

外籍家庭看護工權益之專案調查研究

Foreign caregivers' rights

The past decades have seen a rise in the number of foreign labors in Taiwan as local workers avert dangerous and dirty jobs with poor working conditions. An aging population has also created a shortage of labor in long-term care. While the introduction of foreign workers, especially caregivers, has made up for the labor shortage, the workers have also fallen victims to human rights abuse. (Case no. 1010800073)

As of 2012, the number of foreign workers in Taiwan amounted to 430,000. With an aging population, demand for senior caregivers has been rising by the year. Foreign workers are able to provide 24-hour at-home service, at a third of what it costs to hire local workers. They have become the preferable choice for local employers, making up the bulk of the staff at senior care centers. A majority of the approximately 187,000 foreign workers (44%) working in domestic settings are Indonesian. Their main responsibility is to provide care services to the senior members of the household. The Control Yuan's investigation found foreign caregivers in Taiwan go through multiple human rights abuses as they are often forced to:

1. Take on work beyond the scope of the contract.
2. Pay high amount of service and placement fees and other miscellaneous fees that take up the bulk of their salary.
3. Work excessively overtime without rest.
4. Live in rooms with poor conditions.
5. Stay with the same employer after disputes.
6. Stay in shelters or placement centers of very poor conditions before deportation.
7. Sit in interrogations without interpretation services.
8. Work without proper protections or means of complaint, making them vulnerable to sexual abuse due to inability to seek immediate help and obtain proof in home settings. The problem is aggravated by a lack of report system, legal aid and counseling.

In terms of brokerage fees, the report has found that Indonesian domestic workers pay the highest amount of fees, compared with their counterparts in other Asian countries. According to the 2005 report, the Indonesian workers were charged with brokerage fees between 140,000 to 160,000 NT dollars, compared with an average of 90,000 to 110,000 NT dollars for Filipino workers, and 80,000 to 140,000 NT dollars for Vietnamese workers. Some workers are often charged extra fees, from service fee,

immigration fees, to relocation fee, or forced to sign an acknowledgement of debt owed to the broker or recruitment agency.

As for foreign workers applying for loans, the Indonesian workers receive an interest rate as high as eighteen percent if they apply in Indonesia, whereas the rate is only five percent in Taiwan. There have been reports of workers gone missing for a number of reasons: A better offer; nearing the end of his/ her contract; poor communication with the employer; high brokerage fees; or disputes with the employer, etc. The Indonesian government has made plans to tighten its labor migration policy, limiting the number of domestic helpers applying for jobs overseas, starting from 2017.

On 31 December, 2007, the Council of Labor Affairs (now the Ministry of Labor) launched a direct hiring system as a one-stop-shop for applicants or agencies submitting documents. The Ministry has worked to promote the use of the new system and set up an online database that allows individual employers to select suitable applicants online. The direct hiring system has also reduced the number of required application papers to five. Some countries have agreed to follow the new requirement: Thailand has reduced the number of application papers to five, the Philippines to seven, and Vietnam six. However there have been delays in adopting the direct hiring system for Vietnam and Indonesia, where the governments have not yet set up a compatible system.

In response to Control Yuan's investigation, the Council of Labor Affairs (now the Ministry of Labor) has drafted "Domestic Worker Protection Act" to mandate eight hours of uninterrupted break time every day under normal circumstances and at least a full day off on a weekly basis. The Council has also established a report system to facilitate reporting of abuse or other forms of mistreatment. In addition, Provision 1, Article 19 of the Labor Union Act was revised to provide workers above the age of twenty with seats in the council or board of supervisors of labor union. Foreign labors and domestic workers can now freely join an existing union as related to their job or establish a union of their own.