

# 2017 年防制人口販運國際工作坊

## *2017 International Workshop on Strategies for Combating Human Trafficking*





## 目錄

### *Table of Contents*

#### 第一場 防制人口販運成果回顧及展望

#### *Session 1 Retrospect and Prospect of Combating Human Trafficking* \_\_\_\_\_ 1

##### 現行教育體制下國人宣導成效

##### *Propaganda Achievements Under the Education System* \_\_\_\_\_ 3

##### 防制外籍勞工人口販運

##### *Anti-Human Trafficking in Migrant Workers* \_\_\_\_\_ 39

#### 臺灣防制人口販運工作 10 年成效、回顧及展望 (二)

#### *The Achievements, Retrospect and Prospect of Taiwan's Combating Human Trafficking for the past 10 years (2)* \_\_\_\_\_ 65

#### 被害人陪同偵訊成效 *Achievements of Accompanying Interrogation* \_ 67

#### 第二場 國際間人口販運問題報告評比第一級國家分享

#### *Session 2 Experiences Sharing from Tier 1 Countries around the World* \_\_\_ 79

##### 亞美尼亞防制人口販運評比第一級國家經驗分享

##### *Experiences Sharing from Armenia* \_\_\_\_\_ 81

第四場 避免漁工剝削之查緝成效及預防作為

*Session 4 Crackdown Achievements and Prevention Measures of the Fishery Workers Exploitation* \_\_\_\_\_ 87

泰國 2015、2016 年查緝漁工剝削成效及管理新措施

*Crackdown Achievements and New Management Measures of the Fishery Workers Exploitation in Thailand from 2015-2016* \_\_\_\_\_ 89

臺灣對境外僱用漁工查緝剝削成效及勞動管理新作法

*Crackdown Achievements and New Management Measures of the Exploitation of the Oversea Hired Fishery Workers in Taiwan* \_\_\_\_\_ 107

第五場 家事勞動者保障制度策略

*Session 5 The Strategies of Working Right Institutions of Domestic Workers* \_\_\_\_\_ 149

國際對於家事勞動者之工作時間、休息時間規範及案例分享

*The International Regulations of Working Time and Rest Time of Domestic Workers and Case Studies* \_\_\_\_\_ 151

第六場 海外遭勞力剝削預防策略及國際合作

*Session 6 Prevention Strategies of Oversea Labor Exploitation and International Cooperation* \_\_\_\_\_ 163

臺灣避免青年國人海外度假打工落入剝削陷阱與及時救援

*The Exploitation Prevention and Rescue Movements of the Local Youths Serving as Holiday Workers Overseas* \_\_\_\_\_ 165



第一場  
防制人口販運成果回顧及展望

*Session 1*

*Retrospect and Prospect of Combating Human Trafficking*



## 2017 年防制人口販運國際工作坊

## 現行教育體制下國人宣導成效

### *Propaganda Achievements Under the Education System*

主 講 人： 鄭 乃 文  
教育部學生事務及特殊教育司司長

Speaker: **Cheng, Nai-Wen**  
Director of Department of Student Affairs and Special  
Education



## 主講人簡介

鄭乃文

教育部學生事務及特殊教育司司長



經歷

國立臺灣藝術教育館館長

國立國父紀念館館長

教育部督學

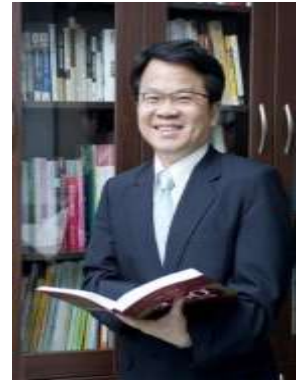
教育部國會組執行秘書



## Brief Introduction of Speaker

### **Cheng, Nai-Wen**

Director of Department of Student Affairs and  
Special Education



### **PROFESSIONAL EXPERIENCES**

Director General of National Taiwan Arts Education Center

Director General of National Dr. Sun Yat-sen Memorial Hall

School Inspector of Ministry of Education

Executive Secretary of Congressional Liaison Unit, Ministry of Education



# 我國教育體系推動人口販運防制 之策略及成果

主講人：鄭乃文  
教育部學生事務及特殊教育司司長



教育部

1

# Taiwan's Education System to Promote the Prevention and Control of Human Trafficking's Strategy and Results

Presenter : Cheng, Nai-Wen  
The Director of Student Affairs, Special  
Education Department, and Ministry of  
Education



教育部

1

# 大綱



- 推動緣起
- 辦理依據及具體措施
- 推展策略
- 推動成果
- 結語

# Table of Contents



- The Origin of the Movement
- Managing the Basis and Specific Method
- Promoting the Strategy
- Promoting the Results
- Conclusion



## 推動緣起



# 2006 行政院防制人口販運行動計畫



3

## The Origin of the Movement



# 2006 Executive Yuan Human Trafficking Prevention Action Plan



3

## 辦理依據及具體措施



- **依據：**  
防制人口販運具體措施分工表
- **具體措施：**  
透過教育體系之人權、性別平等與法治教育，教導學生認識人口販運議題



4

## Managing the Basis and Specific Method



- **The Basis :**  
Detailed Measured Division of Work Chart  
Preventing Human Trafficking
- **The Specific Method :**  
Through the education of human rights, gender equality, and the rule of law education will enable students to be taught and understand the issue of human trafficking



4



## 推展策略



- 訂定課綱課程
- 開發教材教案
- 辦理研習活動
- 加強媒體宣導

## Promoting the Strategy



- Set Up Class Courses
- Develop Teaching Materials/Equipments and Lesson Plans
- Conduct Learning Activities
- Improve and Strengthen Media Advocacy

## 推動成果



### ● 課綱課程

- 九年一貫課程綱要
- 普通高級中學課程綱要
- 職業學校群科課程綱要
- 綜合高級中學課程綱要



6

## Promoting the Results



### ● Class Courses

- Grade 1 to 9 Curriculum Outline
- Senior High School Course Outline
- Vocational School Group Course Outline
- Comprehensive High School Course Outline



6



## 推動成果



### ● 課綱課程

#### ● 九年一貫課程綱要：

- 1、於「性別平等教育」及「人權教育」議題中，明訂將人口販運、勞動人權與防制兒童及少年性交易納入學習內容，並融入相關課程領域中教導學生認識



教育部

7

## Promoting the Results



### ● Class Courses

#### ● Grade 1 to 9 Curriculum Outline

1. In the "Gender Equality Education" and "Human Rights Education" issues, it is clearly stated that human trafficking, labor rights, and child/teenager prostitution are included in the learning content and are intergrated into the relecant curriculum areas in order to teach students.



教育部

7



## 推動成果



### ● 課綱課程

#### ● 九年一貫課程綱要：

- 2、於「人權教育議題分段能力指標補充說明」之能力指標「2-4-7探討人權議題對個人、社會及全球的影響」，說明「人口販賣」為當代重要違反人權事件議題



8

## Promoting the Results



### ● Class Courses

#### ● Grade 1 to 9 Curriculum Outline

2. In the "Human Rights Education Issue Divisions Achievable Objectives Extended Explanation", section "2-4-7 exploring the impact of human rights issues on individuals, society and the world determines "Human Trafficking" is a violation of human rights



8



## 推動成果



### ● 課綱課程

#### ● 普通高級中學課程綱要

- 1、必修科目「公民與社會」之「日常生活中的人權議題」及「人權保障與立法」主題，包含兒童、婦女、外國人、移民和國際難民等所涉及之人權議題

## Promoting the Results



### ● Class Courses

#### ● Senior High School Course Outline

1. Major Subject "Citizenship and Society" and "Daily Life Human Rights Issues", as well as "Human Rights Protection and Legislation" topics, human rights involves children, women, foreigners, migrants, international refugees, and etc

## 推動成果



### ● 課綱課程

#### ● 普通高級中學課程綱要

- 2、在「文化與位階」主題，包含由語言、生活風格與自我的關係來認識文化、文化形式與身分區別、文化位階與不平等問題

## Promoting the Results



### ● Class Courses

#### ● Senior High School Course Outline

2. In the "culture and rank" topic, it includes the language, life style and self relationship to understand culture, cultural form and identity, cultural rank, and inequality issues.



## 推動成果



### ● 課綱課程

#### ● 普通高級中學課程綱要

- 3、在「多元文化社會與全球化」主題，包含多元文化與全球視野等，強調全球移動、跨國境流動引發的新移民以及所引起的新移民公民權的議題

## Promoting the Results



### ● Class Courses

#### ● Senior High School Course Outline

3. In the "Multicultural Society and Globalization" topic, it includes multiculturalism and global perspectives, highlighting the issues of global migration caused two issues, first creating new immigrants, second creating new immigrants citizen rights.

## 推動成果



### ● 課綱課程

#### ● 職業學校群科課程綱要

- 1、各科目教學或活動時應融入「海洋教育」、「生命教育」、「生活教育」、「多元文化」、「性別平等」、「人權教育」、「道德教育」、「憲政與法治」等社會關切議題，以充實學生學習內涵，並與日常生活密切結合

## Promoting the Results



### ● Class Courses

#### ● Vocational School Group Course Outline

1. Every subjects teachings and learning activities will be integrated with "Marine Education", "Life Education", "Lifestyle Education" "Multiculturalism", "Gender Equality", " Human Rights Education", "Moral Education", "Constitution and Rule of Law", and other social concerns, in order to enrich the students learning content and the combination of daily lifestyle



## 推動成果



- **課綱課程**

- 職業學校群科課程綱要

2、於「公民與社會」教學綱要中，亦列有「憲法與人權」之內容

## Promoting the Results



- **Class Courses**

- Vocational School Group Course Outline

2. In the "Citizenship and Social" teaching outline, the contents of "Constitution and Human Rights" are also listed.

## 推動成果



### ● 課綱課程

#### ● 綜合高級中學課程綱要

於必修「公民與社會」課程綱要中亦列有「人與人權」之主題，包含「我國與國際社會常見的人權議題」內容

## Promoting the Results



### ● Class Courses

- Comprehensive High School Course Outline
  1. In "Citizenship and Social" curriculum's list includes the "Human and Human Rights" topic, which contains the Human Rights Issues in Taiwan and the International Community".



## 推動成果



- **課綱課程**

- 大專校院性別平等教育課程與教學相關計畫

## Promoting the Results



- **Class Courses**

- College's Gender Equality Education Curriculum and Teaching Related Programs



## 推動成果



### ● 教材教案：

- 防制人口販運推廣計畫【國中版】教師手冊
- 國中人口販運單元教案設計
- 防制人口販運推廣計畫【高中高職版】教師手冊
- 高中職人權教育專題--認識人口販運

## Promoting the Results



### ● Teaching Lesson Plans :

- Prevention of Human Trafficking Promotion Program "Middle School Edition" Teacher's Manual
- Middle School Human Trafficking Teaching Program
- Preventing Human Trafficking Promotion Program "High/Vocational School Edition" Teacher's Manual
- High/Vocational School Human Rights Topic - Understand Human Trafficking



## 推動成果



- **教材教案：**

- 「國民教育社群網」：

於人權教育議題網站提供防制人口販運之新聞時事議題（包括國內外，如聯合國新聞稿或相關論壇等），協助縣市輔導團團員更新相關資訊、政策及法規。

## Promoting the Results



- **Teaching Lesson Plans：**

- “National Education Community Network/Website”：

In the Human Rights Education Website, it provides information of Preventing Human Rights News (which includes domestic and foreign, and United Nations News.), with the help of members of prefectural and municipal counselors to update relevant information, policies and regulations.

## 推動成果



### ● 研習活動：

- 中小學中央課程與教學人權教育議題輔導群：

- 1、辦理教師知能研習：舉辦人權小樹工作坊，由婦女救援基金會白智芳主任講授「人口販運與人權概念介紹」，並針對人口販運的概念，進行學習單與教案實作



## Promoting the Results



### ● Learning Activities :

- Primary and Secondary School Central Curriculum and Teaching Human Rights Topic Counseling Group :
1. Conducting teacher learning: organizing a workshop on human rights, taught by the Director of Women' s Rescue Foundation, Bai Zhi Fang, "Introduction to the concept of trafficking in human beings and human rights" and conducting a study and practice teaching on the concept of human trafficking.





## 推動成果



### ● 研習活動：

- 中小學中央課程與教學人權教育議題輔導群：

#### 2、辦理領導人增能研習課程

- 2-1 「地球村下的人權」：從「基本人權理念與保障」簡介人口販運之問題與防制



教育部

19

## Promoting the Results



### ● Learning Activities：

- Primary and Secondary School Central Curriculum and Teaching Human Rights Topic Counseling Group：
- 2. Conduct Leadership Training Courses
- 2-1 “Every Human's Rights”：Introduction to the issue of human trafficking from the concept of basic human rights and security



教育部

19

## 推動成果



### ● 研習活動：

- 中小學中央課程與教學人權教育議題輔導群：

#### 2、辦理領導人增能研習課程

2-2 「人權教育融入教學的思考與策略」：  
從新移民、外籍配偶、世界人權宣言等視角，簡要說明「人口販運」之起源、以及「防制人口販運」融入教學之行動策略



20

## Promoting the Results



### ● Learning Activities :

- Primary and Secondary School Central Curriculum and Teaching Human Rights Topic Counseling Group :
- 2. Conduct Leadership Training Courses
- 2-2 "Thinking and Strategy of Integrating Human Rights Education into Teaching" : A brief description of the origins of "trafficking in human beings" and the action strategy of "combating human trafficking" into teaching from the perspective of new immigrants, foreign spouses and the Universal Declaration of Human Rights



20



## 推動成果



### ● 研習活動：

- 中小學中央課程與教學人權教育議題輔導群：

#### 3、辦理團員增能研習課程

- 3-1 「地球村下的人權-探討全球化衝擊」：  
從多元文化觀點及國際人權公約的保障，介紹「人口販運」之問題與防制策略



教育部

21

## Promoting the Results



### ● Learning Activities：

- Primary and Secondary School Central Curriculum and Teaching Human Rights Topic Counseling Group：

#### 3. Conduct Leadership Training Courses

- 3-1 "Every Human's Rights - Exploring the Impact of Globalization"：Introducing the issue of "human trafficking" from the perspective of multiculturalism and international human rights conventions and prevention strategies



教育部

21

## 推動成果



### ● 研習活動：

- 中小學中央課程與教學人權教育議題輔導群：

#### 3、辦理團員增能研習課程

- 3-2 「人權教育教學資源介紹與應用」及「國際公約、憲法與人權」：簡要介紹防制人口販運之議題與融入教學策略

## Promoting the Results



### ● Learning Activities :

- Primary and Secondary School Central Curriculum and Teaching Human Rights Topic Counseling Group :
- 3. Conduct Leadership Training Courses
- 3-2 “Introduction and Application of Teaching Resources of Human Rights Education” and “International conventions, the constitution and human rights” : Brief introduction of the topic of prevention and control of human trafficking and integration into teaching strategies



## 推動成果



### ● 研習活動：

- 中小學中央課程與教學人權教育議題輔導群：

- 4、辦理輔導群委員及團員「防制人口販運之教案設計」專題講座：從新移民、外籍配偶等時事議題，簡要說明「人口販運」之起源、「防制人口販運」融入教學之設計、參考資源以及行動策略



教育部

23

## Promoting the Results



### ● Learning Activities：

- Primary and Secondary School Central Curriculum and Teaching Human Rights Topic Counseling Group：
4. For counseling group members and members “The Design of the Case of Preventing Human Trafficking” Lecture：Brief explanation on the origin of “Human Trafficking”，“Anti Trafficking” intergrate with teaching plan, reference resources and action strategies through new immigrants and foreign spouses.



教育部

23



## 推動成果



### ● 研習活動：

#### ● 中小學及社區法治教育計畫

- 1、補助大學法律系所至中小學宣導
- 2、每年度將「人口販運防制」議題納入宣導主題

## Promoting the Results



### ● Learning Activities :

#### ● The Law of Educational Plan for Primary and Secondary Schools and Community

1. Subsidy University Law Department to provide propaganda to primary and secondary schools
2. Annually, "Human Trafficking Prevention" topic will be in the propaganda.



## 推動成果



### ● 研習活動：

- 補助縣市政府辦理友善校園學生事務與輔導工作計畫：
  - 1、將「人口販運防制」議題納入研習主題
  - 2、自2010年起每年度均辦理2至5場次「人口販運防制」研習

## Promoting the Results



### ● Learning Activities :

- The County and City Government will be handling the friendly campus student affairs and counseling work plan :
  1. Contain the issue of "Human Trafficking Prevention" into the topic to study
  2. Starting from 2010, there will be 2 to 5 sessions of "Human Trafficking Prevention" study

## 推動成果



### ● 研習活動：

- 廣續落實中輟學生之通報、協尋、復學輔導及補救教學，避免學生因輟學而落入性交易或人口販運之途：

補助各地方政府辦理「教育部推動學校兒童少年保護機制實施策略」之教育宣導、工作坊及個案研討會

## Promoting the Results



### ● Learning Activities

- Continue to implement the notification of dropout students, co-search, rehabilitation counseling and remedial teaching, in order to avoid students drop out of school and fall into the hands of human trafficking and prostitution : Support local governments to conduct education, workshops, and case seminars for Ministry of Education in order to promote the implementation of the school's juvenile protection.



## 推動成果



### ● 研習活動：

- 高級中等學校兒童及少年保護專業知能研習
  - 1、訂定「教育部辦理兒童及少年性交易防制教育宣導辦法」
  - 2、召開中途學校聯繫會議

## Promoting the Results



### ● Learning Activities

- Senior Secondary School Children and Teenager Protection Expertise and Learning
  1. Establish “The Ministry of Education conduct children and teenagers prostitution protection/prevention method”
  2. Contact Halfway School and hold a meeting

## 推動成果



### ● 研習活動：

#### ● 分區辦理中途離校學生學校系統合作研習

- 1、建置「高級中等學校中途離校學生通報系統」，以減少高中職學生中途離校，致產生涉及人口販運等情事
- 2、增進各校導師及輔導人員對高中職學生發生中途離校事項之預防及輔導能力，瞭解學生因性交易、家暴或學習興趣不足等原因致產生中離現象，及提供相關社會資源與增進對學生相關處遇輔導措施



28

## Promoting the Results



### ● Learning Activities

- Partition students who dropout school can conduct school system to co-operate in order to study
1. Construct "Senior High School Dropout Notification System" to reduce the number of Senior High School students leaving school, to avoid human trafficking.
  2. To enhance the prevention and counseling skills of school supervisors and counselors in Senior High schools to understand the causes of students prostitution, abusive homes, lack of interest in school, and etc, and to provide social resources and enhancements. Also provide counseling for students.



28



## 推動成果



### ● 研習活動：

- 辦理中小學教師學務與輔導專長增能學分班
  - 1、於縣市友善校園學生事務與輔導工作計畫補助辦理
  - 2、包含防制人口販運議題主題，強化教師相關觀念



29

## Promoting the Results



### ● Learning Activities

- Conduct primary and secondary school teachers and counseling expertise courses to increase their skills
  1. In a friendly school community with student affairs and counseling, conduct a work plan subsidy.
  2. Include Preventing Human Trafficking topic, enhance and strengthening teacher related concepts.



29

## 推展成果



### ● 媒體宣導

#### ● 報紙--少年法律專刊

- 1、於國語日報「少年法律專刊」專欄刊載人口販運防制議題
- 2、每年度刊載2至5篇，如2016年刊載篇章：「出國打工須防人口販運」、「拒絕淪為人蛇集團傀儡」



30

## Promoting the Results



### ● Media Propaganda

#### ● Newspaper- Juvenile Law Special Issue

1. Mandarin Daily Newspaper "Juvenile Law Special Issue" column contains human trafficking prevention topic
2. Annually publish 2 to 5 articles, as during 2016 there was a article stating: "Going to work outside of country to avoid human trafficking" and "refuse to become a Human Smuggling Syndicate victim"



30



## 推動成果



### ● 媒體宣導

#### ● 廣播節目：特別的愛

- 1、委請國立教育廣播電臺製播
- 2、每年度製播2集，如2016播出「發揮愛心—身心障礙人士人口販運議題探討」、「引導好奇心—身心障礙學生性別平等教育的教學重點及防患未然之道」



教育部

31

## Promoting the Results



### ● Media Propaganda

- Radio Show : "Special Love"
  1. Request national education radio station to open the show
  2. 2 episodes are produced annually, such as the 2016 broadcast, "to show love - for the physical and psychological people who has disabilities from human trafficking" and "To guide curiosity - for those students who has physical and mental disability and also gender equality education, focusing on teaching the preventions."



教育部

31



## 推動成果



### ● 媒體宣導

#### ● 廣播公益插播廣告

- 1、播出「人口販運防制--「太太與瑪莉篇」及「可疑子女篇」之國、台、客語公益插播廣告
- 2、每日播出3檔次，每檔30秒



教育部

32

## Promoting the Results



### ● Media Propaganda

#### ● Advertisement in Radio Shows

1. Broadcast free "Human Trafficking Prevention - Mother and Mary" and "Suspicious Children", using Mandarin, Hokien, Hakka languages to advertise
2. Broadcast 3 times per day, each file last 30 seconds.



教育部

32



## 結語



- 從基礎教育教導，向下扎根
- 廣續加強教育宣導，落實融入人權法治及性別平等教育課程與教學

## Conclusion



- From the basic education to teach, from the bottom to start.
- Continuing to strengthen educational propaganda, implement the intergration of human rights law and gender equality education courses and teachins.

## 防制外籍勞工人口販運

### *Anti-Human Trafficking in Migrant Workers*

主 講 人： 蘇裕國  
勞動部勞動力發展署跨國勞動力管理組專門委員

Speaker: **Su Yu-Kuo**  
Senior Specialist of Workforce Development Agency,  
Ministry of Labor



## 主講人簡介

### 蘇裕國

勞動部勞動力發展署跨國勞動力管理組專門委員



### 經歷

勞動部勞動力發展署專門委員

勞動部勞動力發展署科長

### 主管業務

外國人才招聘與雇用

外籍勞工政策

## Brief Introduction of Speaker

**Su, Yu-Kuo**

Senior Specialist of Workforce Development Agency,  
Ministry of Labor



### **PROFESSIONAL EXPERIENCES**

Assistant Director-General of Workforce Development Agency ,Ministry of Labor

Section Chief of Workforce Development Agency , Ministry of Labor

### **PRIMARY FOCUS**

Assistant Director-General of Workforce Development Agency, Ministry of Labor

Division Chief of Workforce Development Agency, Ministry of Labor



2017防制人口販運國際工作坊

臺灣防制人口販運工作10年  
成效、回顧及展望  
—防制外籍勞工人口販運

勞動部勞動力發展署  
專門委員蘇裕國

July, 2017



2017 INTERNATIONAL WORKSHOP ON  
STRATEGIES FOR COMBATING HUMAN  
TRAFFICKING

THE ACHIEVEMENTS, RETROSPECT AND  
PROSPECT OF TAIWAN'S COMBATING HUMAN  
TRAFFICKING FOR THE PAST 10 YEARS – ANTI-  
HUMAN TRAFFICKING IN FOREIGN WORKERS

Su Yu-Kuo

Senior Specialist of Workforce  
Development Agency, Ministry of Labor

July, 2017

## 大綱

- 壹、前言
- 貳、回到2005年
- 參、強化外勞管理機制(2006-2017年)
- 肆、當前挑戰及未來工作
- 伍、結語

## Outline

- 1. Foreword**
- 2. Retrospect from 2005**
- 3. Improve managerial efficiency on migrant workers (2006-2017)**
- 4. Current issues and further challenges**
- 5. Conclusion**



## 壹、前言

### 2004年美國TIP報告評比臺灣第1級

2004 第一級	2005 第二級	2006 第二級 觀察名單	2007 第二級	2008 2009 第二級
-------------	-------------	---------------------	-------------	---------------------

- 我國在2004年以前，美國TIP報告將臺灣評比為TVPA「人口販運被害人保護法」第1級。
- 2005年TIP報告指稱我國為從事性剝削而被販運之女子主要輸入國，TVPA降為第2級。
- 2006年因高捷泰勞案、台南仲介父子性侵案，我國TVPA評比首次列為第2級「觀察名單」。

## 1.Foreword

In 2004, Taiwan was ranked in "Tier 1" in the TIP report.

2004 Tier 1	2005 Tier 2	2006 Tier 2 Watch list	2007 Tier 2	2008 2009 Tier 2
----------------	----------------	------------------------------	----------------	------------------------

- By 2004, Taiwan was placed in "Tier 1" in American TIP Report according to the Trafficking Victims Protection Act (TVPA).
- In 2005, TIP reports pointed out Taiwan as the major country of commercial sexual exploitation of female human Trafficking. Thus, Taiwan was degraded in "Tier 2" in TVPA.
- In 2006, due to the cases of Thai migrant workers working on the Kaohsiung MRT and sexual assaults by Migrant Worker Agency at Tainan, Taiwan was accessed in the watch list of Tier 2 for the first time.



## 貳、回到2005年

### 一、高捷泰勞事件的危機與轉機

#### 高捷泰勞事件爆發

- 2005年8月21日，高捷公司岡山北機廠宿舍前發生外勞抗爭，起因是仲介公司管理人員對泰勞粗暴管理，泰勞不滿生活管理，導致約300人發生抗爭，並引起燒工寮、燒車輛、傷害管理員與攻擊消防員等行為。
- 此事件揭開1,728名泰勞遭不當對待及剝削的事實，包括薪資未直接全額給付、薪資扣款不明且無明細、部分薪資以代幣發給並限制於宿舍區消費、限制使用行動電話、宿舍太過擁擠、供應飯菜不新鮮、管理人員態度強勢不配合就回國。

## 2. Retrospect from 2005

Crisis and opportunity raised by Thai migrant workers working on the Kaohsiung MRT

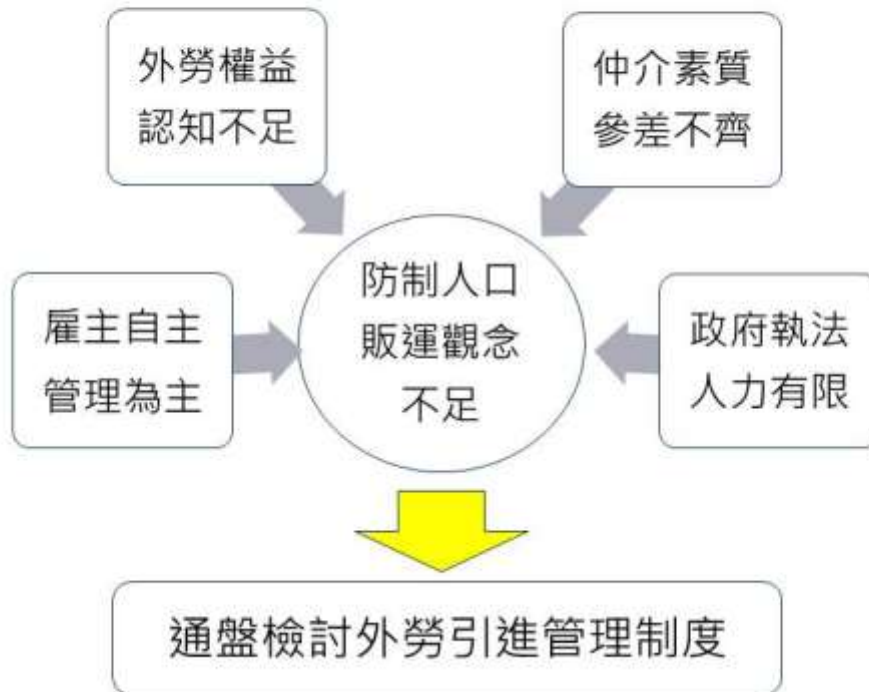
#### Thai migrant workers Incident at KRTCO

- on Aug. 21 2005, Thai migrant workers protested the rude attitude and livelihood management by Taiwan agency. The activities led arson and attacks on supervisors and firefighters.
- This incident reveals the dark side of these 1,728 Thai migrant workers. The unfair truth includes partial payment of wages, unknown deductions, partial wages paid by token (token only used in the livelihood area), limitation use of mobile phones, overcrowded dorm, lack of fresh meals, and bully supervisors.



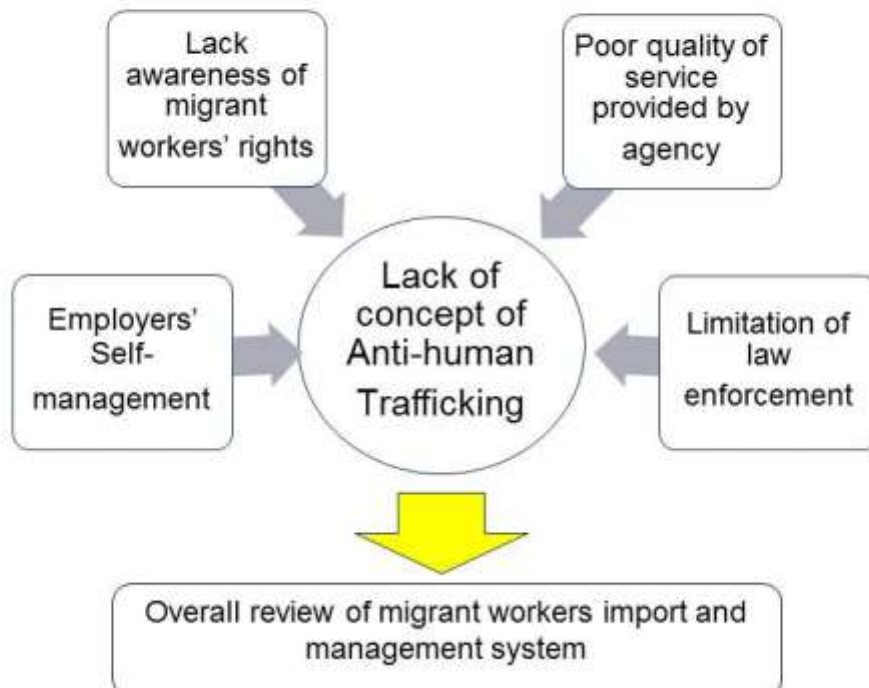
## 貳、回到2005年

### 二、當時的外勞管理機制



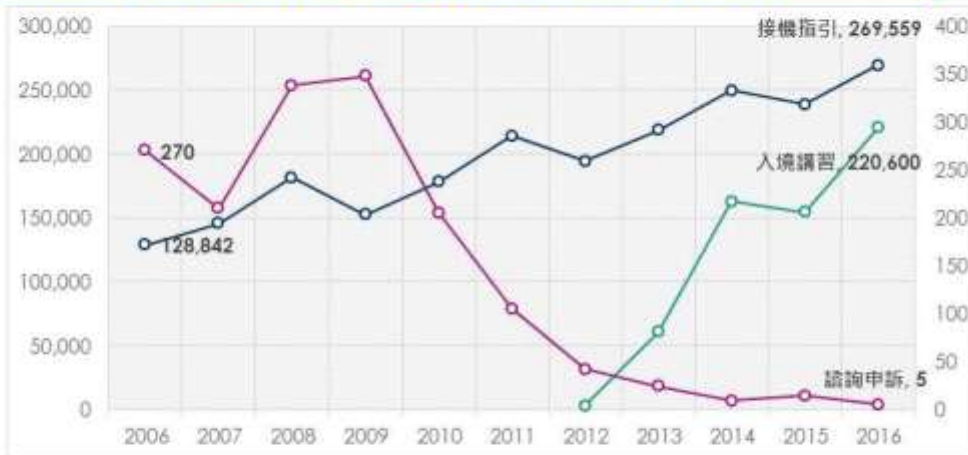
## 2.Retrospect from 2005

### Managerial system on migrant workers ever since



### 參、強化外勞管理機制(2006-2017年)

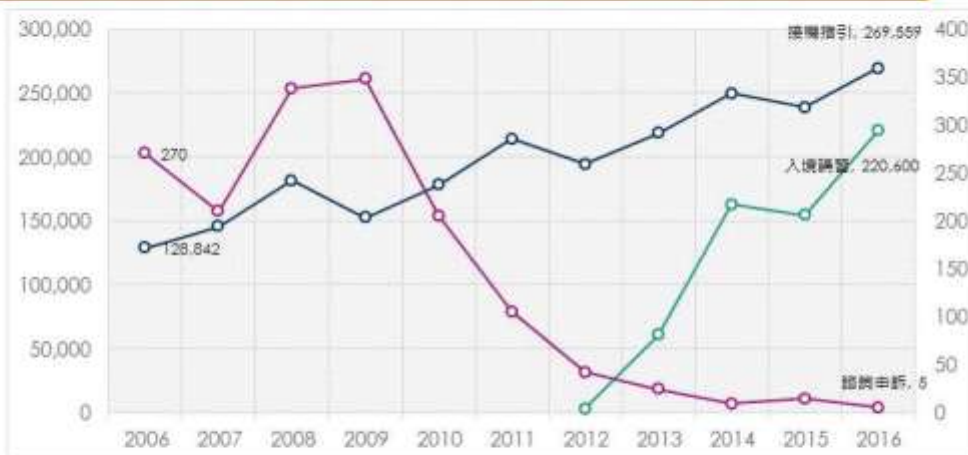
#### 一、設立國際機場外勞關懷服務站(2006年)



- 2006年起陸續於桃園及高雄國際機場設立外勞機場關懷服務站。
- 提供外勞入境接機服務、法令宣導講習、出境諮詢及申訴服務。

### 3.Improve managerial efficiency on migrant workers (2006-2017)

#### 1) Set up "migrant workers care and support counter" at International airports (2006)



- Set up the counters at Taoyuan and Kaohsiung International Airport
- Offer arrival guidance, legal rights briefing, departure counsel, and complaint service.

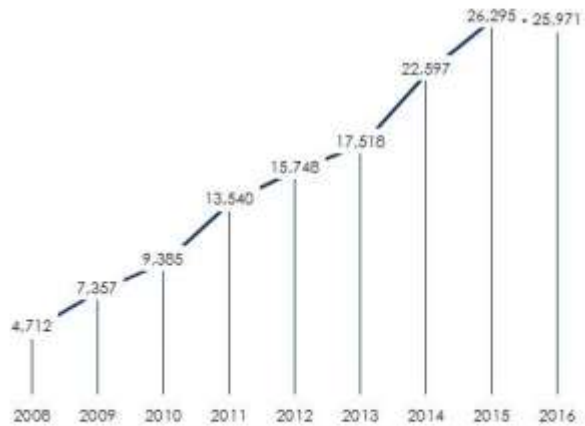


### 參、強化外勞管理機制(2006-2017年)

#### 二、設立直接聘僱中心(2007年)

- ▶ 為降低外籍勞工負擔高額仲介費用，2007年12月31日成立「直接聘僱聯合服務中心」，後設臺北、中、南、東、西5個服務窗口。
- ▶ 協助雇主自行招募原聘僱外勞，無需透過仲介公司，減少支付國內、外仲介公司辦理費用支出外，也縮短外勞再入臺時程及流程，避免遭受國外仲介剝削。

直接聘僱聯合服務中心服務雇主

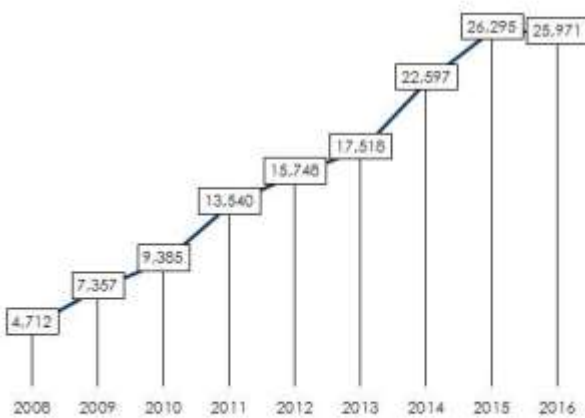


### 3.Improve managerial efficiency on migrant workers (2006-2017)

#### 2 ) Set up "direct recruitment center" (2007)

- ▶ Save the unreasonable service fee charged by agencies. "Direct recruitment center" set up 5 offices in north, central, south, east, and west of Taiwan.
- ▶ Assist employers to hire former Migrant Workers without go through agencies. Avoid the unexpected fee charged by local and foreign agencies, shorten the procedure and time for re-enter Taiwan

Number of employer were served by the center



### 參、強化外勞管理機制(2006-2017年)

#### 三、大幅強化外勞生活管理計畫書(2009-2017年)

##### 強化生活 管理項目

- 增加居住空間及走道大小，並注意居住隱私權
- 課予雇主保護外勞人身安全及隱私責任
- 要求雇主公告內部及政府1955等諮詢申訴管道
- 將訂定實施外籍漁工岸上、海上生活管理規定

##### 建立外勞入 國3日通報 檢查機制

- 規定雇主於外勞入國3日內通報地方政府
- 另地方政府需在外勞入國後3個月內訪視外勞工作、工資與收費、生活管理情形

### 3.Improve managerial efficiency on migrant workers (2006-2017)

#### 3) Upgrade migrant workers' livelihood management plan (2009-2017)

##### reform livelihood support

- expand the living space, and respect individual privacy
- educate employers to be responsible for protecting Migrant Workers' rights
- require employers notify migrant workers domestic and official 1955 complaint service
- to legislate and enforce the migrant fish workers on-shore and off-shore livelihood management regulation

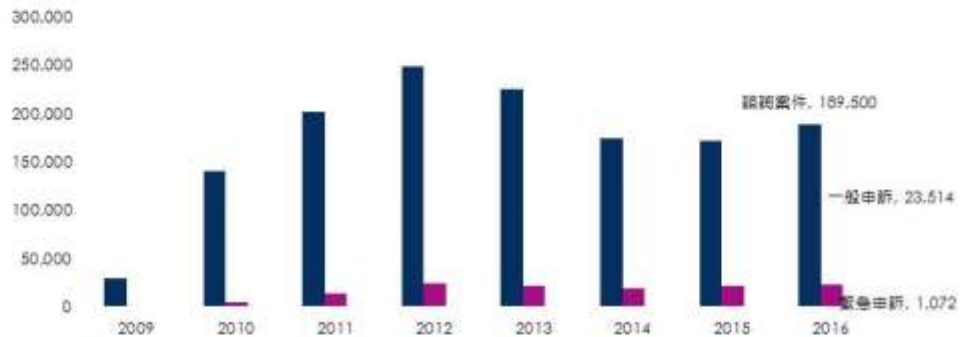
##### build the reporting system within 3 days from the date of arrival

- employers must report the local government within 3 days from the arrival date
- the local government visit and check the work environment regarding their work duties, payment of wages, livelihood conditions



### 參、強化外勞管理機制(2006-2017年)

#### 四、設立1955勞工諮詢申訴專線(2009年)



- 2009年7月1日起建置1955「外籍勞工24小時諮詢保護專線」，提供24小時雙語免費電話申訴諮詢服務、法律扶助諮詢、轉介保護安置、提供其他政府服務資訊。
- 快速處理申訴電話，受理後採電子派案至直轄市或縣（市）政府查處及追蹤管理申訴個案。
- 2011年2月起，新增以簡訊方式主動提供外勞法令宣導服務，並提供就醫、洽公、工作或生活所需線上即時通譯服務。

### 3.Improve managerial efficiency on migrant workers (2006-2017)

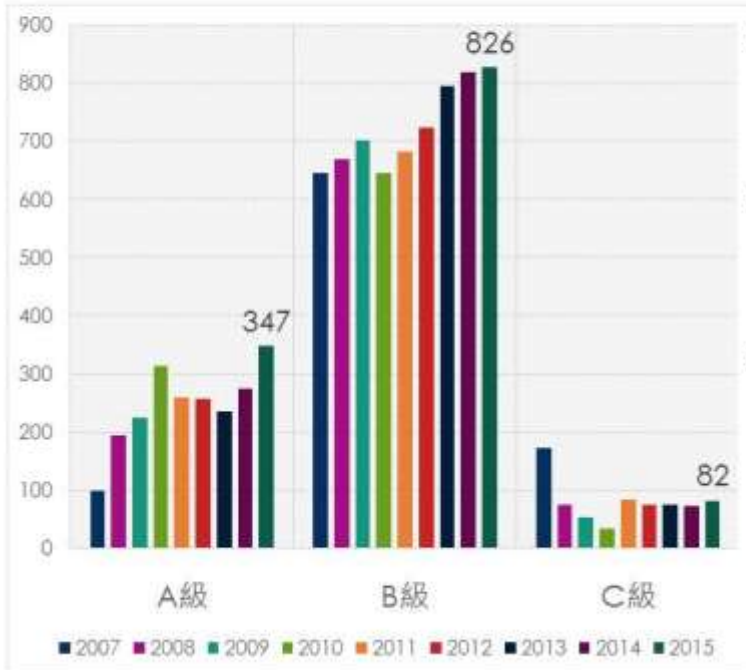
#### 4) Set up direct hotline for migrant workers complaint (2009)



- July 1, 2009, set up "1955" as "24-hour consultation hotline for foreign workers " which provides 24-hour bilingual free call for Legal advice, assistance in contacting protective services and counseling, and shelter referral service.
- Once the case filed, it will be soon online assigned to the local labor bureau to investigate.
- Since Feb. 2011, migrant workers will receive regular texts contains update regulations and support.

## 參、強化外勞管理機制(2006-2017年)

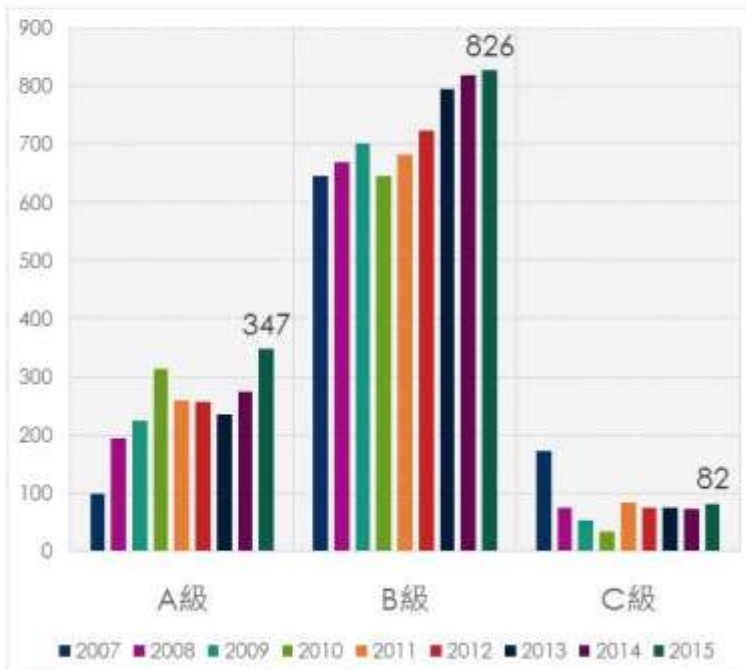
### 五、外勞仲介分級與獎優汰劣(2007年)



- 2004年辦理仲介公司評鑑 2007年修正法規，每年定期實地評鑑服務品質、違規處分、顧客服務等。
- 評鑑結果分為A、B、C公布於勞動力發展署網站 ([www.wda.gov.tw](http://www.wda.gov.tw))，提供雇主選擇仲介公司參考
- 限制C級仲介公司不得設立分支機構，並限期1年改善，如次年評鑑未達B級即不予重新設立許可，退出仲介市場。

## 3.Improve managerial efficiency on migrant workers (2006-2017)

### 3.Improve managerial efficiency on migrant workers (2006-2017)

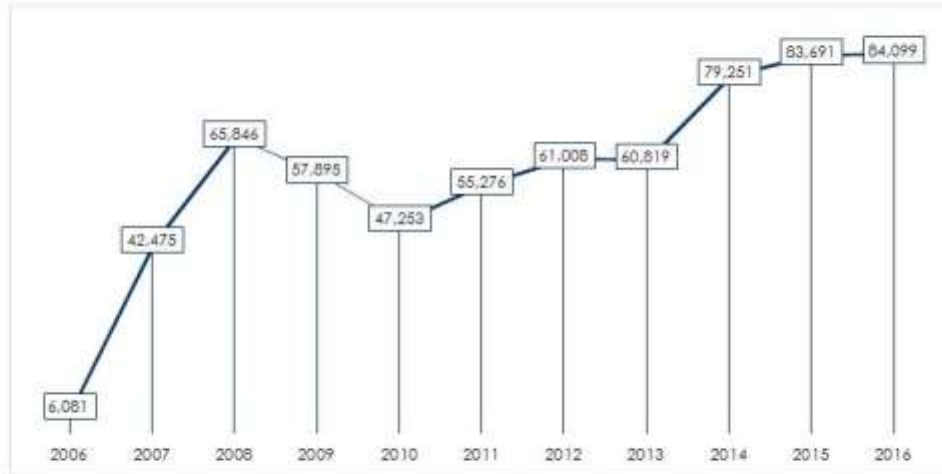


- The evaluation started in 2004. In 2007, the related regulations were amended. Since then, the evaluation is implemented annually, and the supervisors must undergo on-site inspection of service quality, and improvement of violation.
- The evaluation gives result into 3 Classes, A, B, C. The annually result will be released on homepage of Workforce Development Agency ([www.wda.gov.tw](http://www.wda.gov.tw)) for the employers' referenceto choose agencies.
- Agencies ranked in Class C are prohibited from setting branches and gave one year to advance. If these agencies cannot reach Class B in the next year, they will be closed.



### 參、強化外勞管理機制(2006-2017年)

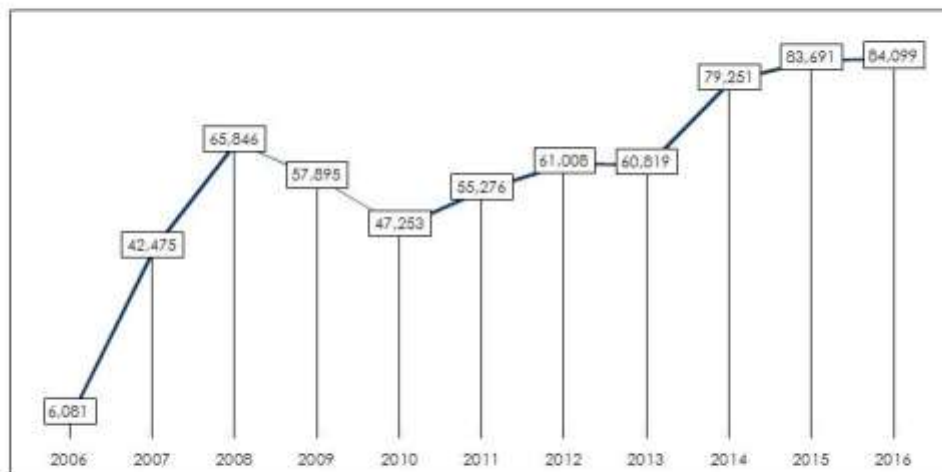
#### 六、建立外勞提前解約驗證制度(2006年)



- 雇主與外勞提前解除勞動契約出國前，須前往地方政府驗證外勞真意，防止外勞遭強迫遣返。

### 3.Improve managerial efficiency on migrant workers (2006-2017)

#### 6) Establish a system of early termination and verification (2006)



- If the employers early terminate the contract with their migrant workers, it must be verified by the local authorities to avoid forced repatriation occurred.



### 參、強化外勞管理機制(2006-2017年)

#### 七、行政院成立「行政院防制人口販運協調會報」及訂定人口販運防制法(2007年-2009年)

2006

- 行政院頒布「防制人口販運行動計畫」，由預防、查緝、起訴及夥伴關係4面向推動工作。

2007

- 行政院成立「防制人口販運協調會報」，由政務委員主持，內政部移民署整合勞動部等部會資源。
- 修正入出國及移民法訂定防制人口販運及保護專章。

2009

- 配合「人口販運防制法」公布實行，勞動部訂定「人口販運被害人工作許可及管理辦法」，核發工作許可、提供就業媒合、職業訓練、安置保護。

### 3.Improve managerial efficiency on migrant workers (2006-2017)

#### 7) The cabinet level Coordination Committee for Combating Human Trafficking was established, and the Human Trafficking Prevention Act was legislated. (200-2009)

2006

- In November of 2006, Taiwan issued the Human Trafficking Prevention Action Plan. It will be executed in 4 Ps (Prevention, Protection, Prosecution, Partnership).

2007

- The Coordination Task Force of Anti-Human Trafficking was established by Executive Yuan, hosted by a Minister without Portfolio. The National Immigration Agency coordinated resources from different government departments.
- Amend Immigration Act and trafficking prevention and protection

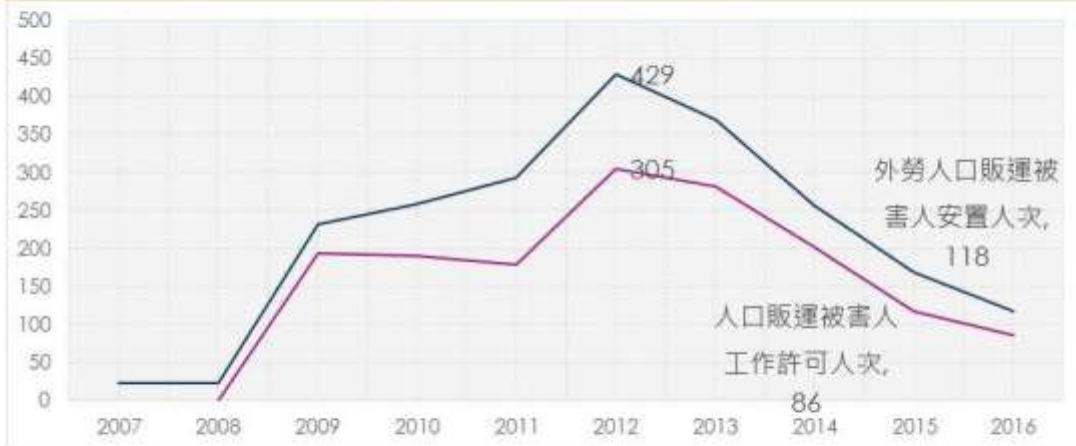
2009

- The Human Trafficking Prevention Act was enacted. The Ministry of Labor could issue work permit, job match, vocational training, and shelter refereeing accordingly.



### 參、強化外勞管理機制(2006-2017年)

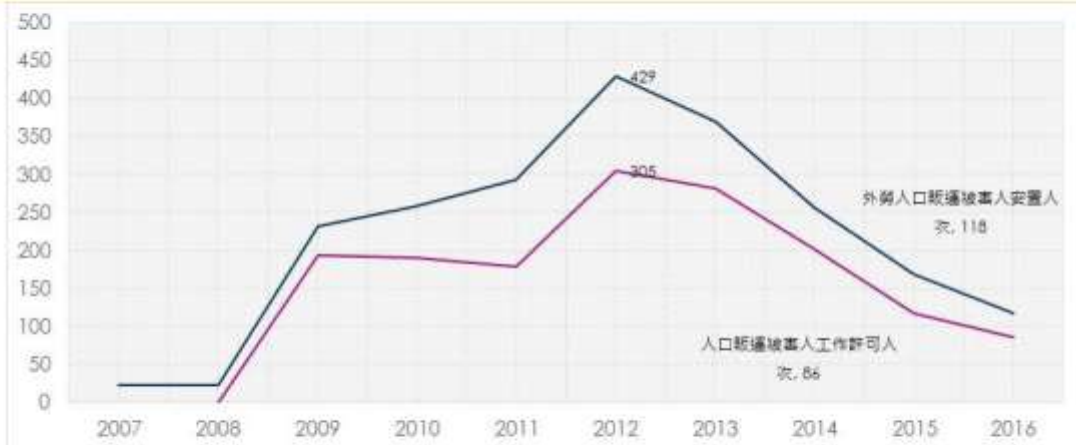
#### 八、提供被害人安置保護及就業職訓(2008-2009年)



- 2007年起，安置持工作簽證人口販運被害人。
- 2009年訂定發布「人口販運被害人工作許可及管理辦法」，在核發被害人工作許可時，一併主動協助外國人就業或安排職業訓練。

### 3.Improve managerial efficiency on migrant workers (2006-2017)

#### 8) Shelter Services of Human Trafficking Victims and vocational training



- Since 2007, issue working visa to the Human Trafficking Victims
- Since 2009, Work Permit and Management Regulations for Human Trafficking Victims was enacted

### 參、強化外勞管理機制(2006-2017年)

#### 九、增加地方政府外勞查察及諮詢人力(2013年)



- 1995年起補助22個地方政府設置外勞查察及諮詢人力。
- 分別於2006年及2013年增加人力，目前有274名查察人力、116名諮詢人力。
- 近4年來，外勞在臺人數增加約13萬人，但地方政府查察及諮詢人力未增加，工作負荷沉重。

### 3.Improve managerial efficiency on migrant workers (2006-2017)

#### 9. Increased Local Government Labor Inspection and Consultation (2013)



- Since 1995, 22 local governments have been setting up labor inspections and consultants
- Manpower has been increasing since in 2006 and 2013 respectively, therefore currently has 274 inspectors and 116 consultants.
- In the past 4 years, the number of foreign workers in Taiwan has increased by about 130,000, however the local government has not increased the workload of inspection and consultation.

## 參、強化外勞管理機制(2006-2017年)

### 十、僱主初次聘僱家事外勞必須接受聘前法令講習(2016年)

- 2015年修法明定初次申請聘僱外籍家庭看護工及家庭幫傭之僱主，在申請聘僱許可前，應參與聘前講習，以加強僱主知法守法觀念，維護外勞權益。
- 2016年參加僱主聘前講習計2萬7,094人。



課程	日期	參加人數	結業率
僱主聘前講習(初級)	106-02-23	6,875	98.7%
僱主聘前講習(中級)	106-02-17	2,897	98.7%
僱主聘前講習(高級)	106-02-03	1,248	98.7%
僱主聘前講習(特級)	106-06-11	1,020	98.7%
《基本法》與僱主講習	106-05-02	360	98.7%

## 3.Improve managerial efficiency on migrant workers (2006-2017)

### 10. Foreign workers who are employed must be hired before the ordinance

- Employers who apply for hiring of foreign family care workers and family helpers for the first time should apply for employment before applying for hiring permission to enhance their awareness of the law and abide by the law and safeguard the rights and interests of foreign workers.
- In 2016, there were 207,094 people who participated in the employment class.



課程	日期	參加人數	結業率
僱主聘前講習(初級)	106-02-23	6,875	98.7%
僱主聘前講習(中級)	106-02-17	2,897	98.7%
僱主聘前講習(高級)	106-02-03	1,248	98.7%
僱主聘前講習(特級)	106-06-11	1,020	98.7%
《基本法》與僱主講習	106-05-02	360	98.7%

## 參、強化外勞管理機制(2006-2017年)

### 十一、修法取消外勞聘僱期滿必須出國1日規定(2016年)

- 為減輕外籍勞工再次入國所支付之相關費用負擔，並解決雇主人力調度及照顧空窗期，2016年刪除就業服務法第52條有關外勞3年聘僱期滿必須出國1日規定。
- 外勞得與雇主合意期滿續聘、期滿轉換，或與新雇主合意期滿轉換接續聘僱，免返原國家、可留臺工作，減輕外國仲介費用。
- 至2017年4月底止，核准期滿續聘案件計4萬3,248件，核准期滿轉換計4,616件，核准期滿接續聘僱846件。
- 2017年4月，訂定「外籍勞工請假返國辦法」，規範雇主不可拒絕外勞休假返國。



### 3.Improve managerial efficiency on migrant workers (2006-2017)

11. The law stated that to abolish the employment of foreign workers must be allowed to go abroad 1 day (2016)

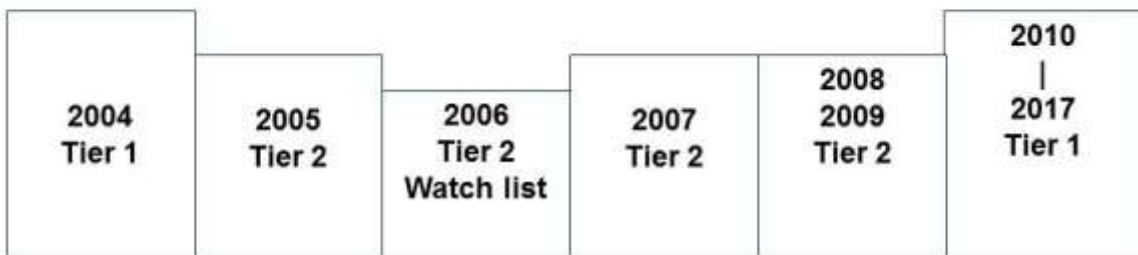
- In order to reduce the burden on the reimbursement of foreign workers and to address the employer's manpower dispatch and take care of the window, the Law on the Removal of Employment Services Act, 2016 discusses about going aboard 1 day after 3 years of employment.
- The foreign workers are allowed to renew their employment with the employer, or they will be allowed to work in the same way as the new employer, and the foreign exchange will be passed.
- As of the end of April 2017, the number of applications for renewal of the period was 40,300, with 4,616 of the approved expiry date and 846 for the approval period.
- April 2017, the "foreign workers leave the country to return home", regulate the employer can not refuse to leave the country.



### 參、強化外勞管理機制(2006-2017年)



### 3.Improve managerial efficiency on migrant workers (2006-2017)



## 肆、當前挑戰及未來工作

### 一、家事外勞勞動條件保障

- 研擬「家事勞工保障法(草案)」：為強化家事勞工之保障，本部歷經多年研議，前於2011年3月研擬完成「家事勞工保障法(草案)」，並於2013年9月再陳行政院續行審議。惟因缺乏社會共識，且長期照顧服務法於2017年起施行，行政院已要求本部配合長期照顧制度推動，再行檢討。
- 研訂「家事勞工勞動權益保障參考指引(草案)」：考量長期照顧制度對居家照護等將有相關措施，為配合上開制度之推行，本部已研訂「家事勞工勞動權益保障參考指引(草案)」，期導引勞雇雙方將基本權利義務納為勞動契約之一部，並以循序漸進方式形成社會共識，後續預定於106年8月底前邀集學者專家及相關部會召開研商會議。

## 4. Current issues and further challenges

### 1. Domestic Workers Protection

- Developing the Domestic Workers Protection Law (Draft): In order to strengthen the protection of domestic workers, the Ministry of Labor - with over the years of study - completed the Domestic Workers Protection Law (Draft) in March 2011, and in September 2013 adjourned by the Executive Yuan. However, due to a lack of social consensus and the Long Term Care Service Act came into effect in 2017, the Executive Yuan has requested the Ministry of Labor to carry out the review with the long-term care system.
- In order to meet the requirements of the system, the MOL has formulated the Guidelines on the Protection of Labor Rights and Interests in Domestic Workers (Draft). In this paper, the Ministry of Labor and Welfare, would guide the two sides to the basic rights and obligations as one of the labor contract, and in a step-by-step way to form a social consensus, follow-up scheduled by the end of August 2017 invited scholars and relevant departments will convene a seminar.



## 肆、當前挑戰及未來工作

### 二、改善外籍漁工生活管理

- 為使境內僱用外籍漁工能獲得更完善之生活照顧，並課予雇主落實外籍勞工管理之義務，藉以改善外籍漁工生活環境，本部已修正雇主聘僱外國人許可及管理辦法，明定外籍漁工應納入外國人生活照顧服務計畫書裁量基準，將於106年7月6日發布，並於107年1月1日生效，以保障漁工生活權益。
- 另研議由就業安定基金補助地方政府於大型漁港設置陸上岸置中心，提供外籍漁工更佳居住環境。

## 4. Current issues and further challenges

### 2. Improve the management of foreign fishermen life

- To provide employers with the obligation to implement foreign labor management in order to improve the living environment of foreign fishermen, the department has amended the employer's employment and management of foreigners. It is clear that foreign fishermen should be included in the foreigners' care service plan. This will be released on July 6, 2017, and in January 1, 2018 entered into force to protect the interests of fishermen's lives.
- Another study by the employment stability fund to subsidize the local government in large fishing port set up land on the shore center, to provide a better living environment for foreign fishermen.



## 肆、當前挑戰及未來工作

### 三、外籍勞工通譯人力

- 為協助外勞接受警察機關或移民機關調查詢問時，提供外勞必要通譯服務，目前已結合NGOs提供通譯人力，以保障人口販運被害人之工作及訴訟權益，但通譯人力不足。
- 本部將於2017年底前，修正通譯人力規定，提高通譯費用及提供交通費用，以充實通譯人力。

## 4. Current issues and further challenges

### 3. Foreign Workers Forced Labor

- In order to assist foreign workers in the investigation of inquiries from the police or immigration authorities, it is necessary to provide the necessary translation services for foreign workers. At present, NGOs have been provided with interpreting human resources to protect the work and litigation rights of victims of trafficking.
- The Department will, by the end of 2017, amend the manpower provisions to improve the cost of translation and provide transportation costs to enhance the translation of manpower.



## 肆、當前挑戰及未來工作

### 四、推動「保護所有遷徙工人及其家庭成員權利國際公約」國內法化

- ▶ 聯合國「九大核心人權公約」，尚有「禁止酷刑和其他殘忍不人道或有辱人格的待遇或處罰公約」、「保護所有遷徙工人及其家庭成員權利國際公約」、「保護所有人免遭強迫失蹤國際公約」3項公約尚未國內法化，其中「保護所有遷徙工人及其家庭成員權利國際公約」為勞動部主政。
- ▶ 勞動部2014年完成研究，規劃採行「條約締結法」方式，檢視公約條文文字用語之妥適性與國內相應之法令規範，再送立法院審議並呈請總統公布，完成國內法化程序，並由中央跨部會及地方政府合作，以落實移工及其家庭成員人權保障。

## 4.Current issues and further challenges

### 4. To promote "the protection of all migrant workers And its International Covenant on Community Rights"

- ▶ The United Nation's "nine core human rights conventions" includes "The Convention against Torture and Other Cruel and Inhuman or Degrading Treatment or Punishment", "The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families", "International Convention for the Protection of All Persons from Enforced Disappearance". The three conventions have not yet been domesticated, and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families is the Ministry of Labor.
- ▶ The Ministry of Labor completed the study in 2014, planning the adoption of the "Treaty Enforcement Act" approach, review the terms of the text of the Convention and the corresponding domestic laws and regulations, and then sent to the Legislative Council for consideration and submitted to the President announced the completion of domestic legal procedures, Ministries and local governments to implement human rights protection for migrant workers and their families.

## 伍、結語

- 我國向來重視基本人權保障，勞動部並以國民待遇保障在臺外籍勞工權益。未來將持續積極協調中央、地方政府等公部門，並結合民間資源，及透過相關法制規定與管理措施等，給予在臺工作外勞妥善保障，使其能安心在臺工作，遠離人口販運。

## Conclusion

- Taiwan has always attached importance to basic human rights protection, the Ministry of Labor and the national treatment to protect foreign workers in Taiwan rights and interests. The future will continue to actively coordinate the central and local governments and other public departments, combined with private resources, and through the relevant legal provisions and management measures, to give work in Taiwan to protect foreign workers, so that peace of mind in Taiwan, away from human trafficking.



簡報結束

THE END

臺灣防制人口販運工作 10 年  
成效、回顧及展望 (二)

*The Achievements, Retrospect and Prospect of Taiwan's  
Combating Human Trafficking for the past 10 years (2)*



## 2017 年防制人口販運國際工作坊

## 被害人陪同偵訊成效

### *Achievements of Accompanying Interrogation*

主 講 人： 白智芳

財團法人臺北市婦女救援社會福利事業基金會副執行長

Speaker: **Jasmine Bai**

Deputy Chief Executive Officer, Taipei Women's Rescue  
Foundation



## 主講人簡介

### 白智芳

財團法人臺北市婦女救援社會福利事業基金會  
副執行長



### 經歷

婦女救援基金會研發部主任

婦女救援基金會花蓮工作站主任

婦女救援基金會花蓮工作站主任公共政策事務組督導

婦女救援基金會救援部主任

婦女救援基金會救援部督導，兼任花蓮庇護所主任

婦女救援基金會救援組社工

婦女救援基金會婦幼組社工

### 專長

婦女保護議題倡議、宣導及被害人服務

防制人口販運議題倡議、宣導及被害人保護服務



## Brief Introduction of Speaker

### Jasmine Bai

Deputy Chief Executive Officer, Taipei Women's Rescue Foundation



### PROFESSIONAL EXPERIENCES

Director of Research and Development Department, Taipei Women's Rescue Foundation

Station Chief of Hualien Workstation, Taipei Women's Rescue Foundation

Supervisor of Public Policy Affairs / Station Chief of Hualien Workstation, Taipei Women's Rescue Foundation

Chief of Rescue Division, Taipei Women's Rescue Foundation,

Supervisor and Director of Shelter division, Anti-Trafficking Department, Taipei Women's Rescue Foundation

Anti-Trafficking Resue Team Social worker, Taipei Women's Rescue Foundation

Social Worker, Domestic Violence Department, Taipei Women's Rescue Foundation

### SKILLS

Women Protection Issues initiative, outreach campaign and Victims Service

Anti-human trafficking initiative, outreach campaign and Victims Service



# 人口販運防制陪偵工作10年路

---

副執行長 白智芳

2017.07.25



# Service of Social Workers to Accompany Victims during Interrogation in Human Trafficking Prevention over the Past 10 years

---

Deputy Chief Executive Officer: Jasmin Bai

2017.07.25



## 疑似人口販運被害人陪同偵訊服務

24h  
0988-682-381  
0988-682-383

一通電話.全國服務

服務項目  
· 社工陪偵 + 諮詢  
· 18歲以上  
· 不分國籍.剝削類型

10

穩定案主身心狀態  
聚焦偵訊應答完整度  
協助檢警人員鑑別

 婦女救援基金會  
Taiwan Women's Relief Foundation

## Suspected Human Trafficking Victim and Accompanied Interrogation Service

One Phone Call  
to a Nation-Wide Service

24h  
0988-682-381  
0988-682-383

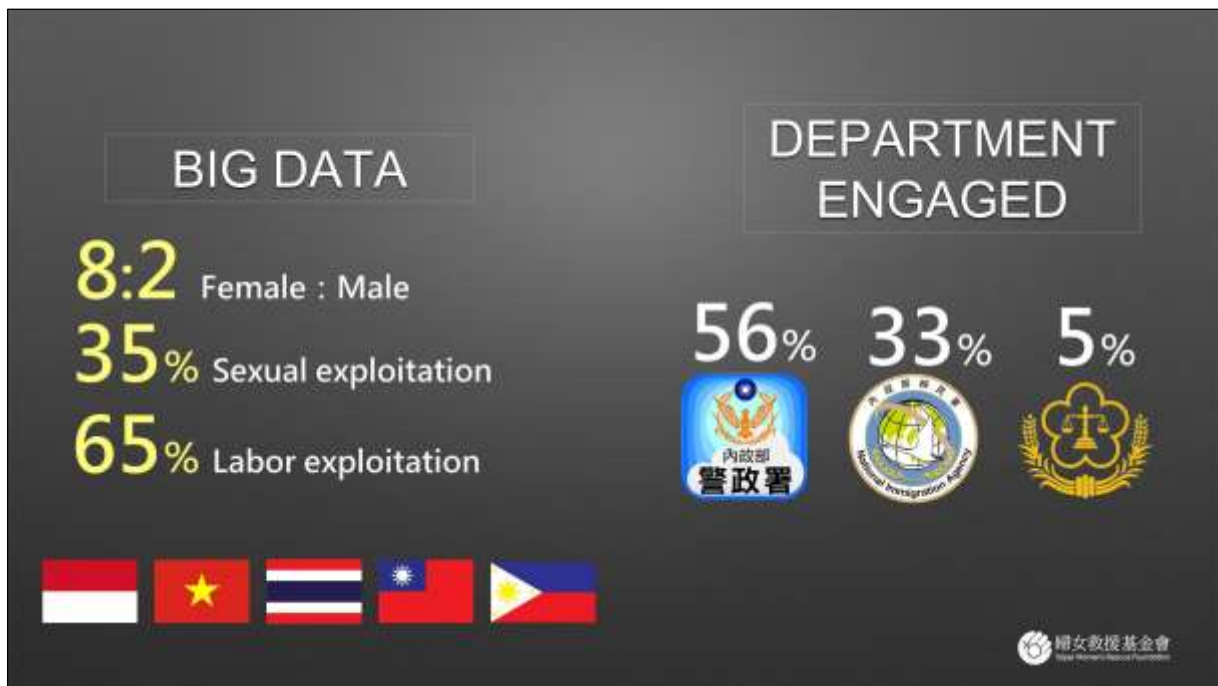
Service List:

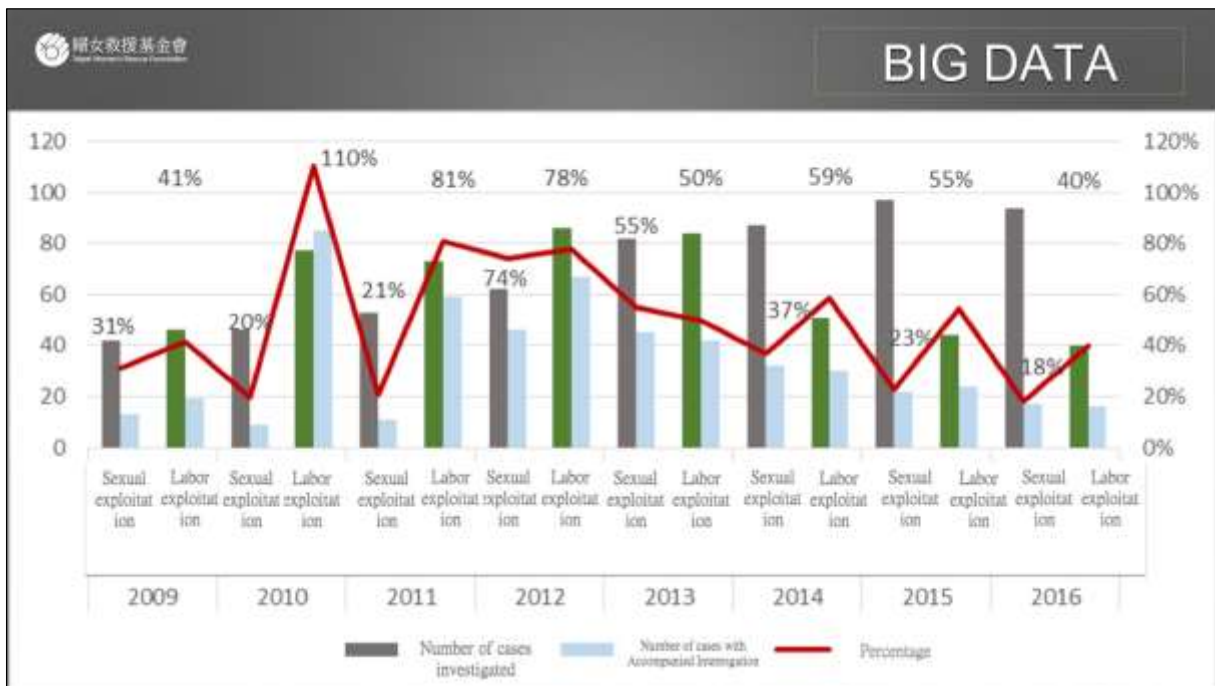
- Service of Accompanying Social Workers in Interrogation
  - Counseling
  - 18 years old and above
- Regardless of Nationality and Type of Exploitation

10

Stabilize Client's Physical and Mental condition  
Focus on the integrity of victims' response and answer  
Help Prosecutor and Police identify

 婦女救援基金會  
Taiwan Women's Relief Foundation







**挑戰**

 使用率v.s經費預算


 偵辦時間壓力


第一線執法人員認知與態度  
議題敏感度、對社工信任度







**Challenges**

 Usage Rate v.s. Budget

 Investigation under Time Pressure

Perception and Attitude of Law Enforcement on the Line, Sensitivity to the Issue, Trust in Social Workers.







## 展望

1. 增強檢警人員使用陪偵服務意願
2. 推動修法納入社工陪偵服務
3. 積極分享疑似被害人工作經驗

## Looking Ahead

1. Raise the police's willingness to use the service of accompanying social workers in interrogation
2. Push for law amendments to include the service of accompanying social workers in interrogation
3. Valigorously share the experience of working with suspected victims







## 2017 年防制人口販運國際工作坊

第二場  
國際間人口販運問題報告評比  
第一級國家分享

*Session 2*  
*Experiences Sharing from*  
*Tier 1 Countries around the World*



## 2017 年防制人口販運國際工作坊

亞美尼亞防制人口販運評比  
第一級國家經驗分享  
*Experiences Sharing from Armenia*

主講人：**Viktor Avakova**

亞美尼亞聯合衛理救濟委員會協調專員

Speaker: **Viktor Avakova**

Anti-trafficking and Health Programs Coordinator



## 主講人簡介

### **Viktoriya Avakova**

亞美尼亞聯合衛理救濟委員會協調專員

#### 經歷

亞美尼亞聯合衛理救濟委員會協調專員

聯合國人口販運受害者自願信託基金董事會成員

#### 專長

設計、規劃、管理反人口販運及衛生專案；制定專案監測評估系統

## **Brief Introduction of Speaker**

### **Viktoriya Avakova**

Anti-trafficking and Health Programs Coordinator

#### **PROFESSIONAL EXPERIENCES**

Anti-Human Trafficking and Health Projects Coordinator, UMCOR Armenia Foundation

Member of The Board of Trustees of UN Voluntary Trust Fund for Victims of Trafficking In Persons

#### **SKILL**

Design, plan and manage anti-trafficking and health projects; Develop M&E systems for projects, prepare reports



亞美尼亞的經驗分享

亞美尼亞經驗分享	<ol style="list-style-type: none"><li>1. 有關於亞美尼亞：地理位址，政治--經濟概觀</li><li>2. 人口販運情況：根本原因，種類，統計，犯罪的動態以及現在的趨勢</li></ol>
亞美尼亞如何成為第一級的國家	依照 TIP 的建議發展
政策與立法	<ol style="list-style-type: none"><li>1. 總覽</li><li>2. 法律的在地化與國際化</li><li>3. 制度機制</li></ol>
把受害者擺第一	<ol style="list-style-type: none"><li>1. 受害者協助之法律；把受害者協助跟案件調查分開</li><li>2. 舉發及轉介，獲得舉發獎金</li><li>3. 協助跟再融入社會，政府跟非政府組織合作</li></ol>
成功的做法	<p><b>I.受害者保護措施</b></p> <ol style="list-style-type: none"><li>1. 多種方式可鑑別受害者，轉介以及再融入</li><li>2. 建立賠償基金來輔助受害者</li></ol> <p><b>II.受害者預防措施</b></p> <ol style="list-style-type: none"><li>1. 媒體活動與獎勵</li><li>2. 與高風險族群接觸(提供資訊，熱線，經濟救助，法律協助)</li><li>3. iMigrant 智慧型手機軟體下載使用</li></ol> <p><b>III.受害者起訴協助</b></p> <ol style="list-style-type: none"><li>1. 擔任協助角色的非政府組織跟在地警方合作</li></ol>
精益求精	<ol style="list-style-type: none"><li>1. 勞動檢查在鑑別人口販運案件中扮演的角色</li><li>2. 法律在解決強迫性勞動案件上的落差</li><li>3. 在調查階段與法院審理跟時增進友善的機制 強化社會保護系統</li><li>4. 恥辱標籤跟歧視</li></ol>
TIP 報告排名所帶來的正面影響	未來計畫的發展與進步



## Experience Sharing from Armenia

<b>Introduction</b>	<ol style="list-style-type: none"> <li>1. <b>information about Armenia: location, political-economic overview</b></li> <li>2. <b>THB situation: root causes, types, statistics, dynamics of crime and current tendencies</b></li> </ol>
<b>How Armenia became a Tier 1 country</b>	<b>Developments based on the TIP recommendations</b>
<b>Policies and legislation</b>	<ol style="list-style-type: none"> <li>1. <b>General overview</b></li> <li>2. <b>Legal framework (local and international)</b></li> <li>3. <b>Institutional mechanisms</b></li> </ol>
<b>Putting victims first</b>	<ol style="list-style-type: none"> <li>1. <b>Law on Victim assistance; separation of victim assistance and investigation</b></li> <li>2. <b>Identification and referral -Identification commission</b></li> <li>3. <b>Assistance and reintegration, cooperation of state and NGOs</b></li> </ol>
<b>Successful practices</b>	<p><b>Victim protection</b></p> <ol style="list-style-type: none"> <li>1. <b>Multi Agency approach in victim identification, referral and reintegration</b></li> <li>2. <b>Establishment of the compensation fund for VoTs</b></li> </ol> <p><b>Prevention</b></p> <ol style="list-style-type: none"> <li>1. <b>Mass media campaign and award</b></li> <li>2. <b>Work with at-risk groups (information, hot-line, economic empowerment, legal assistance)</b></li> <li>3. <b>iMigrant smartphone application</b></li> </ol> <p><b>Prosecution</b></p> <ol style="list-style-type: none"> <li>1. <b>Cooperation between assisting NGOs and LE</b></li> </ol>
<b>Areas for further improvement</b>	<ol style="list-style-type: none"> <li>1. <b>Labor inspection role in identification of THB cases</b></li> <li>2. <b>Legal gap to address Forced labor cases</b></li> <li>3. <b>Improving friendly mechanisms during investigation and court hearing</b></li> <li>4. <b>Strengthening social protection system</b></li> <li>5. <b>Stigma and discrimination</b></li> </ol>
<b>Positive impact of TIP report ranking</b>	<b>Moving towards future/ further plans and developments</b>



## 2017 年防制人口販運國際工作坊

第四場  
避免漁工剝削之查緝成效及預防作為

*Session 4*  
*Crackdown Achievements and Prevention Measures*  
*of the Fishery Workers Exploitation*



## 2017 年防制人口販運國際工作坊

**泰國 2015、2016 年查緝漁工剝削成效  
及管理新措施**

*Crackdown Achievements and New Management Measures of  
the Fishery Workers Exploitation in Thailand from 2015-2016*

主 講 人： **Choosak Apaipakdi**  
泰國警政署中央調查局副組長

Speaker: **Choosak Apaipakdi**  
Deputy Superintendent of Anti-Trafficking in Persons Division



## 主講人簡介

### Choosak Apaipakdi

泰國警政署中央調查局副組長



#### 經歷

泰國皇家警察局人口販運調查講座主講人

人口販運調查毒品和犯罪問題辦公室方案發言人

警政署調查官

反人口販運調查官

## Brief Introduction of Speaker

### Choosak Apaipakdi

Deputy Superintendent for Anti-Trafficking in Persons Division



#### PROFESSIONAL EXPERIENCES

Speaker of Royal Thai Police, 2010-2017 Lecture on 52 trafficking investigations.

Speaker of the UNODC Program, 2015-2016 lecture on human trafficking investigations

police station investigator

Officer for Anti-Trafficking in Persons Division



กองบังคับการปราบปรามค้ามนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION



**2015-2016年間泰國在打擊漁工  
剝削的成就及新的管理措施**



กองบังคับการปราบปรามค้ามนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION



**Crackdown Achievements and new  
management measures of the  
Fishery Workers Exploitation in  
Thailand from 2015-2016**



กองบังคับการปราบปรามค้ำมนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION

## 漁業問題

1991年，聯合國糧食及農業組織FAO的附屬機構漁業委員會(COFI)通過一項決議，應遏止海洋生物的過度捕撈行為並進行相關管理規範。



กองบังคับการปราบปรามค้ำมนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION

## Fishery Problems

In 1991, The Committee on Fisheries (COFI) a subsidiary body of the FAO Council convened and adopted a resolution that There should be a way to manage and conserve marine life from Overfishing







กองบังคับการปราบปรามค้ามนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION

## 國際的漁業規範

1995年，FAO發佈「責任制漁業規範」，並於2001年啟動查緝IUU(非法、未報告及未受規範漁業)行動計畫。



Food and Agriculture  
Organization of the  
United Nations

The Code of Conduct for  
Responsible Fisheries  
(CCRF)



กองบังคับการปราบปรามค้ามนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION

## Global regulation for fisheries

In 1995, The FAO issued an international bond called “Code of Conduct for Responsible Fisheries”  
After that, The action plan named International Plan of Action to Prevent, Deter and Eliminate IUU (IPOA-IUU) was launched In 2001.



Food and Agriculture  
Organization of the  
United Nations

The Code of Conduct for  
Responsible Fisheries  
(CCRF)





กองบังคับการปราบปรามค้ามนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION

歐盟對於非法漁業的定義為非法、未報告及未受規範

- 非法漁業
- 未報告漁業
- 未受規範漁業



กองบังคับการปราบปรามค้ามนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION

Definition of illegal fishing from EU regulations  
Illegal Unreported and Unregulated fishing or (IUU Fishing)

- Illegal fishing*
- Unreported fishing*
- Unregulated fishing*







กองบังคับการปราบปรามค้ายา  
ANTI-TRAFFICKING IN PERSONS DIVISION

泰國：既是原籍國，也是過境國和目的地國

泰國是在東南亞和其他地區販運人口(含壯丁、  
婦女和兒童)的來源、過境和目的地國家



กองบังคับการปราบปรามค้ายา  
ANTI-TRAFFICKING IN PERSONS DIVISION

**Thailand : country of origin ,transit and destination**

Thailand is a source ,transit and destination country  
for men, women, and children subjected to  
trafficking throughout Southeast Asia and other  
regions.





กองบังคับการปราบปรามค้ามนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION

## 泰國漁業管理措施

2015年，泰國政府對漁業制定了6項管理措施



กองบังคับการปราบปรามค้ามนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION

## Measures on Thai fishing industry

In 2015 Thai government has set 6 measures to address Thai fishing industry issues.





กองบังคับการปราบปรามค้ามนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION

## 泰國漁業管理措施

### 1. 修訂漁業法及相關子法等規範



กองบังคับการปราบปรามค้ามนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION

## Measures on Thai fishing industry

### 1. The revised Fisheries Act and Subordinate Legislation





กองบังคับการปราบปรามค้ามนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION

## 泰國漁業管理措施

2. 泰國的國家行動計畫：在2015 - 2019年間，執行防止、制止和消除IUU漁業等管理措施  
(Thailand NPOA-IUU 2015 – 2019)



กองบังคับการปราบปรามค้ามนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION

## Measures on Thai fishing industry

2. Thailand National Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing 2015 - 2019 (Thailand NPOA-IUU 2015 – 2019)





กองบังคับการปราบปรามค้ามนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION

### 泰國漁業管理措施

#### 3. 加速漁船執照的登記和漁業捕撈許可證的核發



กองบังคับการปราบปรามค้ามนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION

### Measures on Thai fishing industry

#### 3. Acceleration of fishing vessel registration and issuance of fishing licenses







กองบังคับการปราบปรามค้ามนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION

## 泰國漁業管理措施

4. 開發漁業的監控系統。特別是監控漁船的進出港資料。



กองบังคับการปราบปรามค้ามนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION

## Measures on Thai fishing industry

4. The development of fishing control and surveillance systems. In particular, the control of the entry and exit of fishing vessels.





กองบังคับการปราบปรามค้ามนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION

## 泰國漁業管理措施

### 5. 船位監控系統VMS



กองบังคับการปราบปรามค้ามนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION

## Measures on Thai fishing industry

### 5. Vessel Monitoring System - VMS





กองบังคับการปราบปรามค้ามนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION

## Measures on Thai fishing industry

### 6. 可朔源的漁產品



กองบังคับการปราบปรามค้ามนุษย์  
ANTI-TRAFFICKING IN PERSONS DIVISION

## Measures on Thai fishing industry

### 6. Traceability





กองบังคับการปราบปรามค้ายา  
ANTI-TRAFFICKING IN PERSONS DIVISION

## 加強國際合作，防治漁業部分的運販

東協對於打擊IUU的努力是否可被接受。如果東協可有效打擊IUU，這意味著東協能夠擔負起維護海洋資源，並達到促進東協的糧食安全政策的目標



กองบังคับการปราบปรามค้ายา  
ANTI-TRAFFICKING IN PERSONS DIVISION

## Expectations of an international cooperation to prevent trafficking in fishing industry

ASEAN's efforts to combat illegal fishing(IUU) will it be acceptable? If ASEAN can crack down on illegal fishing (IUU) Effectively. This will sustain the marine natural resources and also promotes ASEAN's food security policy.







## 2017 年防制人口販運國際工作坊

臺灣對境外僱用漁工查緝剝削成效  
及勞動管理新作法

*Crackdown Achievements and New Management Measures of the  
Exploitation of the Oversea Hired Fishery Workers in Taiwan*

主 講 人： 林良榮  
國立政治大學法學院助理教授

Speaker: **Lin, Liang Jong**  
Assistant Professor of College of Law, National Chengchi University



## 主講人簡介

### 林良榮

國立政治大學法學院專任助理教授



### 經歷

台灣勞動法學會常務理事

勞動部「勞工保險爭議審議會第三屆委員」

台北市政府勞動局就業評議委員會委員

高雄市勞工局勞資仲裁委員會委員

### 專長

勞動法學、法社會學、社會法基礎理論



## Brief Introduction of Speaker

### **Lin, Liang-Jung**

Assistant Professor, College of Law, National Cheng-Chi University



### **PROFESSIONAL EXPERIENCES**

Executive Director, Taiwan Labor Law Society.

The 3rd Member of the Rules for the Settlement of Labor Insurance, Ministry of Labor

The Member of Job Evaluation Committee, Department of Labor, Taipei City Government

The Member of Industrial Arbitration, Labor Affairs Bureau of Kaohsiung City Government.

### **SKILL**

Labor law, Legalsociology, Basic Theory of Social Law



2017年防制人口販運國際工作坊

臺灣對境外僱用漁工查緝剝削成效  
及勞動管理新作法

政治大學法學院  
林良榮

2017 International Workshop on  
Strategies for Combating Human Trafficking

Crackdown Achievements and New Management Measures  
of the Exploitation of the Oversea Hired Fishery  
Workers in Taiwan

Lin, Liang-Jong  
Assistant Professor of College of Law, National Chengchi University

## 討論題綱

- 一、我國漁船勞動關係與漁工僱用之現況
- 二、漁工的「境外僱用」與海上勞動環境
- 三、現行我國海上之勞動保護：以漁業勞動關係為考察對象
- 四、境外僱用漁工的勞動檢查
- 五、結語:我國漁業勞動體制之政策檢討與未來境外漁工人權之保障

## Discussion Outline

1. Taiwan's Fishing Labor Relations and the Current State of the Fishermen Hired
2. Nonresident Fishermen Hired Abroad and their work environment in the sea
3. The exercise of labor protection at sea: An examination of Fishery Labor Relations
4. Labor Inspection of Nonresident Fishermen Hired Abroad
5. Conclusion: Policy review of current fishery's labor system and the safeguard of human rights for nonresident fishermen hired abroad in the future



## 一、我國漁船勞動關係與漁工僱用之現況

### 海上(船員)勞動關係:

→ 商船船員/漁船船員

→ 自營(船東)作業與雇用勞動關係

→ 本籍與外籍(勞工)

→ 境內(國內)/境外(國外)雇用・勞動

## 1. Taiwan's Fishing Labor Relations and the Current State of the Fishermen Hired

### Labor relations at sea (crew)

→ Merchant crew/fishing crew

→ Self-employed (Ship owner) operations/Hired Labor Relations

→ Resident/Non-resident Workers

→ Domestic/Abroad Hiring, Labor

## 一、我國漁船勞動關係與漁工僱用之現況

1.

根據主計總處的統計指出，至2016年底，從事漁業之年底僱用人數為44828人，其中海上雇用為25471人，陸上雇用為19357人。若按主要經營種類區分，屬於漁撈業的遠洋漁業從業者有27094人，而其中為海上雇用者有25278人。

2.

「境外僱用」漁工之現況？

### 1. Taiwan's Fishing Labor Relations and the Current State of the Fishermen Hired

1. According to the Directorate General of Budget, Accounting and Statistics, until the end of 2016, there are currently 44,828 people hired in the fisheries. Among those 25,471 people are hired at sea (fishing crew) while 19,357 people are hired on land. Going by the main operating categories, 27,094 people work in offshore fisheries in the fishing industry, among those 25,278 people are hired at sea.

2. Current state of "Fishermen Hired Abroad"



## 一、我國漁船勞動關係與漁工僱用之現況

3.

根據漁業署的統計資料，「目前在台籍漁船上工作的外籍漁工約有2萬5000人，分為『境內聘僱』跟『境外聘僱』，**境外聘僱漁工人數為1萬4627人**」

(〈保障外籍漁工勞動權 勞團籲勞動部修法〉·《自由時報》·  
<http://news.ltn.com.tw/index.php/news/life/breakingnews/1950189> ·  
2017-01-17 · )



## 1. Taiwan's Fishing Labor Relations and the Current State of the Fishermen Hired

3. According to statistics from the Fisheries Agency, currently there are approximately 25,000 foreign fishermen working on Taiwanese vessels. These people are further categorized as "Domestic Hire" or "Fishermen Hired Abroad" .14,627 people of all foreign fishermen belong to the Fishermen Hired Abroad" category.

(〈Protect the Labor Rights of Foreign Fishermen, labor unions implore the Ministry of Labor to modify the law〉·《Liberty Times》·  
<http://news.ltn.com.tw/index.php/news/life/breakingnews/1950189> ·  
2017-01-17 · )



## 一、我國漁船勞動關係與漁工僱用之現況

### 漁業統計年報

4.

另有媒體報導指出，「漁業署的統計資料顯示，目前台灣船主在境外聘僱的外籍漁工約有1萬7千多人，但實際上的「黑數」可能高出2倍以上。」

(〈境外聘僱漁工黑數多民團促漁業署上網公告〉·《新頭殼newtalk》·  
<https://newtalk.tw/news/view/2016-07-25/75565> · 2016-07-25 · )

## 1. Taiwan's Fishing Labor Relations and the Current State of the Fishermen Hired

### Statistical Yearbook of Fishery Industry

4. According to other media sources, statistics from the Fisheries Agency indicate that Taiwanese ship owners currently have hired approximately 17,000 foreign fishermen as Fishermen Hired Abroad, but the dark figure may be more than twice the amount.

(〈Dark Figures in Fishermen Hired Abroad, NGOs urge the Fisheries Agency to post actual numbers online〉·《newtalk》·  
<https://newtalk.tw/news/view/2016-07-25/75565> · 2016-07-25 · )



## 一、我國漁船勞動關係與漁工僱用之現況

〈境外聘僱漁工黑數多，民團促漁業署上網公告〉

宜蘭縣漁工職業工會指出，台灣船主在境外聘僱的外籍漁工黑數相當高，遠多於漁業署掌控的5成以上，其掌握148位印尼外籍漁工，都是台灣船東或仲介在境外聘僱的員工，其中遭到台灣僱主惡意積欠薪資長達3年到5年，還有74位漁工經印尼法院判定為人口販運。

( 〈境外聘僱漁工黑數多民團促漁業署上網公告〉 · 《新頭殼newtalk》 · <https://newtalk.tw/news/view/2016-07-25/75565> · 2016-07-25 · )

### 1. Taiwan's Fishing Labor Relations and the Current State of the Fishermen Hired

〈Dark Figures in Fishermen Hired Abroad, NGOs urge the Fisheries Agency to post actual numbers online〉

Yilan Migrant Fishermen Union in Yilan County pointed out that dark figures in foreign fishermen hired by Taiwanese ship owners is very high, surpassing the number of people under the Fisheries Agency control by more than 50%. Among those, 148 Indonesian foreign fishermen were hired as Fishermen Hired Abroad by Taiwanese ship owners or by an agency, of which many were underpaid or unpaid for as long as 3 ~5 years, and 74 of them were determined by Indonesian courts as victims of human trafficking.

( 〈Dark Figures in Fishermen Hired Abroad, NGOs urge the Fisheries Agency to post actual numbers online〉 · 《newtalk》 · <https://newtalk.tw/news/view/2016-07-25/75565> · 2016-07-25 · )



## 一、我國漁船勞動關係與漁工僱用之現況

### 〈境外漁工之聘僱與勞動關係〉

我國海上漁船勞動的外國人勞工(漁業外勞)，基本上分為從事近海漁業的境內漁工、隨遠洋船隊工作的境外漁工；但屬於「境外漁工」可能是船隊直接在東南亞各國招募僱用而於我國之「境外」從事漁船勞務，不一定會入境台灣。

## 1. Taiwan's Fishing Labor Relations and the Current State of the Fishermen Hired

### 〈The Hiring of Fishermen Hired Abroad and Labor Relations〉

Foreign workers (foreign fishermen) can be placed into two categories: domestic fishermen working in nearby sea areas or fishermen hired abroad working in offshore fisheries. However, those that belong to the category of Fishermen Hired Abroad may be directly hired as deckhands from one of the Southeastern Asian countries, and may not even enter Taiwan.



## 二、漁工的「境外僱用」與海上勞動環境

根據相關勞工團體指出，因為境外漁工「無法受勞動部管轄，境外漁工只由農委會漁業署、漁業法、境外聘僱相關辦法管理，勞動權益遠低於境內漁工。」

「台灣國際勞工協會指出，曾有移工反映薪水不滿一萬台幣，卻要工作長達二十小時，漁工在汪洋上受苦完全沒有申訴管道，連求救方式都沒有。」

(〈血汗外籍漁工入勞基法保障？勞動部官員拒回應〉，  
《公民行動影音紀錄資料庫》，<https://www.civilmedia.tw/archives/59537>，  
2017-01-17。)

## 2. Nonresident Fishermen Hired Abroad and their work environment in the sea

According to related labor unions, "Fishermen Hired Abroad" is not covered by the Ministry of Labor. Instead, they are only managed by the Fisheries Agency in the Council of Agriculture, Fisheries Act, and laws related foreign hiring, their labor rights are far below the rights of domestic fishermen.

「Taiwan International Workers' Association pointed out that some migrant workers had reflected that they needed to work as long as 20 hours a day but were paid less than NT \$10,000 dollars. These fishermen have no way to file complaints when they are at sea, they cannot even ask for help.」

(〈Blood and Sweat: Foreign Fishermen protected by the Labor Standards Act? Officials from the Ministry of Labor decline to comment〉，  
《公民行動影音紀錄資料庫》，<https://www.civilmedia.tw/archives/59537>，  
2017-01-17。)

## 二、漁工的「境外僱用」與海上勞動環境

### 外籍漁工的血淚・國際監督!

人權公約施行監督聯盟指出，「台灣漁船上外籍漁工的惡劣處境，已經被綠色和平、國際勞工組織等國際組織指摘，2013年就已對此問題提出嚴重關切，並要求台灣於明年（2017）一月『兩公約國家報告國際審查會議』提出改善結果」。

（〈移工盟要漁業署廢除境外聘僱〉・《苦勞網》・<http://www.cooloud.org.tw/node/87267>・2016-12-27・）

## 2. Nonresident Fishermen Hired Abroad and their work environment in the sea

The blood and sweat of “Fishermen Hired Abroad,” under global supervision!

Covenants Watch points out the harsh environments endured by foreign fishermen on Taiwanese vessels have received criticisms from Green Peace, International Labor Organization and many other organizations. Having raised concerns regarding this issue since 2013, they have asked Taiwan to produce improvements by January of 2017 in the “Review Meeting of the ROC’ s Second Report under the ICCPR and ICESCR.”

（〈MENT wants the Fisheries Agency to abolish “Fishermen Hired Abroad”〉・《苦勞網》・<http://www.cooloud.org.tw/node/87267>・2016-12-27・）



## 二、漁工的「境外僱用」與海上勞動環境

### ■巨洋案：

根據媒體報導，於柬埔寨一個INGO名為Winrock International，製作了一部約30分鐘針對巨洋案 (Giant Ocean Case)的紀錄片，臺灣人(林玉欣)經營的巨洋國際漁業非法販運一千多位柬埔寨人，這些漁工遭受欺騙、挨餓、虐待、死亡威脅等悲慘遭遇，巨洋因而被柬埔寨政府起訴。

另，此案也涉及到新加坡的雇主與當地仲介公司；其中雇用過程不乏以欺騙、脅迫及暴力等方式迫使漁工工作，但同時也利用新加坡作為匯款據點，名符其實的跨國人口販運。

## 2. Nonresident Fishermen Hired Abroad and their work environment in the sea

### ■Giant Ocean Case

According to media reports, an INGO group called Winrock International produced a 30-minute documentary on the Giant Ocean Case in Cambodia. Yu-Xin Lin, of Taiwanese nationality, illegally trafficked over 1,000 Cambodians using the company Giant Ocean International Fisheries. These fishermen were deceived, starved, tortured, and received death threats. As a result, Giant Ocean was sued by the Cambodia government.

In addition, this case also involved Singaporean employer and local manpower agencies. During the recruiting/hiring process they used deception, threats, or violence to make these fishermen work. At the same time they also used Singapore as a remittance spot, undoubtedly cross bordering human trafficking.

## 二、漁工的「境外僱用」與海上勞動環境

### ■巨洋案

巨洋公司負責人林玉欣，於2013年在柬埔寨遭到逮捕。2014年4月，柬埔寨法院判處林玉欣10年牢獄，並要求巨洋公司賠償150個受害者每人1,750-15,900美金的賠償金(折台幣5.1萬-47萬元)。

但另有5名台籍同夥仍無下落。



## 2. Nonresident Fishermen Hired Abroad and their work environment in the sea

### ■Giant Ocean Case

In 2013, the person in charge of Giant Ocean Yu-Xin Lin was arrested in Cambodia. In April of 2014, the Cambodia court sentenced Yu-Xin Lin to 10 years in prison and restitution of \$1,750 ~\$15,900 dollars to every victim (NT \$51,000 ~ NT \$470,000). The whereabouts of Lin's five other accomplices, also of Taiwanese nationality, are still unknown.





### 三、現行我國海上之勞動保護： 以漁業勞動關係為考察對象

- I.  
黃牌名單的警告危機與「遠洋漁業三法」之立法與修正:
- II.  
「遠洋漁業條例」之新法制定
- III.  
「境外僱用非我國籍船員許可及管理辦法」新措施
- IV.  
中國籍船員的管理與雇用關係

### 2. Nonresident Fishermen Hired Abroad and their work environment in the sea

- I. The Warning Risks of being listed on the Yellow Card and the Legislation and Amendment of the “Three Legislations in the Act for Distant Water Fisheries.”
- II. New Legislation in the Act for Distant Water Fisheries
- III. New measures in the “Regulations on the authorization and Management of Overseas Employment of Foreign Crew Members”
- IV. The management and hiring of Chinese Crew Members

### 三、現行我國海上之勞動保護： 以漁業勞動關係為考察對象

#### I.

#### 黃牌名單的警告危機與「遠洋漁業三法」之立法與修正：

→我國漁船持續被國際組織發現及外媒報導非法作業，歐盟執委會於2015年10月1日宣布將台灣列為打擊「非法、未報告、不受規範漁業」不合作第三國警告名單（黃牌名單）。

→為回應歐盟，我國立法院三讀通過「遠洋漁業三法」（「遠洋漁業條例」、「投資經營非我國籍漁船管理條例修正案」及「漁業法部分條文修正案」）以及15個子法。

→2017年1月20日遠洋漁業條例開始生效。

### 3.The exercise of labor protection at sea: An examination of Fishery Labor Relations

I. The Warning Risks of being listed on the Yellow Card and the Legislation and Amendment of the "Three Legislations in the Act for Distant Water Fisheries."

→ Our vessels have continuously being discovered by INGOs and reported by other media sources as operating illegally. On October 1st of 2015 the European Commission had announced that they have given Taiwan a yellow card as a warning for being uncooperative in their fight against illegal, unreported, and unregulated fishing.

→ In response to the European Commission, the Legislative Branch passed the "Three Legislations in the Act for Distant Water Fisheries", which include: Act for Distant Water Fisheries, Ordinance to Govern in the Operation of Foreign Flag Fishing Vessels Amendment, Fisheries Act Amendment, and 15 other branch laws.

→ On January 20th, 2017, the Act for Distant Water Fisheries went in effect.



### 三、現行我國海上之勞動保護： 以漁業勞動關係為考察對象

#### II.

根據新法「遠洋漁業條例」之規定，依法授權訂定的「境外僱用非我國籍船員許可及管理辦法」，加強對我國仲介機構的管理，並改善境外僱用漁工之勞動條件。

→2017年1月20日以前，對於境外僱用外籍船員，乃依「漁業法」第12條授權訂定「漁船船主在國外僱用外籍船員作業應行遵守及注意事項」為管理依據。

→過去的批判：漁業法對於漁業勞動條件、外籍船員權益事項的法律位階及規範效力等，有相當之不足與限制。

### 3.The exercise of labor protection at sea: An examination of Fishery Labor Relations

#### II.

In accordance to the regulations in the "Act for Distant Water Fisheries" and the "Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members," strengthen the management of manpower agencies and improve the labor standards for Fishermen Hired Abroad

→ Before January 20th, 2017, the hiring of foreign crew member was still based on the Fisheries Act Article 12: "Important regulation ship owners should abide by when hiring foreign workers overseas"

→ Criticism in the past: The Fisheries Act is not adequate and has limitations in regards to the rights of foreign crew members and labor standards.



### 三、現行我國海上之勞動保護： 以漁業勞動關係為考察對象

勞動部(新聞稿):106-01-17

「現行我國漁船雇主經營海洋漁撈業，並僱用外籍漁工從事海洋漁撈工作，分為「境內僱用」與「境外僱用」二類型。《勞動基準法》係國內法，凡於我國境內具有勞雇關係，且受僱於適用《勞動基準法》行業之勞工，不分國籍，均有該法之適用。「境內僱用」之漁船船員自73年8月1日起適用。

至於我國漁船於境外僱用之外籍漁工，尚不宜以抽象之管轄權觀念將境外海域之漁船視為我國領土之延伸。因此，於境外僱用之外籍漁工（境外僱用、境外作業）未有我國《勞動基準法》之適用。惟該等人員之勞動權益，行政院農業委員會漁業署將另依《遠洋漁業條例》之授權，訂定「境外僱用非我國籍船員許可及管理辦法」，以為規範。」

### 3.The exercise of labor protection at sea: An examination of Fishery Labor Relations

MOL(NEWS):106-01-17

Currently ship owners conducting distant water fisheries and hiring foreign crew members for work can be categorized as "domestic hire" and "fishermen hired abroad." The Labor Standards Act is a municipal law that that applies to all domestic hires regardless of nationality and occupations. Since August 1st of 1984, this also applies to domestically hired fishermen.

As for foreign workers hired outside of Taiwan borders (Fishermen Hired Abroad), this Act does not apply because it does not consider vessels outside of Taiwanese borders as an extension of the coverage of the law. Therefore, the Council of Agriculture has implemented the Act for Distant Water Fisheries, specifically the "Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members" for these types of foreign workers.



### 三、現行我國海上之勞動保護： 以漁業勞動關係為考察對象

#### 遠洋漁業條例

→第26條（境外僱用非我國籍漁船船員應經許可）：  
經營者在境外僱用非我國籍船員者，應經主管機關許可，以自行僱用或透過國內居間或代理業務之機構聘僱之方式為之。

前項仲介機構應經主管機關核准，並繳交一定金額之保證金。

前二項非我國籍船員之資格、許可條件、應備文件、經營者與非我國籍船員雙方權益事項、契約內容、仲介機構之核准條件、期間、管理、廢止條件、仲介機構與非我國籍船員雙方權益事項、契約內容、管理責任、保證金之一定金額、繳交、退還及其他應遵行事項之辦法，由主管機關定之。

### 3.The exercise of labor protection at sea: An examination of Fishery Labor Relations

#### Act for Distant Water Fisheries

→Article 26

Any distant water fisheries operator intending to hire abroad any foreign crew member shall obtain permission from the competent authority. Such hiring shall be done by the distant water fisheries operator itself or through domestic intermediaries or agents (hereinafter referred to as the agents).

The agents referred to in the preceding paragraph shall be authorized by the competent authority and shall deposit a certain amount of guarantee bond.

Regulations on the qualification of the foreign crew member, conditions for permission, required documents, rights and interests of the distant water fisheries operator and the foreign crew member, contents of contracts, conditions for authorization of the agents, period, management, conditions for revocation, rights and interests of the agents and the foreign crew members, contents of contracts, management responsibilities, the certain amount, submission and refund of the security, and other requirements as referred to in the preceding two paragraphs shall be prescribed by the competent authority. -

### 三、現行我國海上之勞動保護： 以漁業勞動關係為考察對象

#### 遠洋漁業條例

→第 42 條

有下列情事之一者，處經營者或仲介機構新臺幣十萬元以上五萬元以下罰鍰，並得收回經營者之漁業證照一年或廢止仲介機構非我國籍船員之資格及沒入保證金：

一、違反第二十六條項規定，未經許可在境外僱用非我國籍船員。二、違反第十六條三項所定辦法中有關經營者與非雙方權益事項、契約權益事項、契約權益事項、契約內容、仲介機構管理之規定。

### 3.The exercise of labor protection at sea: An examination of Fishery Labor Relations

#### Act for Distant Water Fisheries

→Article 42

Any distant water fisheries operator that commits any of the following violations shall be subject to a fine between 50 thousand and 250 thousand New Taiwan Dollars, and the fishing license of such distant water fisheries operator may be suspended for 1 year and under:

- (1) Hiring foreign crew members abroad without the permission from the competent authority, in violation of Article 26, paragraph 1;
- (2) Violating the provisions of regulations on the rights and interests of the distant water fisheries operators and the foreign crew members, contents of the contract, or management responsibilities stipulated pursuant to Article 26, paragraph 3.



### 三、現行我國海上之勞動保護： 以漁業勞動關係為考察對象

#### Ⅲ. 「境外僱用非我國籍船員許可及管理辦法」

→計三十六條，其要點如下：

- 一、本辦法授權依據。(第一條)
- 二、得境外僱用非我國籍船員之漁船條件及非我國籍船員應符合之資格。(第二條及第三條)
- 三、境外僱用非我國籍船員之僱用方式及應簽訂之契約。(第四條至第六條)
- 四、仲介機構之核准條件、期間、應辦理事項、管理及廢止條件。(第七條至第二十一條)
- 五、境外僱用非我國籍船員之申請程序、非我國籍船員之上船、離船及管理責任。(第二十二條至第三十四條)
- 六、主管機關得委託直轄市、縣(市)政府辦理事項。(第三十五條)
- 七、本辦法之生效日期。(第三十六條)

### 3.The exercise of labor protection at sea: An examination of Fishery Labor Relations

#### Ⅲ. "Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members"

→36 acts:

1. These Regulations are established pursuant to Article 26, paragraph 3 of the Act for Distant Water Fisheries
2. Fishing vessels must meet the conditions as proposed by competent authority and foreign workers must also meet the described requirements (Article 2 and Article 3)
3. Hiring Process of Foreign Workers and the establishment of a contract between employer and employee must abide by certain requirements (Articles 4~6)
4. Authorities given to manpower agencies, including the power to monitor qualification, determine duration of employment, management of employment procedures, termination process (Articles 7~21)
5. Management of the application process, boarding and leaving the vessel, of all foreign crew members. (Articles 22~34).
6. The competent authority may commission the municipal and county (city) governments to conduct the following matters (Article 35)
7. These Regulations shall enter in force on January 20, 2017.

### 三、現行我國海上之勞動保護： 以漁業勞動關係為考察對象

#### ■ 「境外僱用非我國籍船員許可及管理辦法」

→第28條：

(立法理由:規範經營者僱用非我國籍船員期間，應遵守事項，以確保經營者與非我國籍船員及仲介機構間之權利義務。)

經營者僱用非我國籍船員期間，應遵守下列規定：

- 一、履行與非我國籍船員、仲介機構所簽訂之契約內容。
- 二、確保非我國籍船員於船上享有同職務之相同福利及勞動保護。
- 三、負責非我國籍船員送返前之生活照顧，並支付相關費用。
- 四、工資應全額直接給付非我國籍船員，但法令另有規定或勞雇雙方另有約定者，不在此限。
- 五、應置備非我國籍船員工資清冊，記載發放工資、工資計算項目、工資總額等事項；工資清冊應保存五年。
- 六、所僱用之非我國籍船員不得於其他漁船或處所工作，或從事其他與漁業無關之勞動。

### 3.The exercise of labor protection at sea: An examination of Fishery Labor Relations

#### ■ 「Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members」

→Article 28:

During the term of employment of any foreign crew member, any distant water fisheries operator shall comply with the following requirements:

- (1) To fulfill the contents of the contract signed with the foreign crew member and the agent, respectively.
- (2) To ensure any foreign crew member onboard enjoys the benefits and labor protection equivalent to those of the same post.
- (3) To be responsible for the life care of the foreign crew member prior to his/her repatriation and paying related expenses.
- (4) The wage shall be paid fully and directly by the distant water fisheries operator to the foreign crew member, unless the law or regulations provided otherwise or other agreement being reached between the employer and employee.
- (5) To keep, for five years, a list of wages of foreign crew members, which shall include the wages paid, wage items, payroll and so on.
- (6) To ensure any employed foreign crew member not to work on other fishing vessel(s) or premises, or engage in other labor unrelated to fisheries.



### 三、現行我國海上之勞動保護： 以漁業勞動關係為考察對象

#### ■ 「境外僱用非我國籍船員許可及管理辦法」

→第28條:

- .....
- 七、非我國籍船員發生犯罪、脫逃、鬥毆或重大違規案件時，應通報當地直轄市或縣（市）政府、海岸巡防機關及警察機關。
  - 八、協尋脫逃行蹤不明之非我國籍船員。
  - 九、發現非我國籍船員疑似罹患法定傳染病時，應依傳染病防治法第四十二條規定於二十四小時內通知當地衛生主管單位。
  - 十、漁船搭載未經核准僱用之非我國籍船員進入我國境內時，應配合內政部移民署國境事務隊安排搭乘航空器送返。
  - 十一、漁船因遭扣押、沉沒、火災或有其他無法繼續作業之原因發生時，經營者應將僱用之非我國籍船員送返。
  - 十二、非我國籍船員發生傷亡或其他重大急難事件，應即時通報相關單位並為緊急救護及處置，並將處理情形函報漁業公會或漁會並轉報直轄市、縣（市）政府及主管機關。
  - 十三、負責非我國籍船員於國內停留期間之監督管理。

### 3.The exercise of labor protection at sea: An examination of Fishery Labor Relations

#### ■ 「Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members」

→ Article 28:

- .....
- (7) To inform the local municipal and county (city) governments, the coast guard administration and the police administration in the event that any foreign crew member commits a crime, runs away, gets in a fight or commits a serious infringement.
  - (8) To assist in searches for any runaway foreign crew member whose whereabouts is unknown.
  - (9) To inform, within 24 hours, the local sanitary control agency pursuant to the Article 42 of the Communicable Disease Control Act, upon discovery that a foreign crew member is suspected to contract a contagious disease as defined by law.
  - (10) To cooperate with the Border Affairs Corps of the National Immigration Agency, Ministry of the Interior to arrange for aircraft to repatriate any foreign crew member that is employed without permission and enters the Republic of China via fishing vessel(s).
  - (11) To repatriate the employed foreign crew member in the event that the fishing operations cannot be continued for fishing vessel being detained, sunk, or struck by a fire or for any other causes.
  - (12) In case of injury, casualty or other serious emergency of any foreign crew member, to promptly notify relevant agencies and make arrangements for emergency medical services and treatments, and to submit a written report on the handling of the situation to relevant fishery association or fishermen's association for delivery to the municipal and county (city) governments and the competent authority.
  - (13) To be responsible for supervising and managing the foreign crew member during his/her stay in the Republic of China.

### 三、現行我國海上之勞動保護： 以漁業勞動關係為考察對象

■根據「境外僱用非我國籍船員許可及管理辦法」之實質勞動基準保護內涵：

(一)「船上享有同職之同福利、勞動保護」

----非同職同酬之平等保護

(二)「工資應全額直接給付非我國籍船員，但法令另有規定或勞雇雙方另有約定者，不在此限。」

-----工資給付原則仍有例外適用。

### 3.The exercise of labor protection at sea: An examination of Fishery Labor Relations

■ In accordance with the “Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members,” essential labor standards are thoroughly exercised:

1. Protection of Equal Job, Equal Benefits, Labor Protection”

---the protection of non equal job-equal pay cases

2. Wages shall be paid in full directly to the foreign crew member, but this will not apply to those that have made separate contracts

---- Exceptions do apply in the payment of wages



### 三、現行我國海上之勞動保護： 以漁業勞動關係為考察對象

#### IV.

#### 中國籍船員的管理與雇用關係：

→ 依據2009年12月行政院核定的「海峽兩岸漁船船員勞務合作協議」、

→ 2012年8月訂定的「臺灣地區漁船船主境外僱用及接駁暫置大陸地區漁船船員許可及管理辦法」（第9條規定，「縣市政府主管機關應設置窗口及專線，受理漁船船主及大陸船員申訴事件」）。

### 3.The exercise of labor protection at sea: An examination of Fishery Labor Relations

#### IV.

#### The management and hiring of Chinese Crew Members：

→ In accordance with “Cross-Strait Fishing Vessel Crew Labor Cooperation Agreement as approved by the Executive Branch in December 2009

→ Application of “Regulations on the hiring of foreign crew members by Taiwanese ship owners in Taiwan territories and the management of foreign crew members in Chinese territories.” Article 9 states that local governments should setup a hotline to manage disputes between ship owners and Chinese crew members.



### 三、現行我國海上之勞動保護： 以漁業勞動關係為考察對象

#### IV.

#### 中國籍船員的管理與雇用關係：

→ 「海峽兩岸漁船船員勞務合作協議」內容包括：  
近海和遠洋勞務合作採不同的管理方式、權益保障、協調  
機制（處理勞務糾紛和突發事件）、交流互訪、文書格式、  
聯繫主體（海峽交流基金會、海峽兩岸關係協會）等；

→ 船員基本權益包括：依契約的工資保護、同船同職務相  
同福利及勞動保護、指定場所休息 / 整補 / 回港避險、人  
身意外及醫療保險、往返交通費、雙方商定的其他權益等。

### 3.The exercise of labor protection at sea: An examination of Fishery Labor Relations

#### IV.

#### The management and hiring of Chinese Crew Members：

→ The Cross-Strait Fishing Vessel Crew Labor Cooperation Agreement includes: Application of different management procedures between nearby waters and distant waters labor cooperation, protection of rights, coordination system (for labor disputes and emergencies), information exchange, document **formats**, contacting organizations (Straits Exchange Foundation, Association for Relations Across Taiwan Straits)··· etc.

→ The rights of the crew members include: Protection of wage according to the contract, protection of same labor insurance and benefits for crew members holding the same position, designated resting areas/refuel/risk avoidance, accident and health insurance, transportation fees, other benefits as agreed upon by both parties.



### 三、現行我國海上之勞動保護： 以漁業勞動關係為考察對象

#### 遠洋漁業三法惹怨 近2百漁民陳情「官逼民反」

「新版遠洋漁業三法作業公告今年一月廿日上路，但卻讓漁民措手不及，東琉漁民過年如坐針氈，中午近2百漁民及船東聚集立委莊瑞雄服務處陳情，有漁民批評，一輩子配合規定，走到最後不斷限縮讓漁民走投無路。

作業公告年前上路時，曾因過於匆促且還要再繳交巨額保證金，讓仲介境外漁工的業者跳腳，漁民擔憂年後無法雇工出海，經春節醞釀，漁民今天怒批新公告。

.....至於外籍漁工一案，孔姓船東則質疑，外籍漁工目前依能力及年資配合紅利制度維持台灣漁業競爭力，外界因個案遭操作，用不合理的比例針對全體漁民，而漁業署未替漁民澄清，卻反而在外界訴求下輕而易舉用作業公告決定外籍漁工每個月450元美金薪資，國家最低薪資都要三讀，何以如此輕率規範這類事務？」

(〈遠洋漁業三法惹怨，近2百漁民陳情「官逼民反」〉，《自由時報》，  
<http://news.ltn.com.tw/news/life/breakingnews/1965014>，2017-02-04。)

### 3.The exercise of labor protection at sea: An examination of Fishery Labor Relations

#### Three Legislations in the Act for Distant Water Fisheries receiving complaints, nearly 200 fishermen pleads: "The government is forcing us to revolt"

New laws have applied on January 20th of this year, but fishermen have not been able to fully react to the change. TungLiu fishermen felt anxious during the new year, nearly 200 fishermen and ship owners showed up at noon at the service office of legislator Jui-Hsiung Chuang to plead their case. Some fishermen criticized that they have followed regulations and rules throughout their lives only to have more limitations placed upon them. When the announcement of the new laws occurred last year, many manpower agencies were angered that they wouldn't be pay be come up with the security deposit in so little time, and fishermen were worried that they wouldn't be able to go out on time. At the start of spring holidays, fishermen were furious at the new announcement.

...and in terms of the case regarding the foreign crew member, ship owner Kong questioned: Taiwan fisheries are able to maintain its competitiveness because they've able to base foreign workers' wage on personal capabilities. With the exposure of the labor exploitation/human trafficking case, we're forced to use an irrational pay scale for all fishermen. Adding that the Fisheries Agency hasn't said a word to defend us, instead demanding that all foreign crew members must be paid 450 U.S. dollars a month, how can such regulations be in place so easily when all legislation must pass third readings?

(〈Three Legislations in the Act for Distant Water Fisheries receiving complaints, nearly 200 fishermen pleads:  
"The government is forcing us to revolt"〉，《Liberty Times》，  
<http://news.ltn.com.tw/news/life/breakingnews/1965014>，2017-02-04。)

## 四、境外僱用漁工的勞動檢查

I. 漁業法：  
第49條

II. 遠洋漁業條例：  
第16-19條

III. 境外僱用非我國籍船員許可及管理辦法：  
第33條

## 4、Labor Inspection of Nonresident Fishermen Hired Abroad

I. Fisheries Act  
Article 49

II. Act for Distant Water Fisheries  
Articles 16~19

III. Regulations on the Authorization and Management of Overseas  
Employment of Foreign Crew Members  
Article 33



## 四、境外僱用漁工的勞動檢查

### I. 「漁業法」

#### 第49條 ( 檢查與物件暫予封存 )

「主管機關得派員至漁業人之漁船、漁業權漁場、陸上魚塢或其他有關場所，檢查其漁獲物、漁具、簿據及其他物件，並得詢問關係人；海岸巡防機關得依其職掌派員至漁業人之漁船檢查及詢問關係人。關係人均不得規避、妨礙或拒絕。

為前項檢查發現有關於漁業犯罪之情事，不及即時洽請司法機關為搜索或扣押之處置時，得將其漁船、漁獲物或其他足以證明犯罪事實之物件，暫予扣留；發現其他違反本法情事，得將其漁獲物、漁具及其他物件，先予封存。

為前項暫予扣留或封存時，應有該漁船或該場所之管理人員或其他公務員在場作證；暫予扣留或封存物件時，應開列清單。

主管機關或海岸巡防機關依第二項為暫予扣留後，應即時洽請司法機關為搜索或扣押之處置，並交付暫予扣留之物。

第一項人員於執行檢查時，應提示身分證明及指定檢查範圍之機關證件；其未經提示者，被檢查人得拒絕之。」

## 4、Labor Inspection of Nonresident Fishermen Hired Abroad

### I. 「 Fisheries Act 」

#### Article 49 ( 檢查與物件暫予封存 )

The competent authority may designate officer(s) to the fishing vessel, fishing grounds of the fishing right fishery, fish farms of inland aquaculture or other relevant sites of the fishery operator to inspect the operator's catch, fishing gears, accountbooks, and other objects, as well as to question any relevant party. The Coast Guard Administration may, pursuant to its mandate, designate officer(s) to the fishing vessel of the fishery operator for inspection and question any relevant party. The relevant party shall not evade, obstruct or deny any of the inspections.

In carrying out the inspection as referred to in the preceding paragraph, where the officer finds any offense of crime regarding fisheries but is not in the position to request the judicial authority to proceed with search or attachment in time, the officer may provisionally seize the fishing vessel, the catch, or any other object that may serve as evidence of the crime committed. In case that any other violation of the provisions of this Act is found, the catch, the fishing gears and other objects may be sealed.

The provisional seizure or seal undertaken in accordance with the preceding paragraph shall be witnessed by any person in charge of the fishing vessel or the site, or any other civil servant. An inventory shall be made in respect of the objects being provisionally seized or sealed.

After the provisional seizure conducted pursuant to paragraph 2, the competent authority or the Coast Guard Administration shall immediately contact the judicial authorities for search or seizure and deliver the provisionally seized objects.

In carrying out the inspection, the officer as referred to in paragraph 1 shall produce his/her identification and the authorization specifying the scope of inspection. In case that the officer fails to do so, the person to be inspected may refuse such inspection.

## 四、境外僱用漁工的勞動檢查

### II. 遠洋漁業條例

#### 第16條:

主管機關或海岸巡防機關得依其職掌派員檢查漁船與其漁獲物及漁產品、漁具、簿據或其他物件，並得詢問經營者、從業人或資料持有人；經營者、從業人或資料持有人不得規避、妨礙或拒絕。

#### 第17條:

漁船於公海作業時，應接受與我國相互執行公海登檢之國家或國際漁業組織指定船舶之檢查員進行登船檢查；經營者或從業人不得規避、妨礙或拒絕。

前項國際漁業組織或與我國相互執行公海登檢國家指定船舶之船名及編號，由主管機關公告之。

## 4、Labor Inspection of Nonresident Fishermen Hired Abroad

### II. Act for Distant Water Fisheries

#### Article 16

The competent authority or the Coast Guard Administration may, pursuant to their mandates, dispatch personnel to inspect fishing vessel(s), catches and fisheries products, fishing gear(s), account books and other objects, as well as to question distant water fisheries operators, distant water fisheries employees or data holders who shall not refuse, evade or obstruct such request.

#### Article 17

Any fishing vessel fishing on the high seas shall accept the boarding and inspection conducted by the inspectors designated by the countries that conduct reciprocal high seas boarding and inspection with the Republic of China or inspectors from vessels designated by international fisheries organizations, and distant water fisheries operators and employees shall not evade, obstruct, or refuse.

The international fisheries organizations or countries that conduct reciprocal high seas boarding and inspection with the Republic of China and the names and registration number of the designated vessels referred to in the preceding paragraph shall be promulgated by the competent authority.



## 四、境外僱用漁工的勞動檢查

### II. 遠洋漁業條例

#### 第18條:

漁船涉有第十三條第一項所定重大違規行為，且有具體事證者，主管機關應命令該漁船停止作業，限期直航至指定港口接受調查。

前項漁船航行、進港、調查等所衍生費用，由經營者自行負擔。

#### 第19條:

依前條第一項規定抵達指定港口之漁船，主管機關應於該船進港時立即調查，並於該船進港之日起三十日內完成調查；必要時，得延長一次，期間以三十日為限。

主管機關依前項調查尚未完成前，漁船不得出港。

## 4、Labor Inspection of Nonresident Fishermen Hired Abroad

### II. Act for Distant Water Fisheries

#### Article 18

In the event that sufficient and concrete evidence indicates a fishing vessel being involved in any serious infringement as stipulated in Article 13, paragraph 1, the competent authority shall order such fishing vessel to stop fishing and navigate to the designated port within the required timeframe for further inspection.

The expense incurred from fishing vessel navigating, entry into port, inspection and other activities referred to in the preceding paragraph shall be borne by the distant water fisheries operator concerned.

#### Article 19

The competent authority shall immediately conduct inspection upon the fishing vessel entering into the designated port in accordance with paragraph 1 of the preceding Article, and shall complete the investigation within 30 days upon such vessel entering into the port. If necessary, the period for the investigation may be extended for once and shall be limited to 30 days.

The fishing vessel concerned shall not leave the designated port before the competent authority completes the investigation pursuant to the preceding paragraph.

## 四、境外僱用漁工的勞動檢查

### III. 境外僱用非我國籍船員許可及管理辦法 第33條

「僱用非我國籍船員之漁船進入我國港口時，經營者及船長應接受直轄市、縣（市）政府指派或委託人員就前條第三項事項之訪查，僱用非我國籍船員之漁船在國外時，應接受主管機關指派或委託人員之訪查，不得規避、妨礙或拒絕。

前項受訪查之漁船船長及船員應遵守下列規定：

.....

## 4、Labor Inspection of Nonresident Fishermen Hired Abroad

### III. Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members Article 33

「Any fishing vessel with any employed foreign crew member shall accept the inspection(s) on matters as referred to in Article 32, paragraph 3 conducted by personnel designated or commissioned by the municipal and county (city) governments when entering any port of the Republic of China. In case that a fishing vessel with employed foreign crew member(s) is abroad, it shall accept inspection(s) conducted by personnel designated or commissioned by the competent authority, and shall not evade, refuse or deny.

The captain and crew member(s) being inspected as referred to in the preceding paragraph shall comply with the following provisions:



## 四、境外僱用漁工的勞動檢查

### Ⅲ. 境外僱用非我國籍船員許可及管理辦法 第33條

- 「 .....
- 一、協助經授權之訪查員迅速且安全登船或至非我國籍船員停留岸上安置場所訪查。
  - 二、配合訪查員之檢查及詢問，包括配合提供船員名冊、船員旅行身分證件、船員證及任何相關文件。
  - 三、不得攻擊、抵抗、恐嚇、干擾、不適當之阻撓或延遲訪查員履行其訪查任務。
  - 四、提供訪查員在漁船上執行任務所需之空間與設備。
  - 五、協助訪查員安全離船。」

## 4、Labor Inspection of Nonresident Fishermen Hired Abroad

### Ⅲ . Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members Article 33

- 「 .....
- (1) To facilitate the authorized inspector in prompt and safe embarkation for onboard inspection or inspection of onshore accommodation of foreign crew members.
  - (2) To cooperate with the inspection and questioning of the inspector, including providing the crew list, the travel identity document(s) of the crew member(s), the crew identification(s) and all related documents.
  - (3) Shall not attack, resist, threaten, interfere with, inappropriately obstruct or delay the inspector in carrying out his/her inspection duties.
  - (4) To provide the space and equipment necessary for the inspector to carry out his/her tasks onboard.
  - (5) To facilitate the inspector' s safe disembarkation. 」



**五、結語：我國漁業勞動體制之政策檢討與未來境外漁工人權之保障**

**I.(海事)勞動政策之檢討**

海上勞動政策

外勞(外國人勞工)管理制度與人權政策

勞動檢查政策

集體勞動關係政策

**II.境外僱用漁工人權保障之再建構**

遠洋漁業條例之境外僱用漁工管理制度檢討

境外僱用非我國籍船員許可及管理辦法之檢討

**Conclusion: Policy review of current fishery's labor system and the safeguard of human rights for nonresident fishermen hired abroad in the future**

I. Review of Labor Policies

Labor Policies for working at sea

Management system and human rights of foreign workers

Labor Inspection Policy

Group Labor Relations Policy

II. Reconstruction of the Protection of Human Rights for Fishermen Hired Abroad

**Review** of Regulation on Fishermen Hired Abroad as listed in Act for Distant Water Fisheries

Review of Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members



## I . 海事勞動政策面之檢討

(一) 現行海上勞動之型態與勞動保護規範之差異：

商船船員勞動與漁船船員勞動之特殊性？

→ 商船船員與漁船船員之勞動保護法律的差別適用意義與目的？

→ 商船船員: 船員法

→ (近海、遠洋) 漁船船員: 勞基法、遠洋漁業條例

→ 漁船船員之勞基法適用：工時規範知如何適用？

→ 「境外僱用」遠洋漁船船員: 境外僱用非我國籍船員許可及管理辦法

## I . Review of Labor Policies

(1) The differences between current labor types (at sea) and the standards for labor protection :

The particular labor differences between merchant crew and fishing crew

→ What is the meaning and purpose of using different labor protection policies on merchant and fishing crew?

→ Merchant Crew: The Seafarer Law

→ (Nearby Water, Distant Water) fishing crew: Labor Standards Act, Act for Distant Water Fisheries

→ Vessels in the Labor Standards Act: How is working time applied?

→ Fishermen Hired Abroad: Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members

## I .海事勞動政策面之檢討

(二) 外勞(外國人勞工)管理制度與人權政策：

→ 海上外勞與陸地外勞之雇用政策的差別化意義？

→ 海上外勞之「境外僱用」的規範目的與效果？

→ 「境外僱用」的外勞，還是「外勞」？

→ 外勞「境外僱用」的正常化與勞動保護之勞基法適用除外化？

## I . Review of Labor Policies

(2) Management of Foreign Workers and its Human Rights Policies：

→ The meaning and purpose of using two sets of hiring policies on foreign workers at sea and foreign workers on land

→ The purpose and results of standards established for foreign workers hired at sea

→ **Hired Abroad or Foreign Workers?**

→ The Normalization of Foreign Workers Hired Abroad and the exclusion of Labor Protection in the Labor Standards Act?



## I . 海事勞動政策面之檢討

### (三) 海上勞動檢查制度之實施方式：

- 海上勞動檢查體系：勞動檢查法、漁業法、遠洋漁業條例、境外僱用非我國籍船員許可及管理辦法之法律適用關係？
- 勞動檢查權之發動：中央或地方？
- 勞動檢查員之養成：勞動部或漁業署？
- 勞動檢查事項：勞動條件或安全衛生？
- 現行海上(商船、漁船)勞動檢查成效？

## I . Review of Labor Policies

### (3) The implementation of Labor Inspection System at sea：

- Labor Inspection system at sea: Labor Inspection Law, Fisheries Act, Act for Distant Water Fisheries, Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members
- The power to **initiate labor** inspection: central (government) or local?
- The formation of labor inspection officers: Ministry of Labor or the Fisheries Agency?
- Labor Inspection details: inspection of labor rights or sanitary inspection?
- Currently at sea (merchant vessel/fishing vessel): labor inspection results?

## I . 海事勞動政策面之檢討

(四) 集體勞動關係政策的形成：

→ 「境外漁工」組織或加入工會的可能與途徑？

→ 工會組織形態：中華海員總工會、產業工會、職業工會？

→ 集體協商、爭議處理機制？

## I . Review of Labor Policies

(4) Formation of Group Labor Relations Policy：

→ Organizations for Fishermen-hired-abroad and its possibility and ways of joining the labor union?

→ Forms of Labor Union: NCSU, trade unions, craft unions

→ System for managing disputes, group consultations?



## II. 境外僱用漁工人權保障之再建構

### (一) 遠洋漁業條例之境外僱用漁工管理制度檢討

- 「遠洋漁業三法」：遠洋漁業體制改革之一環
- 「遠洋漁業條例」：(遠洋)漁業管理性質之法制
- 「境外僱用非我國籍船員許可及管理辦法」：就業服務法之特別法；遠洋漁船外勞船員之境外招募特別法制
- 漁業管理法律與漁船船員勞動保護法律之差異？

## II . Reconstruction of the Protection of Human Rights for Fishermen Hired Abroad

### (1) Review of Systems for Managing Fishermen Hired Abroad under the Act for Distant Water Fisheries

- Three Legislations of Act for Distant Water Fisheries: Part of the reform process of the system for the Distant Water Fisheries
- Act for Distant Water Fisheries: The legal system for managing distant water fisheries
- Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members: Special Policy of Job Placement Law, Special Law for the recruitment for foreign workers for distant water fisheries
- The differences between Fisheries Management Laws and Crew Labor Protection Laws

## II. 境外僱用漁工人權保障之再建構

### (二) 境外僱用非我國籍船員許可及管理辦法之檢討

→ 非我國籍之遠洋漁業勞工，如分屬「境內」與「境外」之不同僱用程序而於同一船上服勞務，如何適用該辦法第28條「確保非我國籍船員於船上享有同職務之相同福利及勞動保護」之規範？

→ 境外僱用之遠洋漁業勞工，進入我國管轄海域或停泊港口，甚至上岸後之勞動關係，如何適用我國相關勞動保護法律？

→ 境外僱用之遠洋漁業勞工，海上勞動保護之必要性；例如，職災之保護？

## II . Reconstruction of the Protection of Human Rights for Fishermen Hired Abroad

### (4) Review of Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members

→ Nonresident foreign fishermen, employed through different routes and categorized as domestic hire or hired abroad, may end up working on the same boat. At that point, how do we exercise Article 28, which ensures equal benefits and protection of rights for the same position?

→ Fishermen-Hired-Abroad may enter our territory, reside in our ports, or even disembark the ship to work on land, how do we effectively utilize related labor protection laws?

→ Foreign workers employed as Fishermen-Hired-Abroad, the necessity of labor protection laws at sea. For example: Protection of occupational injury?



簡報結束

感謝您的聆聽  
歡迎批評指教

The End

Thank you



第五場  
家事勞動者保障制度策略

*Session 5*  
*The Strategies of Working Right Institutions*  
*of Domestic Workers*



## 2017 年防制人口販運國際工作坊

國際對於家事勞動者之  
工作時間、休息時間規範及案例分享  
*The International Regulations of Working Time  
and Rest Time of Domestic Workers and Case Studies*

主 講 人： **Karin Pape**

全球化與組織化之非正式就業婦女協會副處長

Speaker: **Karin Pape**

Deputy Director, Organization and Representation Programmer,  
Women in Informal Employment Globalizing and Organizing, WIEGO



## 主講人簡介

### Karin Pape



全球化與組織化之非正式就業婦女協會副處長

#### 經歷

WEIGO 的歐洲顧問

在國際食品勞聯(IUF) 擔任國際家事勞工網的過渡時期國際協調員

在 WEIGO 協調歐洲方面的家事勞工組織

國際家事勞工聯合會(IDWF) 歐洲協調員

#### 專長

公共政策

## Brief Introduction of Speaker

### **Karin Pape**

Deputy Director, Organization and Representation  
Programmer, Women in Informal Employment  
Globalizing and Organizing, WIEGO



### **PROFESSIONAL EXPERIENCES**

WIEGO's European Advisor

the IUF to serve as the new interim international coordinator of the International Domestic Workers Network (IDWN)

WIEGO coordinating domestic workers' organizations in Europe,

International Domestic Workers Federation European Coordinator

### **SKILL**

Public Policy



# 2017年防制人口販運 國際工作坊

---

國際工時規定與家事工休息時間及案例分享

KARIN PAPE副處長

TAIPEI - TAIWAN 25 JULY - 26 JULY

# 2017 International Workshop on Strategies for Combating Human Trafficking

---

THE INTERNATIONAL REGULATIONS OF WORKING TIME  
AND REST TIME OF DOMESTIC WORKERS AND CASE  
STUDIES

KARIN PAPE

TAIPEI - TAIWAN 25 JULY - 26 JULY

## 全球化與組織化之非正式就業婦女協會 Karin Pape副處長

---

### 1. 何謂 WIEGO 和 IDWF

### 2. 初步評論

#### a) 個人

#### b) 我的觀察

- 舉例而非全面檢視
- 通過C 189公約前後沒有可相互比較的研究，將加入我自身對家事工工時規定的經驗
- 我的資訊是基於ILO(國際勞工組織)出版物

## WIEGO Deputy Director Organization and Representation Programme and International Domestic Workers Federation - Coordinator Europe

---

### 1. What is WIEGO and IDWF

### 2. Preliminary remarks

#### a) personal

#### b) on my presentation

- exemplary not comprehensive overview
- there is no comparative research available pre and after adoption C 189 will add my own experiences on working time regulations for domestic workers: ILO process and working with migrant domestic workers in Europe
- my information based on ILO publications



## 全球化與組織化之非正式就業婦女協會 Karin Pape副處長

---

### 3. 規定工作時間的歷史沿革，包含ILO大會

- 為何工作時間需規定？
- 工作時間規定的歷程與工廠工作相關
- 為何家事工作者經常被排除於工作時間認定之外
- ILO 工作時間認定的歷程

### 4. 家事工作：

- 工作類型的認定，該工作像其它類別或不像其它工作類別-
- C198號公約的工作時間認定

WIEGO Deputy Director Organization and Representation Programme and International Domestic Workers Federation - Coordinator Europe

---

### 3. History of regulation of working time, incl. with regard to ILO Conventions

- why should working time be regulated?
- history of regulation of working time connected to factory work
- why domestic work is often excluded from working time regulations
- history of ILO working time regulations

### 4. Domestic work:- work like any other /work like no other - The working time regulation in C 189



## 全球化與組織化之非正式就業婦女協會 Karin Pape副處長

---

### C198公約第10條規範

1. 考慮到家事工作者的特殊性質，各成員國需根據國家法律、法規或集體協議採取相關措施，確保家事工作者正常工作時間、加班補貼、每日和每週休息時間以及帶薪年休假方面，享有與一般工人的同等待遇。
2. 每週須至少連續休息 24 小時。
3. 凡家事工作者不能隨意自由支配他們的時間，並需在住戶家中隨時聽候可能的工作安排，此一時間區間應被視為工作時間，應由國家法律或法規、集體協議或符合國家慣例的任何其他措施來具體認定。

## WIEGO Deputy Director Organization and Representation Programme and International Domestic Workers Federation - Coordinator Europe

---

### Article 10

*Each Member shall take measures towards ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave in accordance with national laws, regulations or collective agreements, taking into account the special characteristics of domestic work.*

*Weekly rest shall be at least 24 consecutive hours.*

*Periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls shall be regarded as hours of work to the extent determined by national laws, regulations or collective agreements, or any other means consistent with national practice.*



## 全球化與組織化之非正式就業婦女協會 Karin Pape副處長

---

### 5. 依據C189第10條所認定的各種工時範圍

- 原則：平等對待
- 工作的日別 / 周別 / 年別
- 超時工作
- 休息時間 (日別 / 周別 / 年別)
- 隨傳隨到 / 待命

## WIEGO Deputy Director Organization and Representation Programme and International Domestic Workers Federation - Coordinator Europe

---

### 5. Different areas of working time according to Article 10 C 189:

- principle: equal treatment
- daily/weekly/monthly
- overtime
- rest periods (daily/weekly/yearly)
- on call /stand by

## 全球化與組織化之非正式就業婦女協會 Karin Pape副處長

---

### 6. 影響工作時間認定因素及如何實行

#### a) 不同的就業安排/僱傭關係：

- 居住於雇主家的家事工作者
- 非居住於雇主家家事工作者 (全時/彈性工時)
- 雇主為私人家庭
- 雇主為代辦機構

#### b) 工作者的身份狀態

- 外籍的家事工作者 (有或無合法文件) vs. 本國籍家事工作者

WIEGO Deputy Director Organization and Representation Programme and International Domestic Workers Federation - Coordinator Europe

---

### 6. Elements which influence the regulation of working time or how it is practiced

#### a) Different employment arrangements/employment relationships:

- live-in domestic workers
- live-out (full-time/part time)
- Employer is private household
- employer is agency

#### b) Status of the worker

- migrant domestic worker (with or without papers) vs. national domestic



## 全球化與組織化之非正式就業婦女協會 Karin Pape副處長

---

### 6. 影響工作時間認定因素及如何實行

#### c) 監管的機制

- 無任何特殊規定(排除於勞工法外)
- 法律
- 工作合約 / 定型化契約
- 集體協議

WIEGO Deputy Director Organization and Representation Programme and International Domestic Workers Federation - Coordinator Europe

---

### 6. Elements which influence the regulation of working time or how it is practiced

#### c) Regulation mechanisms

- no regulation at all (exclusion from labour laws)
- law
- work contract/model contracts
- collective agreements

## 全球化與組織化之非正式就業婦女協會 Karin Pape副處長

---

### 7. 不同工作時間的示範概述 (基於 ILO 出版物)

- 工作時間的規定(週別)
- 休息時間的規定
- 超時工作
- 休息的時段
- 隨傳隨到 / 待命

### 8. 案例討論

- 南非
- 美國

### 9. 結論

WIEGO Deputy Director Organization and Representation Programme and International Domestic Workers Federation - Coordinator Europe

---

### 7. Exemplary overview (based on ILO publications) on different working time arrangements

- Regulation of working time (weekly)
- Regulation of rest time
- Overtime
- Rest periods
- On Call/Stand by

### 8. Case Studies

- South Africa
- USA

### 9. Conclusions



## 2017 年防制人口販運國際工作坊

第六場  
海外遭勞力剝削預防策略及國際合作

*Session 6*  
*Prevention Strategies of Oversea Labor Exploitation*  
*and International Cooperation*



## 2017 年防制人口販運國際工作坊



臺灣避免青年國人海外度假打工  
落入剝削陷阱與及時救援

*The Exploitation Prevention and Rescue Movements  
of the Local Youths Serving as Holiday Workers Overseas*

主 講 人：張進旺  
外交部公眾外交協調會專門委員

Speaker: **Chang, Chin-Wang**  
Assistant Director-General, Public Diplomacy  
Coordination Council, Ministry of Foreign Affairs



## 主講人簡介

### 張進旺

外交部公眾外交協調會專門委員

### 經歷

外交部公眾外交協調會科長

駐美國亞特蘭大辦事處組長

外交部非洲司科長

外交部秘書回部辦事暨代理科長

駐馬拉威大使館三等及二等秘書

北美事務協調委員會薦任組員

立法委員蔡璧煌博士國會助理

## **Brief Introduction of Speaker**

### **Chang, Chin-Wang**

Assistant Director-General, Public Diplomacy  
Coordination Council, Ministry of Foreign Affairs

#### **PROFESSIONAL EXPERIENCES**

Section Chief, Public Diplomacy Coordination Council, Ministry of Foreign Affairs

Division Director, Taipei Economic and Cultural Office in Atlanta

Section Chief, Department of African Affairs, Ministry of Foreign Affairs

Second Secretary on Home Assignment and Acting Section Chief

Third and Second Secretary, Embassy of Republic of China (Taiwan) in Malawi

Officer, Coordination Council for North American Affairs

Research Assistant in Congress to Dr. Bih-Hwang Tsai, Member of Legislative Yuan



# 青年海外度假打工現況 與勞權維護措施

外交部公眾外交協調會  
專門委員 張進旺



## Prevention Strategies of Labor Rights About Youths Are Serving As Holiday Workers Overseas

Chang,Chin-Wang

Public Diplomacy Coordination Council  
Ministry of Foreign Affairs of Republic of China



影片



Video



## 度假為主 打工為輔

- 海外旅遊半年以上，  
深度體驗異國文化
- 打工限3到6個月，資  
助旅費
- 進修或訓練3到6個月



Mainly In Holiday

Supplemented By Working

- Travel Abroad More  
Than 6 Months:  
Explore Foreign  
Cultures And  
Customs In-depth
- 3~6 Months :Gain  
Valuable Work  
Experience And  
Money
- 3~6 Months : Study  
And Train Course

國家	協議簽署 (生效日期)	每年名額	年齡限制	停留期限
紐西蘭	2004.02.20 (2004.06.01)	600	18-30	1年
澳大利亞	2004.07.15 (2004.11.01)	無限制	18-30	1-2年
日本	2009.04.03 (2009.06.01)	5,000	18-30	1年
加拿大	2010.04.16 (2010.07.10)	1,000	18-35(含)	1年
德國	2010.10.11 (2010.10.11)	500	18-30	1年
韓國	2010.11.23 (2011.01.01)	600	18-30	1年
英國	2011.09.29 (2012.01.01)	1,000	18-30	2年
愛爾蘭	2012.10.05 (2013.01.01)	400	18-30	1年
比利時	2013.03.06 (2013.03.29)	200	18-30	1年
斯洛伐克	2014.04.15 (2014.10.23)	100	18-35(含)	1年
波蘭	2014.11.05 (2014.12.01)	200	18-30	1年
匈牙利	2014.02.21 (2014.12.31)	100	18-35(含)	1年
奧地利	2014.11.18 (2015.01.26)	50	18-30	6個月
捷克	2015.12.28 (2016.04.18)	100	18-26	1年
法國	2016.07.13 (2016.08.08)	500	18-30	1年

Countries	Agreement (Effective Date)	Quotas	Age Limit	duration of stay
New Zealand	2004.02.20 (2004.06.01)	600	18-30	1year
Australia	2004.07.15 (2004.11.01)	N/A	18-30	1-2years
Japan	2009.04.03 (2009.06.01)	5,000	18-30	1year
Canada	2010.04.16 (2010.07.10)	1,000	18-35(Incl.)	1year
Germany	2010.10.11 (2010.10.11)	500	18-30	1year
Korea	2010.11.23 (2011.01.01)	600	18-30	1year
United Kingdom	2011.09.29 (2012.01.01)	1,000	18-30	2years
Ireland	2012.10.05 (2013.01.01)	400	18-30	1year
Belgium	2013.03.06 (2013.03.29)	200	18-30	1year
Slovakia	2014.04.15 (2014.10.23)	100	18-35(Incl.)	1year
Poland	2014.11.05 (2014.12.01)	200	18-30	1year
Hungary	2014.02.21 (2014.12.31)	100	18-35(Incl.)	1year
Austria	2014.11.18 (2015.01.26)	50	18-30	6months
Czech Republic	2015.12.28 (2016.04.18)	100	18-26	1year
France	2016.07.13 (2016.08.08)	500	18-30	1year



## 澳洲工資高 意外事故也多 每年有10多人喪生

2016年08月22日 04:10 林思慧· 鍾孟立 / 台北報導



台灣青年到外國度假打工日益盛行。從開放至今到澳洲度假打工累積青年已超過16萬人，最高峰曾經達到每年3萬6000人。最近雖下降但仍有2萬多人。外交部統計，最近3年，平均每年都有超過10多人因車禍、游泳溺斃意外事故死亡。

台灣青年在澳洲打工曾發生多起嚴重事故。包括曾有背包客到澳洲加工肉品工廠打工賺錢，清洗鍋爐石不小心掉入滾燙鍋爐，下半身嚴重燙傷，仲介要求自負直升機救援費用138萬元。由於澳洲是右駕，容易因駕駛習慣不同而發生事故，去年就曾發生多起造成傷亡的車禍；也有伯斯下班途中發生車禍重傷，一度命危，家屬無力負擔175萬元回台費用，後由慈善機構籌款解圍。

一名青年則在澳洲遊玩時摔傷，多處骨折，由外交部安排醫療專機花費近300萬元。一名女生為了改善家計在去年遠赴澳洲打工賺錢，卻因感染腦膜炎昏迷，最後在各方幫助下搭乘醫療專機回台治療。

我駐布里斯本辦事處處長賴維中日前表示，2013年來澳洲打工度假的青年有11個人死亡，其中昆士蘭與北領地，有7人死亡。2014年有10個，轄區有6人。2015年去年，整個澳洲有14人，轄區有6人。

## News High Salary and Accident Death, More than 10 people die each year



台灣青年到外國度假打工日益盛行。從開放至今到澳洲度假打工累積青年已超過16萬人，最高峰曾經達到每年3萬6000人。最近雖下降但仍有2萬多人。外交部統計，最近3年，平均每年都有超過10多人因車禍、游泳溺斃意外事故死亡。

台灣青年在澳洲打工曾發生多起嚴重事故。包括曾有背包客到澳洲加工肉品工廠打工賺錢，清洗鍋爐石不小心掉入滾燙鍋爐，下半身嚴重燙傷，仲介要求自負直升機救援費用138萬元。由於澳洲是右駕，容易因駕駛習慣不同而發生事故，去年就曾發生多起造成傷亡的車禍；也有伯斯下班途中發生車禍重傷，一度命危，家屬無力負擔175萬元回台費用，後由慈善機構籌款解圍。

一名青年則在澳洲遊玩時摔傷，多處骨折，由外交部安排醫療專機花費近300萬元。一名女生為了改善家計在去年遠赴澳洲打工賺錢，卻因感染腦膜炎昏迷，最後在各方幫助下搭乘醫療專機回台治療。

我駐布里斯本辦事處處長賴維中日前表示，2013年來澳洲打工度假的青年有11個人死亡，其中昆士蘭與北領地，有7人死亡。2014年有10個，轄區有6人。2015年去年，整個澳洲有14人，轄區有6人。





## 澳洲急難救助統計

	全澳急難救助	亡故
104年	502	14
105年	430	11



## Overseas Emergency Assistance Cases Of Australia

	Overseas Emergency Assistance of Australia	Death
2015	502	14
2016	430	11



## 澳洲黑工、剝削案例

- 當事人持417度假打工簽證赴澳度假打工，誤信仲介刊登的不實招聘廣告，以每週200澳元薪資、工時50小時遭雇主剝削。
- 當事人度假打工簽證逾期，在昆士蘭一處農場打黑工。
- 104年5月4日澳洲ABC電視臺新聞節目「Four Corners」以「Slaving Away」為題報導澳洲農場剝削外籍勞工情形，並專訪多位我赴澳度假打工遭雇主不當待遇之青年，包括工資低於法定標準、短付或遲發工資、非法雇用、仲介剝削、工時過長、言語或性騷擾等。



## Cases of Illegal Employee And, Exploitation Of Labor

- Exploitation Of Labor: A Young People Travelled To Australia On A 417 Working Holiday Visa. The Labor With Hype About Employment Advertisement. For 50 Hours A Week, He Was Paid Just\$200.
- Illegal Employee : A Young People Worked In A Farm In Queensland With Expired Working Holiday Visa.
- 2015 May 4, TV Programed (Four Corners): "Slaving Away" To Report The Contractors. They Visited Lots Of Taiwan's Young People. And Report : Lower Pay 、late To Pay 、illegal Employment 、exploitation From Labour 、working Overtime Sexually Harass





## 過來人甘苦談 度假…沒那麼夢幻 打工…沒那麼好賺

2016年08月22日 04:10 楊孟立 / 台北報導

湘湘讀大學時就有在美國打工的經驗，大學畢業後，又申請了愛爾蘭打工度假，雖然只待了3個月，沒存到錢，還遇到人身安全威脅；但回想起來，這段打工度假的經歷還是很珍貴，最重要的是一償在巴黎修習短期當鬼舞到的夢想。

「所有來打工度假的台灣人，不論是抱著來玩的心態，或是來賺錢的心願，最先遭遇的一定都是經濟壓力。」湘湘當初只帶5萬台幣到愛爾蘭，原本打算安定好、開完銀行帳戶再請家人匯錢過去，殊不知外國人在當地開戶困難重重，一度窮到手頭只剩幾百歐元，面對高昂的物價，又不知道何時才能領到第一筆薪水，強烈的不安感差點將她逼哭。

為了一份合法工作，湘湘一抵達愛爾蘭就透過求職網站、人力仲介公司，甚至沿街看到有徵人的店就進門應徵，不到兩星期丟了超過一百封履歷，最後總算找到一家連鎖速食店服務生工作。

「我算是幸運的，至少做的是『白工』，符合我當初設定的目標；很多台灣人在愛爾蘭都是做『黑工』，薪水低，每天工作十多個小時，毫無生活品質可言。」湘湘說，歐洲經濟不好，當地年輕人都不好找工作了，願意雇用台灣人的幾乎只有中餐館；許多人原本以為出國工作英文會變好，結果一整天下來，開口說的英文不超過10句，反而退步了。

## News

## Sharing experience: Working Holiday won't earn big fortune.

2016年08月22日 04:10 楊孟立 / 台北報導



湘湘讀大學時就有在美國打工的經驗，大學畢業後，又申請了愛爾蘭打工度假，雖然只待了3個月，沒存到錢，還遇到人身安全威脅；但回想起來，這段打工度假的經歷還是很珍貴，最重要的是一償在巴黎修習短期當鬼舞到的夢想。

「所有來打工度假的台灣人，不論是抱著來玩的心態，或是來賺錢的心願，最先遭遇的一定都是經濟壓力。」湘湘當初只帶5萬台幣到愛爾蘭，原本打算安定好、開完銀行帳戶再請家人匯錢過去，殊不知外國人在當地開戶困難重重，一度窮到手頭只剩幾百歐元，面對高昂的物價，又不知道何時才能領到第一筆薪水，強烈的不安感差點將她逼哭。

為了一份合法工作，湘湘一抵達愛爾蘭就透過求職網站、人力仲介公司，甚至沿街看到有徵人的店就進門應徵，不到兩星期丟了超過一百封履歷，最後總算找到一家連鎖速食店服務生工作。

「我算是幸運的，至少做的是『白工』，符合我當初設定的目標；很多台灣人在愛爾蘭都是做『黑工』，薪水低，每天工作十多個小時，毫無生活品質可言。」湘湘說，歐洲經濟不好，當地年輕人都不好找工作了，願意雇用台灣人的幾乎只有中餐館；許多人原本以為出國工作英文會變好，結果一整天下來，開口說的英文不超過10句，反而退步了。



## 成因：多為缺乏正確勞權觀念

- 工作難尋，我國青年「接受剝削」。
- 澳洲勞動市場充裕外籍勞力，造成不肖仲介及雇主串連勾結，上下其手壓榨勞工。
- 恐遭雇主或仲介報復，對申訴裹足不前。



## Cause : Lack of Labor Rights Concept

- Lack of jobs, teenagers of our country accept exploitation
- Australian labor market is full of foreign labors, So it makes illegal Human Resources Agency and employer work suppress laborers together.
- It may cause Human Resources Agency and employer to revenge on workers, so some workers are hesitating about Report illegal things



## 外交部協處措施

- 一. 「青年度假打工跨部  
會協調會議」機制
- 二. 「申訴機制」
- 三. 「度假打工出國登錄  
」系統
- 四. 推動網路加（續）保
- 五. 運用傳統與網路等多  
元文宣途徑擴大宣導



## Ministry Of Foreign Affairs Assistance Method

1. Youth Working Holiday  
Multi Departments  
Coordination Meeting  
Mechanism
2. Complaint Mechanism
3. Working Holiday Log  
In :Track & Record
4. Promote Buying  
Insurance Or Renew  
Online
5. Using Tradition And  
Internet To Propaganda



## 一、青年度假打工跨部會協調會議

- 103年6月成立，迄已召開12次會議
- 外交部、內政部、教育部、僑委會、法務部、交通部、勞動部、金管會、經濟部、農委會



## 1. Multi Departments Coordination Meeting for Youth Working Holiday

- Set up June 2014, Has held 12 meetings
- MOFA、MOI、MOE、OCAC、MOJ、MOTC、MOL、FSC、MOE、COA



## 二、申訴機制



The screenshot shows the homepage of the Youth Working Holiday Program website. At the top, there is a navigation bar with the title "青年度假打工" (Youth Working Holiday Program) and a search bar. Below the navigation bar, there is a main banner with the text "Let's GO GO GO!!" and "青年海外度假打工官導會" (Youth Working Holiday Program Official Guide). The banner also features a globe and an airplane. To the right of the banner, there is a "NEWS" section with two news items: "教育部青年發展署105年(Youth)青年..." and "中研院國際法研習所青年度假打工...". Below the banner, there is a "More" button and a carousel of images for different countries: Australia, Germany, Japan, and South Korea.

<http://www.youthtaiwan.net/WorkingHoliday/>

## 2.Complaint Mechanism



This is an identical screenshot of the Youth Working Holiday Program website as shown in the previous slide. It displays the website's layout, including the navigation bar, main banner with "Let's GO GO GO!!", news section, and country carousel.

<http://www.youthtaiwan.net/WorkingHoliday/>







澳洲

安全與權益保障

申請專區

保障

案例分享

出國登錄

交通安全

澳洲

海外申請管道 國內申請管道 其他時間 勞動法令

澳洲-度假打工勞動糾紛案件申訴、諮詢或救援資訊一覽表

平等工作監察署 (FWO) 申訴案件處理流程

```

    graph TD
      A[撥打 13 13 94 瞭解案件可否受理] --> B[申請人先與雇主交涉協議]
      B --> C[交涉不成，向 FWO 提交申訴書 (Workplace Complaint Form)]
      C --> D["FWO 電話或電郵通知，確認申訴細節，建立案件號碼，聯繫調解員"]
      D --> E["FWO 扮演第三方調解者安排調解會，協助申請人與雇主解決問題"]
      E --> F["調解會：由勞雇雙方、翻譯、FWO 人員以電話進行"]
      F --> G[調解結果]
      G --> H["成功  
例如：資方補發薪資"]
      G --> I["失敗  
例如：  
1. 資方拒絕參加調解會  
2. 資方參加調解會，但拒絕補發薪資"]
      I --> J[申訴法院小額調解 (Small Claims)]
  
```

申訴法院小額調解 (Small Claims)

澳洲

安全與權益保障

申請專區

保障

案例分享

出國登錄

交通安全

澳洲

海外申請管道 國內申請管道 其他時間 勞動法令

澳洲-度假打工勞動糾紛案件申訴、諮詢或救援資訊一覽表

平等工作監察署 (FWO) 申訴案件處理流程

```

    graph TD
      A[撥打 13 13 94 瞭解案件可否受理] --> B[申請人先與雇主交涉協議]
      B --> C[交涉不成，向 FWO 提交申訴書 (Workplace Complaint Form)]
      C --> D["FWO 電話或電郵通知，確認申訴細節，建立案件號碼，聯繫調解員"]
      D --> E["FWO 扮演第三方調解者安排調解會，協助申請人與雇主解決問題"]
      E --> F["調解會：由勞雇雙方、翻譯、FWO 人員以電話進行"]
      F --> G[調解結果]
      G --> H["成功  
例如：資方補發薪資"]
      G --> I["失敗  
例如：  
1. 資方拒絕參加調解會  
2. 資方參加調解會，但拒絕補發薪資"]
      I --> J[申訴法院小額調解 (Small Claims)]
  
```

申訴法院小額調解 (Small Claims)





### 三、出國登錄



### 3.Journey Log In :Track & Record



#### 四、推動網路加續保



#### 4.Promote Buying Insurance Or Renew Online





## 五、運用傳統與網路等多元文宣途徑擴大宣導



## 5. Using Tradition And Internet to Propaganda





## 駐外館處協處實例分享

- 我國青年在紐西蘭某餐廳打工不慎受傷，當事人雇主未替員工投保意外傷害險，亦不願負擔因工傷不克工作期間的工資損失。經駐處協處，雙方達成和解。
- 當事人在波蘭打工遭雇主拖欠工資。經駐處協助向當地警方報案及提供申訴管道，當事人已獲發工資並辭去該工作。為增進日後此類急難救助協處時效及保障國人權益，駐處並進洽波蘭政府主責機關，建立急難救助聯繫管道。
- 當事人於澳洲某肉品工廠打工不慎遭肉條機鋸斷大拇指，無名指、小指及手掌亦遭切傷，駐處建議渠循法律程序向該肉品工廠提出訴訟，並諮詢肉品工會之律師。所幸當事人求職仲介有依規定辦理員工工傷醫療保險，渠醫療費用均由澳洲勞保支付。



## Cases

- One of our teenager was injured in a restaurant in New Zealand, but the employer did not pay for the staff accident insurance, Employer also do not want to bear the loss of wages due to work during injury period. By the help of Representative office the Department of coordination. The two sides reached a settlement
- The party was working in Poland by the employer in arrears. The resident has assisted in reporting and providing complaints to the local police. The party has been paid wages and resigned from the work. To enhance the future of such emergency rescue coordination and safeguard the rights and interests of our citizens, Our government has contacted the Polish government to establish an emergency rescue contact
- The party was working in the meat factory in Australia. The worker was accidentally Injured ,since the thumb, ring-finger and little finger were cut by the machine. The palm was also wounded. Ministry of Foreign Affairs filed a law suit against the meat factory and consult the meat trade union lawyers Luckily the party's Human Resources Agency has medical insurance for the party, all the medical expenses are paid by the Australian labor insurance



謝謝聆聽！



Thank You