philippine manning agencies, classifications thereof, and administrative penalties

Classification	Offense	Penalty
Serious	Collecting any amount as payment for processing, or documentation costs not prescribed by the rules, or an amount greater than the actual documentation costs, as covered by official receipts issued by entities where payments were made	Cancellation of license, plus refund of excess processing or documentation costs
	Charging or accepting directly or indirectly any amount of money, goods or services, or any fee or bond for any purpose from an applicant seafarer	Cancellation of license, plus refund of fee or bond collected
Less serious	Substituting or altering, to the prejudice of the seafarer, employment contracts approved and verified by the Administration, from the time of actual signing thereof by the parties up to and including the period of expiration of the same, without the approval of the Administration	1st offense: Suspension of license (two to six months) 2nd offense: Suspension of license (six months and one day to one year)

Classification	Offense	Penalty
	Withholding or denying travel or other pertinent documents from an applicant seafarer for monetary or financial considerations, or for any other reasons, other than those authorized under the Labor Code and its implementing Rules and Regulations	3rd offense: Suspension of license (one year and one day to two years) 4th offense: Cancellation of license. Note: For the offense of withholding seafarer's salaries or remittances, SSS contributions and loan amortizations or shortchanging/reduction thereof without justifiable reasons:
	Withholding of seafarer's salaries or remittances, SSS contributions and loan amortization or shortchanging/reduction thereof without justifiable reasons	The penalty includes the release of the salaries or remittances being claimed.

Table 7. Offenses committed by principals/employers, classifications thereof, and administrative penalties

Classification	Offense	Penalty
Serious	Gross violation of laws, rules, and regulations on overseas employment	Permanent disqualification and delisting from the roster of accredited principals/employers
	Gross negligence leading to serious injury or illness or death of the worker	
	Grave misconduct against the seafarer	
	Compelling a seafarer to work for another employer or perform another work	
	Passing on or deducting from a seafarer's salary the payment of the cost of insurance fees, premium, or other insurance related charges as provided under the compulsory insurance coverage	

Classification	Offense	Penalty
Less serious	Default on its contractual obligations to the seafarer and/or its manning agent	1st offense: Fine of PHP 50,000 (approximately USD 1,000)
	Substitution of the POEA-approved contract	2nd offense: Fine of PHP 100,000 (approximately USD 2,000)
	Withholding of the seafarer's travel and other pertinent documents	3rd offense: Suspension from participation in the overseas employment program (six months to one year)
	Violation of other laws, rules, and regulations on recruitment and placement	4th offense: Permanent disqualification and delisting from the roster of accredited principals/employers

Table 8. Penalties for committing illegal recruitment and prohibited acts

Offense	Imprisonment	Fine
Illegal recruitment	Not less than 12 years and one day but not more than 20 years Proviso: Maximum penalty imposed if person illegally recruited is (a) less than 18 years old, or (b) committed by a non-licensee or non-holder of authority	Not less than PHP 1,000,000 (approximately USD 20,000), nor more than PHP 2,000,000 (approximately USD 40,000) Proviso: Maximum penalty imposed if person illegally recruited is (a) less than 18 years old, or (b) committed by a non-licensee or non-holder of authority
	Life imprisonment, if illegal recruitment constitutes economic sabotage as defined in the Migrant Workers Act Proviso: Maximum penalty imposed if person illegally recruited is (a) less than 18 years old, or (b) committed by a non-licensee or non-holder of authority	Not less than PHP 2,000,000 (approximately USD 40,000), nor more than PHP 5,000,000 (approximately USD 100,000) Proviso: Maximum penalty imposed if person illegally

Offense	Imprisonment	Fine
		recruited is (a) less than 18 years old, or (b) committed by a non-licensee or non-holder of authority
Prohibited acts	Not less than six (6) years and one (1) day but not more than 12 years	Not less than PHP 500,000 (approximately USD 10,000), nor more than PHP 1,000,000 (approximately USD 20,000)

Note: If offender is an alien, he/she shall also be deported without further proceedings.

Note: Conviction causes and carries the automatic revocation of license or registration of the manning agency, lending institution, training school, or medical clinic.

ANNEX C: Selected Legal Requirements for the Employment of DWF Migrant Workers in Taiwan

Per the DWF Regulations, the employment contract signed between the employer and foreign crew member must include the following protections, among others.¹⁴⁸ Although many workers interviewed reported difficulty reviewing the contents of their contracts in Taiwan and comparing contracts with their on-the-ground conditions (see Main Findings), by law the following terms and conditions should have been included:

Required Terms and Conditions for DWF Contracts

- Contract length
- Itemized wage details, including the means of payment, with the monthly wage set at no less than USD 450 (approximately NTD 12,800)
- Accident, medical, and life insurance;
- Stipulations that the employer will arrange for immediate medical treatment for injury or illness (and will bear the cost if the cause is work-related);
- The foreign crew member's transportation costs and related expenses
- No less than 10 hours of rest per day and less than four days off per month, unless the migrant is employed in fishing operations, in which case the employee may agree to compensatory leave instead
- The right to religious holidays
- The employer must provide convenient mechanisms for foreign crew members to submit grievances and complaints
- The foreign crew member may ask for early termination of the employment contract and return to his/her home country

The DWF Regulations require that the service contract signed between the agent and the foreign crew member contain specific protective requirements for the worker.

The DWF Regulations provide that service contracts may not do any of the following:¹⁴⁹

- Conflict with the rights and obligations stipulated in the employment contract template;
- Force the foreign crew member to work under coercion, duress, or other illegal means;
- Charge any service fee from the foreign crew member;
- Charge fees under false pretenses;
- Make advance deduction of wages as penalty for breaching the contract or as indemnity; and,
- Force the foreign crew member to transfer to other fishing vessel(s) to work.

Other responsibilities of DWF vessel operators include:¹⁵⁰

- Ensuring that migrant workers onboard enjoy the same benefits and labor protection as other crewmembers;
- Paying wages fully and directly to the foreign crew member, unless otherwise provided by law or agreed between the parties;
- Maintaining detailed wage records of foreign crew members;
- Repatriating foreign crew members if fishing operations are discontinued due to unforeseen circumstances, such as vessel detention or catastrophe; and
- Promptly notifying relevant agencies in case of injury, casualty, or other serious emergency of any foreign crew member, arranging for emergency medical services and treatments, and submitting a written report on the handling of the situation to relevant associations and authorities.

Endnotes

¹ “Caught at Sea: Forced Labour and Trafficking in Fisheries.” *International Labour Organization (ILO)*, 2013. www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_214472.pdf. Accessed 8 August 2020.

² Long, Tony. “Global Fishing Watch 2018 - The Year in Transparency.” *Global Fishing Watch*, 18 Dec 2018. globalfishingwatch.org/data/global-fishing-watch-2018-the-year-in-transparency/. Accessed 7 July 2020.

³ Sutton, Trevor. “Making Reform a Priority for Taiwan’s Fishing Fleet.” *Center for American Progress*, 8 Jan 2018. www.americanprogress.org/issues/security/reports/2018/01/08/444622/making-reform-priority-taiwans-fishing-fleet/. Accessed 7 July 2020.

⁴ “Choppy Waters: Forced Labour and Illegal Fishing in Taiwan’s Distant Water Fisheries.” *Greenpeace*, Mar 2020. www.greenpeace.org/southeastasia/publication/3690/choppy-waters-forced-labour-and-illegal-fishing-in-taiwans-distant-water-fisheries/. Accessed 7 July 2020.
Asis, Maruja M.B. “Out at Sea, Out of Sight: Filipino, Indonesian and Vietnamese Fishermen on Taiwanese Fishing Vessels.” *Scalabrini Migration Center*, 16 Mar 2020. smc.org.ph/wp-content/uploads/2020/03/OUT-AT-SEA-OUT-OF-SIGHT.pdf. Accessed 17 July 2020.

⁵ “Choppy Waters: Forced Labour and Illegal Fishing in Taiwan’s Distant Water Fisheries.” *Greenpeace*, Mar 2020. www.greenpeace.org/southeastasia/publication/3690/choppy-waters-forced-labour-and-illegal-fishing-in-taiwans-distant-water-fisheries/. Accessed 7 July 2020.

⁶ U.S. Department of Labor. *2020 List of Goods Produced by Child Labor of Forced Labor*. https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/2020_TVPRAList_Online_Final.pdf.

⁷ MARE Training. “Mr. Liu, Chi-Chao, Fisheries Agency, Council of Agriculture, Executive Yuan, Taiwan, Day 4, ICMA 2019.” Vimeo, uploaded by MARE Training, Nov 2019, vimeo.com/368724306.

⁸ “Hidden Costs in the Global Economy: Human Trafficking of Philippine Males in Maritime, Construction, and Agriculture.” *Verité*, 2010. www.verite.org/wp-content/uploads/2016/11/Verite%CC%81-TIP-Report-Male-Trafficking.pdf. Accessed 7 July 2020.

⁹ Andrees, Beate et al. “Regulating Labour Recruitment to Prevent Human Trafficking and to Foster Fair Migration: Models, Challenges and Opportunities.” *International Labour Organization (ILO)*, 2015. Page 68. www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_377813.pdf. Accessed 19 August 2020.

¹⁰ As noted in the Limitations section below, these interviews were conducted onsite at the manning agency and therefore it is possible that responses were biased. However, field researchers were careful to ensure confidentiality, safety and security for respondents, and interviews conducted with management at the agency yielded data that was consistent with what had been reported by workers.

¹¹ Craymer, Lucy. “Coronavirus Has Americans Hooked on Canned Tuna, and Producers Are Playing Catch-Up.” *The Wall Street Journal*, 15 July 2020. www.wsj.com/articles/coronavirus-has-americans-hooked-on-canned-tuna-and-producers-are-playing-catch-up-11594805402. Accessed 25 Aug 2020.

¹² “All at Sea: An Evaluation of Company Efforts to Address Modern Slavery in Pacific Supply Chains of Canned Tuna.” Business and Human Rights Resource Centre. March 2021.

https://media.business-humanrights.org/media/documents/Tuna_II_v6.pdf. Accessed 29 April 2021.

¹³ “All at Sea: An Evaluation of Company Efforts to Address Modern Slavery in Pacific Supply Chains of Canned Tuna.” Business and Human Rights Resource Centre. March 2021. https://media.business-humanrights.org/media/documents/Tuna_II_v6.pdf. Accessed 29 April 2021.

¹⁴ “Filipino Accused of Stabbing Deaths on Fishing Vessel To Be Brought To Taiwan.” *The Standard*, March 4, 2019. www.thestandard.com.hk/breaking-news/section/4/123181/Filipino-accused-of-stabbing-deaths-on-fishing-vessel-to-be-brought-to-Taiwan. Accessed 7 July 2020.

¹⁵ AFP. “Last Body Retrieved After Taiwan Bridge Collapse.” *New Straits Times*. 3 Oct 2019. www.nst.com.my/world/2019/10/526739/last-body-retrieved-after-taiwan-bridge-collapse. Accessed 9 September 2020.

¹⁶ “Private Employment Agencies Convention, 1997 (No. 181).” *International Labour Organization (ILO)*, 1997. www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312326. Accessed 7 July 2020.

¹⁷ “General Principles and Operational Guidelines for Fair Recruitment.” *International Labour Organization (ILO)*, 2016. www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536263.pdf. Accessed 7 July 2020.

¹⁸ “Dhaka Principals for Migration With Dignity.” *Institute for Human Rights and Business*, Dec 2012. www.ihrb.org/dhaka-principles. Accessed 7 July 2020.

¹⁹ “Guiding Principles on Business and Human Rights: Implementing the United Nations ‘Protect, Respect and Remedy’ Framework.” *Office of the High Commissioner for Human Rights (UN Human Rights)*, 2011. www.ohchr.org/documents/publications/guidingprinciplesbusinessshr_en.pdf. Accessed 7 July 2020.

²⁰ “International Recruitment Integrity System.” *International Organization for Migration (IOM)*. iris.iom.int/. Accessed 7 July 2020.

²¹ “On the Level Core Principles and Standards of Ethical Recruitment.” *Fair Hiring Initiative*. otl-protocol.com/. Accessed 7 July 2020.

²² “Responsible Business Alliance Code of Conduct Version 6.0” *Responsible Business Alliance (RBA)*, Version 6.0., 2018. www.responsiblebusiness.org/media/docs/RBACodeofConduct6.0_English.pdf. Accessed 7 July 2020.

²³ “Code of Conduct and Vessel Auditable Standards.” *Seafood Task Force*, Version 2, 12 Dec 2018. www.seafoodtaskforce.global/wp-content/uploads/2019/01/STF_Code-of-Conduct-and-Vessel-Auditable-Standards-V.2_20181212.pdf. Accessed 7 July 2020.

²⁴ “C029 - Forced Labour Convention, 1930 (No. 29).” *International Labour Organization (ILO)*, 1930. www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029.

²⁵ For reference, the full list of indicators provided by the ICLS guidance are as follows:

Indicators of involuntary work (any work taking place without the free and informed consent of the worker):

- unfree recruitment at birth or through transaction such as slavery or bonded labor;

- situations in which the worker must perform a job of different nature from that specified during recruitment without a person's consent;
- abusive requirements for overtime or on-call work that were not previously agreed with the employer;
- work in hazardous conditions to which the worker has not consented, with or without compensation or protective equipment;
- work with very low or no wages;
- degrading living conditions imposed by the employer, recruiter, or other third-party;
- work for other employers than agreed;
- work for longer period of time than agreed; and
- work with no or limited freedom to terminate work contract.

Indicators of threat and menace of any penalty (coercion used to impose work on a worker against a person's will):

- threats or violence against workers or workers' families and relatives or close associates;
- restrictions on workers' movement;
- debt bondage or manipulation of debt;
- withholding of wages or other promised benefits;
- withholding of valuable documents (such as identity documents or residence permits); and
- abuse of workers' vulnerability through the denial of rights or privileges, threats of dismissal, or deportation.

The indicator approach can be applied to identify an individual case of forced labor or to understand which indicators are present across a given population of workers. This approach can help to identify risk even in cases where forced labor itself may not be occurring. The indicator approach lends itself to the identification of components of forced labor risk that can then be addressed in targeted company engagement that addresses root causes. Where forced labor indicators are identified, an evaluation should be performed of how those indicators operate in practice, and what contextual issues enable the presence of vulnerability to and presence of risk factors for forced labor. See International Labour Organization. "Guidelines Concerning Measurement of Forced Labour." 20th International Conference of Labour Statisticians, Department of Statistics, ILO, Oct 2018. https://www.ilo.org/wcmsp5/groups/public/---dgreports/---stat/documents/meetingdocument/wcms_648619.pdf.

²⁶ "The Constitution of the Republic of the Philippines." *Republic of the Philippines*, February 2, 1987. www.officialgazette.gov.ph/constitutions/1987-constitution/. Accessed 9 Sep 2020.

²⁷ "The Revised Penal Code of the Philippines, Act No. 3815." *Republic of the Philippines*, December 8, 1930, Article 272, 274. www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/PHL_revised_penal_code.pdf. Accessed 9 Sep 2020.

²⁸ "Republic Act No. 10364: Expanded Anti-Trafficking in Persons Act of 2012." *Republic of the Philippines*, 2012. lawphil.net/statutes/repacts/ra2013/ra_10364_2013.html. Accessed 10 Sep 2020.

²⁹ "Labor Standards Act." *Government of the Republic of China*, June 6, 2020, Articles 5 and 75. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0030001. Accessed 7 July 2020. "Criminal Code." *Government of the Republic of China*, Section 296, 296-1. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=C0000001. Accessed 10 Sep 2020.

³⁰ "Human Trafficking Prevention Act, No. 09800019281." *Government of the Republic of China*, Amended 25 May 2016. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=D0080177. Accessed 3 Sep 2020.

³¹ "Trafficking in Persons Report 2014." *U.S. Department of State*, 2014. www.state.gov/j/tip/rls/tiprpt/2014/index.htm. Accessed 19 Aug 2020.

"2020 Trafficking in Persons Report: Taiwan." *U.S. Department of State*, June 2020. www.state.gov/reports/2020-trafficking-in-persons-report/taiwan/. Accessed 10 Sep 2020.

³² Long, Tony. "Global Fishing Watch 2018 - the Year in Transparency." *Global Fishing Watch*, 18 Dec 2018. globalfishingwatch.org/data/global-fishing-watch-2018-the-year-in-transparency/. Accessed 7 July 2020.

³³ Sutton, Trevor. "Making Reform a Priority for Taiwan's Fishing Fleet." *Center for American Progress*, 8 Jan 2018. www.americanprogress.org/issues/security/reports/2018/01/08/444622/making-reform-priority-taiwans-fishing-fleet/. Accessed 7 July 2020.

³⁴ Campling, Liam, et al. "The Tuna Longline Industry in the Western and Central Pacific Ocean and its Market Dynamics." *Forum Fisheries Agency*, 26 Oct 2017. www.bmis-bycatch.org/system/files/zotero_attachments/library_1/6MS8UN34%20-%20Campling%20et%20al.%20-%20The%20Tuna%20Longline%20Industry%20in%20the%20Western%20and%20Cent.pdf. Accessed 7 July 2020.

"Focus on Ethical Issues in Seafood: Taiwan Profile." *Seafish*, Sep 2015. www.seafish.org/media/publications/TaiwanEthicsProfile_201509.pdf. Accessed 7 July 2020.

³⁵ "Focus on Ethical Issues in Seafood: Taiwan Profile." *Seafish*, Sep 2015. www.seafish.org/media/publications/TaiwanEthicsProfile_201509.pdf. Accessed 7 July 2020. "Fisheries of the Republic of China (Taiwan)." *Fisheries Agency of Taiwan*, 29 Oct 2015. www.fg.gov.tw/en/FisheriesofROC/content.aspx?id=2&chk=05d9ffd2-651d-4686-a2d1-a44413152366¶m=pn%3D1. Accessed 7 July 2020.

³⁶ Campling, Liam, et al. "The Tuna Longline Industry in the Western and Central Pacific Ocean and its Market Dynamics." *Forum Fisheries Agency*, 26 Oct 2017. www.bmis-bycatch.org/system/files/zotero_attachments/library_1/6MS8UN34%20-%20Campling%20et%20al.%20-%20The%20Tuna%20Longline%20Industry%20in%20the%20Western%20and%20Cent.pdf. Accessed 7 July 2020.

³⁷ "Yellowfin Tuna: A Global and UK Supply Chain Analysis." *Seafish*, Mar 2009. www.seafish.org/media/Publications/Yellowfin_tuna_Global_and_UK_supply_chain_analysis.pdf. Accessed 20 Aug 2020.

³⁸ Campling, Liam, et al. "The Tuna Longline Industry in the Western and Central Pacific Ocean and its Market Dynamics." *Forum Fisheries Agency*, 26 Oct 2017. www.bmis-bycatch.org/system/files/zotero_attachments/library_1/6MS8UN34%20-%20Campling%20et%20al.%20-%20The%20Tuna%20Longline%20Industry%20in%20the%20Western%20and%20Cent.pdf. Accessed 7 July 2020.

"Focus on Ethical Issues in Seafood: Taiwan Profile." *Seafish*, Sep 2015. www.seafish.org/media/publications/TaiwanEthicsProfile_201509.pdf. Accessed 7 July 2020.

³⁹ "Focus on Ethical Issues in Seafood: Taiwan Profile." *Seafish*, Sep 2015. www.seafish.org/media/publications/TaiwanEthicsProfile_201509.pdf. Accessed 7 July 2020. "Fisheries of the Republic of China (Taiwan)." *Fisheries Agency of Taiwan*, 29 Oct 2015. www.fg.gov.tw/en/FisheriesofROC/content.aspx?id=2&chk=05d9ffd2-651d-4686-a2d1-a44413152366¶m=pn%3D1. Accessed 7 July 2020.

⁴⁰ "Fishing Techniques: Industrial Tuna Longlining." *Food and Agriculture Organization of the United Nations (FAO)*. www.fao.org/fishery/fishtech/1010/en. Accessed 20 August 2020.

⁴¹ Campling, Liam, et al. "The Tuna Longline Industry in the Western and Central Pacific Ocean and its Market Dynamics." Forum Fisheries Agency, 26 Oct 2017. Page 139. www.bmis-bycatch.org/system/files/zotero_attachments/library_1/6MS8UN34%20-%20Campling%20et%20al.%20-%20The%20Tuna%20Longline%20Industry%20in%20the%20Western%20and%20Cent.pdf. Accessed 20 August 2020.

"Focus on Ethical Issues in Seafood: Taiwan Profile." *Seafish*, Sep 2015. www.seafish.org/media/publications/TaiwanEthicsProfile_201509.pdf. Accessed 7 July 2020.

⁴² MARE Training. "Mr. Liu, Chi-Chao, Fisheries Agency, Council of Agriculture, Executive Yuan, Taiwan, Day 4, ICMA 2019." Vimeo, uploaded by MARE Training, Nov 2019, vimeo.com/368724306.

⁴³ "Fisheries of the Republic of China (Taiwan)." *Fisheries Agency of Taiwan*, 29 Oct 2015. www.fa.gov.tw/en/FisheriesofROC/content.aspx?id=2&chk=05d9ffd2-651d-4686-a2d1-a44413152366¶m=pn%3D1. Accessed 17 July 2020.

⁴⁴ "2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers." *Philippine Overseas Employment Administration*, 2016. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 7 July 2020.

⁴⁵ "Labor Standards Act." *Government of the Republic of China*, June 6, 2020. law.moi.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0030001. Accessed 7 July 2020.

⁴⁶ MARE Training. "Mr. Liu, Chi-Chao, Fisheries Agency, Council of Agriculture, Executive Yuan, Taiwan, Day 4, ICMA 2019." Vimeo, uploaded by MARE Training, Nov 2019, vimeo.com/368724306.

⁴⁷ "Hidden Costs in the Global Economy: Human Trafficking of Philippine Males in Maritime, Construction, and Agriculture." *Verité*, 2010. verite.org/wp-content/uploads/2016/11/Verité-TIP-Report-Male-Trafficking.pdf. Accessed 7 July 2020.

⁴⁸ MARE Training. "Mr. Liu, Chi-Chao, Fisheries Agency, Council of Agriculture, Executive Yuan, Taiwan, Day 4, ICMA 2019." Vimeo, uploaded by MARE Training, Nov 2019, vimeo.com/368724306.

⁴⁹ MARE Training. "Mr. Liu, Chi-Chao, Fisheries Agency, Council of Agriculture, Executive Yuan, Taiwan, Day 4, ICMA 2019." Vimeo, uploaded by MARE Training, Nov 2019, vimeo.com/368724306.

⁵⁰ MARE Training. "Mr. Su, Yu-Kuo, Workforce Development Agency, Ministry of Labor, Taiwan." Vimeo, uploaded by MARE Training, Nov 2019. vimeo.com/368721771.

Asis, Maruja M.B. "Out at Sea, Out of Sight: Filipino, Indonesian and Vietnamese Fishermen on Taiwanese Fishing Vessels." *Scalabrini Migration Center*, 16 Mar 2020. smc.org.ph/wp-content/uploads/2020/03/OUT-AT-SEA-OUT-OF-SIGHT.pdf. Accessed 17 July 2020.

⁵¹ "2014 Trafficking in Persons Report – Taiwan (Tier 1)." *U.S. Department of State, Office to Monitor and Combat Trafficking in Persons*, 20 June 2014. www.ait.org.tw/2014-trafficking-persons-report-taiwan-tier-1/. Accessed 19 August 2020.

⁵² Andrees, Beate et al. "Regulating Labour Recruitment to Prevent Human Trafficking and to Foster Fair Migration: Models, Challenges and Opportunities." *International Labour Organization (ILO)*, 2015. Page 68. www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_377813.pdf. Accessed 19 August 2020.

⁵³ "Choppy Waters: Forced Labour and Illegal Fishing in Taiwan's Distant Water Fisheries." *Greenpeace*, Mar 2020. www.greenpeace.org/southeastasia/publication/3690/choppy-waters-forced-labour-and-illegal-fishing-in-taiwans-distant-water-fisheries/. Accessed 7 July 2020.

Asis, Maruja M.B. "Out at Sea, Out of Sight: Filipino, Indonesian and Vietnamese Fishermen on Taiwanese Fishing Vessels." *Scalabrini Migration Center*, 16 Mar 2020. smc.org.ph/wp-content/uploads/2020/03/OUT-AT-SEA-OUT-OF-SIGHT.pdf. Accessed 17 July 2020.

⁵⁴ U.S. Department of Labor. *2020 List of Goods Produced by Child Labor or Forced Labor*. https://www.dol.gov/sites/dolgov/files/ILAB/child_labor_reports/tda2019/2020_TVPRAListOnlineFinal.pdf.

⁵⁵ "Choppy Waters: Forced Labour and Illegal Fishing in Taiwan's Distant Water Fisheries." *Greenpeace*, Mar 2020. www.greenpeace.org/southeastasia/publication/3690/choppy-waters-forced-labour-and-illegal-fishing-in-taiwans-distant-water-fisheries/. Accessed 7 July 2020.

Asis, Maruja M.B. "Out at Sea, Out of Sight: Filipino, Indonesian and Vietnamese Fishermen on Taiwanese Fishing Vessels." *Scalabrini Migration Center*, 16 Mar 2020. smc.org.ph/wp-content/uploads/2020/03/OUT-AT-SEA-OUT-OF-SIGHT.pdf. Accessed 17 July 2020.

⁵⁶ Craymer, Lucy. "Coronavirus Has Americans Hooked on Canned Tuna, and Producers Are Playing Catch-Up." *The Wall Street Journal*, 15 July 2020. www.wsj.com/articles/coronavirus-has-americans-hooked-on-canned-tuna-and-producers-are-playing-catch-up-11594805402. Accessed 25 Aug 2020.

⁵⁷ "All at Sea: An Evaluation of Company Efforts to Address Modern Slavery in Pacific Supply Chains of Canned Tuna." Business and Human Rights Resource Centre. March 2021. https://media.business-humanrights.org/media/documents/Tuna_II_v6.pdf. Accessed 29 April 2021.

⁵⁸ "Human Trafficking in Taiwan's Fisheries Sector." Environmental Justice Foundation, March 2018. <https://ejfoundation.org/resources/downloads/EJF-Briefing-Taiwan-2018.pdf>. Accessed 18 Sep 2020.

⁵⁹ "Article 6, Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members." *Government of the Republic of China*, Amended 20 Mar 2019. law.moi.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0050061. Accessed 7 July 2020.

⁶⁰ Asis, Maruja M.B. "Out at Sea, Out of Sight: Filipino, Indonesian and Vietnamese Fishermen on Taiwanese Fishing Vessels." *Scalabrini Migration Center*, 16 Mar 2020. smc.org.ph/wp-content/uploads/2020/03/OUT-AT-SEA-OUT-OF-SIGHT.pdf. Accessed 27 August 2020.

Chiang, Mina. "Human Rights at Sea Baseline Study on the Awareness and Application of Human Rights in Taiwan's Fishing Industry." *Human Rights at Sea*, Oct 2019. www.humanrightsatsea.org/sdm_downloads/taiwan-fisheries-human-rights-baseline-study-report-october-2019/. Accessed 27 August 2020.

⁶¹ "Republic Act No. 8042 (1995), as amended by Republic Act Nos. 9422 (2007) and 10022 (2010)." *Government of the Philippines*, June 7, 1995, Subparagraph (b.1), Paragraph (b), Section 23. www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=43183. Accessed 7 July 2020.

⁶² "Republic Act No. 8042 (1995), as Amended by Republic Act Nos. 9422 (2007) and 10022 (2010)." *Government of the Philippines*, June 7, 1995, Subparagraph (b.1), Paragraph (b), Section 23. www.ilo.org/dyn/natlex/natlex4.detail?p_lang=en&p_isn=43183. Accessed 7 July 2020.

⁶³ "2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers." *Philippine Overseas Employment Administration*, 2016, No. 2, Rule I, Part I. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 7 July 2020.

⁶⁴ “2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers.” *Philippine Overseas Employment Administration*, 2016, Section 50.b, Rule V, Part II. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 7 July 2020.

⁶⁵ “2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers.” *Philippine Overseas Employment Administration*, 2016, Section 52, Rule V, Part II. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 7 July 2020.

⁶⁶ “2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers.” *Philippine Overseas Employment Administration*, 2016, Section 50.a.1, Rule V, Part II. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 7 July 2020.

⁶⁷ “2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers.” *Philippine Overseas Employment Administration*, 2016, Paragraph 1, Section 50.a.2, Rule V, Part II. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 7 July 2020.

⁶⁸ “2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers.” *Philippine Overseas Employment Administration*, 2016, Paragraph 2, Section 50.a.2, Rule V, Part II. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 7 July 2020.

⁶⁹ “Memorandum Circular No. 04. Revision of the One-Page Covering Employment Contract.” *Philippines Overseas Employment Administration*, March 12, 2013. www.poea.gov.ph/memorandumcirculars/2013/4.pdf. Accessed 16 July 2020.

⁷⁰ “Section 10, Republic Act No. 8042 (1995), as Amended by Republic Act No. 10022 (2010).” *Government of the Philippines*, June 7, 1995. www.officialgazette.gov.ph/1995/06/07/republic-act-no-8042-2/. Accessed 7 July 2020.

⁷¹ “2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers.” *Philippine Overseas Employment Administration*, 2016, Section 4.F, Part II, Rule II. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 7 July 2020.

⁷² “Republic Act No. 8042 (1995), as Amended by Republic Act No. 10022 (2010).” *Government of the Philippines*, June 7, 1995, Section 6(K). www.officialgazette.gov.ph/1995/06/07/republic-act-no-8042-2/. Accessed 7 July 2020.

⁷³ “Marina Circular No. 04. Revised Rules on the Issuance of Enhanced Seafarer’s Identification and Record Book (SIRB).” *Philippines Maritime Industry Authority (MARINA)*, 2008. marina.gov.ph/wp-content/uploads/2018/07/MC-2008-04.pdf. Accessed 17 July 2020.

⁷⁴ “Marina Circular No. 04. Revised Rules on the Issuance of Enhanced Seafarer’s Identification and Record Book (SIRB).” *Philippines Maritime Industry Authority (MARINA)*, 2008. marina.gov.ph/wp-content/uploads/2018/07/MC-2008-04.pdf. Accessed 17 July 2020.

⁷⁵ “2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers.” *Philippine Overseas Employment Administration*, 2016, Section 68, Rule VIII, Part II. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 7 July 2020.

⁷⁶ “2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers.” *Philippine Overseas Employment Administration*, 2016, Section 205. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 16 July 2020.

⁷⁷ “2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers.” *Philippine Overseas Employment Administration*, 2016, Section 108. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 16 July 2020.

⁷⁸ “Memorandum Circular No. 04. Revision of the One-Page Covering Employment Contract.” *Philippines Overseas Employment Administration*, 12 Mar 2013. www.poea.gov.ph/memorandumcirculars/2013/4.pdf. Accessed 16 July 2020.

⁷⁹ “Special Hiring Program for Taiwan.” *Manila Economic and Cultural Office, Philippine Representative office in Taiwan*, 2020. www.meco.org.tw/labor-and-atn/special-hiring-program-for-taiwan. Accessed 7 July 2020.

⁸⁰ “General Information for Direct Hiring Service.” Direct Hiring Service Center. dhsc.wda.gov.tw/en/aboutus.html. Accessed 12 Aug 2020.

⁸¹ “2020 Trafficking in Persons Report: Taiwan.” *U.S. Department of State, Office to Monitor and Combat Trafficking in Persons*. June 2020. www.state.gov/reports/2020-trafficking-in-persons-report/taiwan/. Accessed 19 Aug 2020.

⁸² “General Principles and Operational Guidelines for Fair Recruitment.” *International Labour Organization (ILO)*, 2016. www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536263.pdf. Accessed 7 July 2020.

⁸³ “2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers.” *Philippine Overseas Employment Administration*, 2016. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 7 July 2020.

⁸⁴ “2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers.” *Philippine Overseas Employment Administration*, 2016, Section 50.b, Rule V, Part II. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 7 July 2020.

⁸⁵ “2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers.” *Philippine Overseas Employment Administration*, 2016, Rule III, Part II. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 7 July 2020.

⁸⁶ “2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers.” *Philippine Overseas Employment Administration*, 2016, Section 123 and 127, Part II. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 7 July 2020.

⁸⁷ “Labor Standards: Overview.” Ministry of Labor Republic of China (Taiwan), 25 Jun 2018. english.mol.gov.tw/6386/6394/6395/6474/. Accessed 7 July 2020.
“Employment Service Act.” *Government of the Republic of China*, Amended 28 Nov 2018, Subparagraph 8, Article 46. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0090001. Accessed 7 July 2020.

“Regulations on the Permission and Administration of the Employment of Foreign Workers.” *Government of the Republic of China, Ministry of Labor*, Amended 2019. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0090027. Accessed 10 September 2020.

⁸⁸ “Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members.” *Government of the Republic of China*, Amended 20 Mar 2019. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0050061. Accessed 21 July 2020.

⁸⁹ “Foreign Workers Brokerage Firms.” *Workforce Development Agency, Ministry of Labor*. www.wda.gov.tw/en/News.aspx?n=0F10DDD6476FAE07&sms=F797F31CBC23171A.

⁹⁰ “Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members.” *Government of the Republic of China*, Amended 20 Mar 2019. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0050061. Accessed 21 July 2020.

⁹¹ “Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members,” (last amended 2019). *Government of the Republic of China*, Amended March 20, 2019, Article 26. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0050061. Accessed 21 July 2020.

⁹² “Labor Standards Act.” *Government of the Republic of China*, June 6, 2020, Chapter II. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0030001. Accessed 7 July 2020.

⁹³ “Labor Standards Act.” *Government of the Republic of China*, June 6, 2020, Article 2. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0030001. Accessed 7 July 2020.

⁹⁴ “Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members” (last amended 2019). *Government of the Republic of China*, Amended 20 Mar 2019, Article 6. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0050061. Accessed 7 July 2020.

⁹⁵ “Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members.” *Government of the Republic of China*, Amended 20 Mar 2019, Paragraphs 1 and 3, Article 5. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0050061. Accessed 7 July 2020.

⁹⁶ “Regulations on the Permission and Administration of the Employment of Foreign Workers.” *Government of the Republic of China (Taiwan)*, Article 43, Chapter 6, Amended 24 May 2019. <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0090027>. Accessed 10 Sep 2020.

⁹⁷ “Foreign Worker’s Affidavit for Wage & Salary and Expenses Incurred before Entering the Republic of China for Employment.” *Workforce Development Agency, Ministry of Labor, Government of the Republic of China*. https://www.wda.gov.tw/en/News_Content.aspx?n=A6A3B06EC0D0770B&sms=CBE053952D27CC97&s=368B65650CAC9E71. Accessed 20 October 2020.

⁹⁸ “Taiwan New Monthly Wage for Foreign Crew Member Engaged in Distant Water Fishing.” *Philippine Overseas Employment Administration*, September 17, 2019, Advisory No. 25. www.poea.gov.ph/advisories/2019/Advisory-25-2019.pdf. Accessed 21 July 2020.

⁹⁹ “Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members.” *Government of the Republic of China*, 20 Mar 2019, Article 13. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0050061. Accessed 7 July 2020.

¹⁰⁰ “Standards for Fee-Charging Items and Amounts of the Private Employment Services Institution.” *Government of the Republic of China*, 6 Apr 2017, Paragraph 3, Article 6. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0090028. Accessed 7 July 2020.

¹⁰¹ “The Handbook for Foreign Workers in Taiwan: Philippines.” *Government of Taiwan, Ministry of Labor, Workforce Development Agency*. January 2020. <https://ws.wda.gov.tw/Download.ashx?u=LzAwMS9VcGxvYWQvMjk5L3JlbGZpbGUvODkzMS8xMDc5OS8zZDEzMDNiMy00MzZiLTQxODEtODk2Zi0wY2NiZGQ2ODIIMGMucGRm&n=MTA45bm056e75bel5Zyo6le65bel5L2c6aCI55%2blLeS4reiLseeJiC5wZGY%3d>. Accessed 28 September 2020.

¹⁰² “Taiwan New Monthly Wage for Foreign Crew Member Engaged in Distant Water Fishing.” *Philippine Overseas Employment Administration*, 17 Sept 2019, Advisory No. 25. www.poea.gov.ph/advisories/2019/Advisory-25-2019.pdf. Accessed 21 July 2020.

¹⁰³ “Taiwan Has Continuously Taken Actions to Enhance Protection of Rights and Benefits of Foreign Crew Members Engaging in the Distant Water Fisheries.” *Fisheries Agency of Taiwan*, 16 Mar 2018. www.fa.gov.tw/en/Announcement/content.aspx?id=51&chk=fbd8d967-153d-491d-8269-ec671cac9c85¶m=. Accessed 21 July 2020.

¹⁰⁴ "Exploitation and Lawlessness: The Dark Side of Taiwan's Fishing Fleet." *Environmental Justice Foundation*. ejfoundation.org/films/exploitation-and-lawlessness-the-dark-side-of-taiwans-fishing-fleet. Accessed 7 July 2020.

¹⁰⁵ "Taiwan Has Continuously Taken Actions to Enhance Protection of Rights and Benefits of Foreign Crew Members Engaging in the Distant Water Fisheries." *Fisheries Agency of Taiwan*, 16 Mar 2018. www.fa.gov.tw/en/Announcement/content.aspx?id=51&chk=fbd8d967-153d-491d-8269-ec671cac9c85¶m=. Accessed 7 July 2020.

¹⁰⁶ "Employment Services Act Amendments Strengthen Labor Rights." *Department of Information Services, Executive Yuan*, 15 Nov 2016. english.ey.gov.tw/News3/9E5540D592A5FECDD/4a00f610-1f94-4a94-b5b2-2ad35ae21760. Accessed 16 July 2020.

¹⁰⁷ "Special Hiring Program for Taiwan." *Manila Economic and Cultural Office, Philippine Representative office in Taiwan*, 2020. www.meco.org.tw/labor-and-atn/special-hiring-program-for-taiwan. Accessed 21 July 2020.

¹⁰⁸ "Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members." *Government of the Republic of China*, amended 20 Mar 2019. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0050061. Accessed 7 July 2020.

¹⁰⁹ "General Principles and Operational Guidelines for Fair Recruitment." *International Labour Organization (ILO)*, 2016. www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536263.pdf. Accessed 7 July 2020.

¹¹⁰ "Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members." *Government of the Republic of China*, amended 20 Mar 2019, Article 6. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0050061. Accessed 7 July 2020.

¹¹¹ "Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members." *Government of the Republic of China*, 20 Mar 2019. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0050061. Accessed 7 July 2020.

¹¹² "Choppy Waters: Forced Labour and Illegal Fishing in Taiwan's Distant Water Fisheries." *Greenpeace*, Mar 2020. www.greenpeace.org/southeastasia/publication/3690/choppy-waters-forced-labour-and-illegal-fishing-in-taiwans-distant-water-fisheries/. Accessed 7 July 2020.
Asis, Maruja M.B. "Out at Sea, Out of Sight: Filipino, Indonesian and Vietnamese Fishermen on Taiwanese Fishing Vessels." *Scalabrini Migration Center*, 16 Mar 2020. smc.org.ph/wp-content/uploads/2020/03/OUT-AT-SEA-OUT-OF-SIGHT.pdf. Accessed 17 July 2020.

¹¹³ "Taiwan Has Continuously Taken Actions to Enhance Protection of Rights and Benefits of Foreign Crew Members Engaging in the Distant Water Fisheries." *Fisheries Agency of Taiwan*, 16 Mar 2018. www.fa.gov.tw/en/Announcement/content.aspx?id=51&chk=fbd8d967-153d-491d-8269-ec671cac9c85¶m=. Accessed 7 July 2020.

¹¹⁴ "Taiwan Has Continuously Taken Actions to Enhance Protection of Rights and Benefits of Foreign Crew Members Engaging in the Distant Water Fisheries." *Fisheries Agency of Taiwan*, 16 Mar 2018. www.fa.gov.tw/en/Announcement/content.aspx?id=51&chk=fbd8d967-153d-491d-8269-ec671cac9c85¶m=. Accessed 21 July 2020.

¹¹⁵ "Migrant Workers in Taiwan Demand Abolishment of Broker System." *Inquirer.net*, 5 Nov 2019. globalnation.inquirer.net/181926/migrant-workers-in-taiwan-demand-abolishment-of-broker-system. Accessed 7 July 2020.

¹¹⁶ "Standards for Fee-Charging Items and Amounts of the Private Employment Services Institution." *Government of the Republic of China*, amended 6 Apr 2017, Paragraph 3, Article 6. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0090028. Accessed 7 July 2020.

¹¹⁷ "General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs." *International Labour Organization (ILO)*, 22 May 2019. www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf.

¹¹⁸ "Memorandum Circular No. 87." *Government of the Philippines*, 20 September 1994. marina.gov.ph/wp-content/uploads/2018/07/mc087.pdf.

¹¹⁹ "General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs." *International Labour Organization (ILO)*, 22 May 2019. www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf.

¹²⁰ "2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers." *Philippine Overseas Employment Administration*, 2016, Section 50, Rule V. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 21 July 2020.

¹²¹ Note that, as per POEA regulations, costs for pre-deployment medical exams and required training should not be charged to workers, as they fall under the category of processing fees, which the employer is required to cover. However, most workers interviewed reported having to pay for the medical exam and certificate themselves. "2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers." *Philippine Overseas Employment Administration*, 2016, Section 50, Rule V. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 21 July 2020.

¹²² "2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers." *Philippine Overseas Employment Administration*, 2016, Section 50, Rule V. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 21 July 2020.

¹²³ "Special Hiring Program for Taiwan." *Government of the Philippines*. <http://poea.gov.ph/shpt/shpt.html>.

¹²⁴ "Standards for Fee-Charging Items and Amounts of the Private Employment Services Institution." *Government of the Republic of China*, 6 Apr 2017, Paragraph 3, Article 6. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0090028. Accessed 7 July 2020. "Regulations on the Permission and Administration of the Employment of Foreign Workers." *Government of the Republic of China (Taiwan)*, Article 43, Chapter 6, Amended 24 May 2019. <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0090027>. Accessed 10 Sep 2020. "Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members." *Government of the Republic of China*, 20 Mar 2019, Article 13. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0050061. Accessed 7 July 2020.

¹²⁵ "Memorandum Circular No. 04. Revision of the One-Page Covering Employment Contract." *Philippines Overseas Employment Administration*, 12 Mar 2013. www.poea.gov.ph/memorandumcirculars/2013/4.pdf. Accessed 16 July 2020.

¹²⁶ Everinton, Keoni. "Taiwan's Monthly Minimum Wage to Increase by 5% in 2019." *Taiwan News*. 06 September 2018. <https://www.taiwannews.com.tw/en/news/3523557>. Accessed 28 September 2020; and "Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members." *Government of the Republic of China*, amended 20 Mar 2019, Paragraph 2, Article 6. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0050061. Accessed 7 July 2020.

¹²⁷ "Standards for Fee-Charging Items and Amounts of the Private Employment Services Institution." *Government of the Republic of China*, 6 Apr 2017, Paragraph 3, Article 6. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0090028. Accessed 7 July 2020.
"Regulations on the Permission and Administration of the Employment of Foreign Workers." *Government of the Republic of China (Taiwan)*, Article 43, Chapter 6, Amended 24 May 2019.

¹²⁸ Article 57 of the Revised Employment Service Act specifies that employers shall not engage in "illegally withholding the passport(s)/ residence certificate(s) of foreign worker(s)". "Employment Service Act." *The Government of The Republic of China*, 11 Nov 2018, Article 57. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0090001. Accessed 7 July 2020.

¹²⁹ During worker interviews, fishers reported tuna as their primary catch, although their vessels also engaged in the capture of other seafood products.

¹³⁰ AFP. "Last Body Retrieved After Taiwan Bridge Collapse." *New Straits Times*, 3 Oct 2019. www.nst.com.my/world/2019/10/526739/last-body-retrieved-after-taiwan-bridge-collapse. Accessed 9 Sep 2020.

¹³¹ Tajonera, Joy Fr. Personal Interview. 10 Dec 2019.

¹³² "Yilan Planning Onshore Accommodation for Migrant Fishermen." *Focus Taiwan*, 8 Oct 2019. focustaiwan.tw/society/201910080018. Accessed 7 July 2020.

¹³³ Article 3, Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members (last amended 2019). Government of The Republic of China, March 20, 2019. <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0050061>. Accessed 7 July 2020.
Migrant workers employed in offshore fishing are covered under the Taiwan Labor Standards Act, which states that if the employer violates a labor law or regulation, the worker may file a complaint to their employer or relevant government agency, confidentially and with protection from retaliation. If the complaint is handled by a government actor such as an inspection agency, the worker's claim should be handled within 60 days. Article 74, Labor Standards Act. The Government of The Republic of China, June 11, 2020. <https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0030001>. Accessed 9 August 2020.

¹³⁴ Serve the People Association (SPA). Personal interview. 2019.
Stella Maris International Service Center. Personal interview. 2019.
Presbyterian Church in Taiwan, Fishermen's Service Center (PCTFSC). Personal interview. 2019.

¹³⁵ "Seafood Task Force Code of Conduct." *Seafood Task Force*, 2018. www.seafoodtaskforce.global/wp-content/uploads/2018/12/STF_Code-of-Conduct-V.2_20181212.pdf. Accessed 7 July 2020.

¹³⁶ "About Us." *World Tuna Purse Seine Organization*, 2019. wtpointernational.org/about/. Accessed 7 July 2020.

¹³⁷ Chiang, Mina. "Labour Disputes and Power imbalances in the Taiwanese Fishing Industry." Human Rights at Sea, December 2019. <https://www.humanrightsatsea.org/2019/12/07/labour-disputes-and-power-imbalances-in-the-taiwanese-fishing-industry/>. Accessed 29 September 2020.

¹³⁸ "Private Employment Agencies Convention, 1997 (No. 181)." *International Labour Organization (ILO)*, 1997. www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312326. Accessed 7 July 2020.

¹³⁹ “General Principles and Operational Guidelines for Fair Recruitment and Definition of Recruitment Fees and Related Costs.” *International Labour Organization (ILO)*, 2019. www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_536755.pdf. Accessed 10 Sep 2020.

¹⁴⁰ “Work in Fishing Convention, 2007 (No. 188).” *International Labour Organization (ILO)*, 2007. www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C188. Accessed 16 July 2020.

¹⁴¹ “All at Sea: An Evaluation of Company Efforts to Address Modern Slavery in Pacific Supply Chains of Canned Tuna.” Business and Human Rights Resource Centre. March 2021. https://media.business-humanrights.org/media/documents/Tuna_IL_v6.pdf. Accessed 29 April 2021.

¹⁴² “Labor Conditions in the Tuna Sector: General Santos City, Philippines.” Verité, 2018. P. 25. www.seafdec-oceanspartnership.org/wp-content/uploads/USAID-Oceans_Verite-Labor-Analysis_PHILIPPINES_Final-2018.pdf. Accessed 7 July 2020.

¹⁴³ “Labor Conditions in the Tuna Sector: General Santos City, Philippines.” Verité, 2018. P. 25. www.seafdec-oceanspartnership.org/wp-content/uploads/USAID-Oceans_Verite-Labor-Analysis_PHILIPPINES_Final-2018.pdf. Accessed 7 July 2020.

¹⁴⁴ “2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers.” *Philippine Overseas Employment Administration*, 2016, Section 76, Rule X, Part II. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 7 July 2020. Section 13, “Republic Act No. 8042 (1995), as Amended by Republic Act No. 10022 (2010).” Government of the Philippines, June 7, 1995. www.officialgazette.gov.ph/1995/06/07/republic-act-no-8042-2/. Accessed 7 July 2020.

“2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers.” *Philippine Overseas Employment Administration*, 2016, Section 75, Rule X, Part II. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 7 July 2020.

¹⁴⁵ “2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers.” *Philippine Overseas Employment Administration*, 2016, Section 118, Rule I, Part V. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 7 July 2020.

¹⁴⁶ “2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers.” *Philippine Overseas Employment Administration*, 2016, Section 83, Rule X, Part II. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 7 July 2020.

¹⁴⁷ “2016 Revised Rules and Regulations Governing the Recruitment and Employment of Seafarers.” *Philippine Overseas Employment Administration*, 2016, Section 123 and 127, Part II. www.poea.gov.ph/laws&rules/files/2016%20Rules%20Seabased.pdf. Accessed 7 July 2020.

¹⁴⁸ “Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members.” *Government of the Republic of China*, amended 20 Mar 2019, Article 6. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0050061. Accessed 7 July 2020.

¹⁴⁹ “Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members.” *Government of the Republic of China*, amended 20 Mar 2019, Paragraph 2, Article 13. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0050061. Accessed 7 July 2020.

¹⁵⁰ “Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members.” *Government of the Republic of China*, amended 20 Mar 2019, Article 28. law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=M0050061. Accessed 7 July 2020.

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