



Action Plan for Fisheries and Human Rights (Approved)

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Action Plan for Fisheries and Human Rights

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I. INTRODUCTION

(I) Background

As Taiwan is surrounded by the sea, its capture fisheries are flourishing and have been one of the main economic activities of Taiwan. The Taiwanese fishing fleet not only operates in coastal and offshore areas but also in the Pacific Ocean, Indian Ocean and Atlantic Ocean. Unlike the stable and much favorable land-based economic activities, the capture fisheries are rather labor-intensive and high-risk, resulting in the decreasing willingness of Taiwanese nationals to work on board in recent years. In order to solve the labor shortage in fisheries, vessel operators have shifted to recruit foreign workers, making it the norm in the Taiwanese capture fisheries, especially in the distant water fishing fisheries, for foreign crews to work on board. Nowadays, workers from Southeast Asia are the main composition of fishing crew.

Despite technological innovations, the use of labor-and-energy-saving fishing gears still fails to effectively change the labor-intensive working nature of the capture fisheries. As a result, when faced with limited natural resources and in pursuit of sustainable fisheries, the “human-oriented” management should be emphasized even more. It is of great importance for the government to contemplate and shape a long-term development strategy for the industry taking into account the rights and benefits of fishing crew members, vessel operators and consumers.

Unlike the land-based occupations, the working area and living area of fishing crews are completely on board in the capture fisheries, it is difficult to separate one from the other. Working at seas also imposes greater danger to its workers than those land-based do. Since in recent years the international community has been paying close attention to human rights issues such as labor rights protection, forced labor and human trafficking, the Taiwanese distant water fishing fleet, given its large scale and extensive fishing ground, often comes under the spotlight. In particular, as foreign fishing crews on Taiwanese fishing vessels are employed under different employment schemes, where different labor rights and regulations apply, it has been criticized by human rights groups. Notwithstanding the fact that the majority of Taiwanese fishing operators are law-abiding citizens and dedicated to creating a collegial working environment, few irregularities, such as the deaths aboard F/V Fu Tsz Chiun (Taiwanese-flagged), and F/V FU SHENG NO.11 (Taiwanese-flagged), Da Wang and Chin Chun No. 12 (both foreign-flagged but operated by nationals of Taiwan, referred to as fishing vessel flying a flag of convenience, hereinafter FOC-vessels) involved in labor exploitation and agents falsifying number of untracked foreign crew members, has inflicted a far-reaching damage on the reputation of the Taiwanese distant water fishing industry.

According to the 2020 Trafficking in Persons Report published by the United States Department of State, labor exploitations such as excessive working hours, abusive working conditions, verbal and

physical violence are identified on the Taiwanese distant water fishing vessels (Appendix 1); in addition, the U.S. Department of Labor, with the belief that issues including short-paying wages, excessive working hours, poor living conditions and life care aboard, and fishing vessels operating at sea for a long period without stopping at a port are generally seen in the Taiwanese distant water fisheries (Appendix 2), includes the fish caught by the Taiwanese distant water fishing vessels on the List of Goods Produced by Child Labor or Forced Labor . These altogether create a negative impact on the development of the concerned industry.

In order to provide the international community with correct information and to ensure that the Taiwanese distant water fisheries are sustainable, the Government believes it is necessary to advance relevant labor rights and human rights protection in the Taiwanese fisheries and make relevant domestic laws and regulations come up to the international standard such as the C188-Work in Fishing Convention adopted by the International Labor Organization (hereinafter the ILO-C188 Convention), which would help attract international professionals in fisheries and promote industrial upgrading and transformation. In view of this, the Executive Yuan had convened the Coordination Conference for Human Trafficking Prevention and Elimination of Racial Discrimination on December 30, 2020, where the Council of Agriculture under the Executive Yuan (hereinafter the COA) were tasked to draft the “Action Plan for Fisheries and Human Rights” as a sub-plan of the National Action Plan for Human Rights with relevant governmental bodies.

This four-year Action Plan is drafted with the consideration of the international conventions adopted by the United Nations, the National Action Plan for Human Rights of Taiwan, the regulations adopted in the major market states, relevant reports published by international institutions and civic society organizations from abroad and at home, the severity of the impact on fishery human rights, the cost-effectiveness of solutions, the human rights situations of foreign fishing crews, the national conditions of Taiwan and the industry needs, and the views from relevant governmental bodies. It is expected that after the implementation of this Action Plan, the human rights and labor rights protection in the Taiwanese fisheries could be strengthened, the reputation of Taiwan could be guarded and the sustainable development of the industry could be ensured.

(II) Objective

- A. To strengthen the living condition and labor rights protections of fishing crews;
- B. To improve labor relations between vessel operators and foreign crews employed overseas;
- C. To implement the core tenets of fisheries-related conventions adopted by the International Labor Organization.

(III) Civic Engagement and Communication

- A. The issues encompassed in this Action Plan are determined with reference to recommendations made by civic society

organizations from abroad and at home and relevant research reports from foreign governments.

- B. Comments and recommendations on the draft of this Action Plan were collected in the convened policy forums, where public sector and private sector were presented, including representatives of civic society organizations from abroad and at home, scholars, experts, the industry and relevant governmental bodies.
- C. Consensus on this Action Plan was reached through continuing communication with the public and integrating their opinions, through which support of this Action Plan was built up.

(IV) **Resource Requirements**

- A. Each ministry under the Executive Yuan, as per their roles and responsibilities, implements this Action Plan and strengthens the human rights protections in the fishing industry.
- B. Manpower requirement: In addition to the existing relevant manpower, vacancies of 49 contracted personnel and 30 temporary personnel approved by the Executive Yuan will be recruited for labor development and inspections in the fishing industry, most of which will be responsible for conducting labor inspections.
- C. Budget requirement: The estimated budget for this four-year Action Plan is NTD 603,624,000, and will be reviewed on a rolling basis.

II. HUMAN RIGHTS ISSUES IN FISHERIES

(I) Existing Regulations and Laws

Enacted in 1984, the Labor Standards Act applies to anyone employed within the territory of the Republic of China (also known as Taiwan, hereinafter Taiwan) in an industry to which the Labor Standards Act applies, regardless of the nationality of the employee. Nevertheless, foreign crew members on board Taiwanese-flagged vessels, subject to where their employment relationship was established, can be further categorized into overseas employed and domestically employed, where different laws and regulations apply (Appendix 3).

A. Regulations Apply to Crew Members with Taiwan Nationality

For Taiwan nationals working as crew on board Taiwanese-flagged fishing vessels, as their employment relationship is established within the territory of Taiwan, their working hours, labor conditions, and wage are regulated by the Labor Standards Act.

B. Regulations Apply to Foreign Crew Members

1. Domestic Employment

- i. For foreign crew members employed domestically, the recruitment, employment, and management shall comply with the Employment Service Act under the jurisdiction of the Ministry of Labor (MOL), and their working hours, labor conditions, and wage are regulated by the Labor Standards Act.

- ii. As the fishing operation of the coastal and offshore fisheries does not disengage their workers from the land-based lifestyle, foreign crew members in these fisheries are considered domestically employed, to which the Labor Standards Act applies.

2. Overseas Employment

- i. For foreign crew members employed overseas, their minimum wages, working hours, insurance coverage, and other labor conditions along with their fundamental rights and recruitment procedures are regulated by the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members (hereinafter the Regulations) as authorized by the Act for Distant Water Fisheries, under the jurisdiction of the COA. The rights and benefits of foreign crew members are protected with the mandatory use of the standard contract, where terms and conditions are prescribed.
- ii. In order to ensure foreign crew members are fully aware of their legal rights guaranteed by the Government of Taiwan, amendment were made to the Regulations on March 20th, 2019, prescribing that employers shall inform employed crews about matters included into the contract, that when fulfilling the obligation of informing foreign crews, employers shall make visual and audio recordings throughout the entire process, and that a copy of the employment contract

shall be provided to the employed crew. See Appendix 4 for the summary of the Regulations.

- iii. As the distant water fishing vessels operate overseas, either on the high seas or in the exclusive economic zone of other nations, for a long period, the vessel operators mainly employ foreign crew members when the vessel stops at a foreign port. In principle, upon the termination of the contract, foreign crew members are sent directly to their home countries or where they were employed.

(II) Human Rights Issues in Fisheries

Given the fact that the Labor Standards Act does not apply to foreign crew members employed overseas, they are consequently less protected in terms of their labor rights and are prone to maladies. Since 2020, the COA has invited scholars, experts, and civic society organizations prompting the rights and benefits of foreign crew members, relevant industrial associations, and the competent authorities to explore the major controversies in the current overseas employment scheme and their possible cause. In the following, different aspects encompass labor conditions, living conditions and social protection, debt bondage, monitoring control mechanism, FOC-vessels, international cooperation, and education and promotion will be explored in detail.

A. Labor Conditions

1. Short-paying wage:

- i. Complicated means of wage payment: Currently, wage payment to foreign crew members from vessel operators is made through different means, including receiving in cash; through bank transfer, either to the account designated by the concerned crew member or to the account of the concerned crew member's domestic recruitment agent, where the agent then transfer the wage to the account of the crew member's relative, or settle the amount of money with the crew member upon his/her expiration of the employment after the crew member is back to his/her home country; or a combination of the said means. These complicated means of wage payment make it difficult for foreign crew members to figure out the actual total amount of wage they have received.
- ii. Loan relationship between crew members and their domestic recruitment agent: Deduction from the wage is made by the concerned agent as loan repayment, which causes the crew member having misunderstanding of being short paid.
- iii. Foreign crew member's domestic recruitment agent fails to make full wage payment: Foreign crew member's domestic recruitment agent failing to make full wage payment leads to the crew member's misunderstanding that the vessel operator did not pay he/she at all or they are being short-paid, causing

disputes when the crew member makes complaints to the third-party.

2. Underpayment: The monthly wage of foreign crew members employed in the coastal and offshore fisheries is regulated and guaranteed by the Employment Service Act and the Labor Standards Act; in comparison, the monthly wage of foreign crew members employed overseas in distant water fisheries is determined according to conditions such as their professionalism and seniority; however, underpayment is commonplace.

3. Excessive working hours:

i. Determination on working hours differs: The fishing operating characteristics of distant water fishing vessels make it difficult to determine when the crew members are working or not; in particular, the immediacy of fishing operation and catch preservation are time-bound and need to be done promptly, making crew members' working hours intensive and continuous, which often gives rise to disputes over the determination on working hours between crew members and operators.

ii. Due to different types of fishing operations and subject to the working and living environment on board, it is difficult to accurately record crew members' attendance. Consequently, when relevant disputes arise, the actual working hours of crew members is usually not known for certain.

B. Living Conditions and Social Protection

1. Inadequate accommodation space: Fishing vessels have limited space, mainly used to keep fishing gears and equipment and store caught fish. Some vessels have narrow accommodation space and are even with no sanitation facilities, which provides poor living quality for crew members on board.
2. Poor living conditions: The food and water supply of crew members when fishing vessels are out at sea are prepared before departure and will be replenished when conducting transshipments or stopping at a port. During the long voyage and when replenishment is delayed, crew members occasionally reported problems such insufficient food and unclean drinking water. Additionally, when vessels return and stop at ports, foreign crew members sometimes are forced to take cold shower at ports as the fishing vessels are poor-equipped, lacking shower facilities. Such inadequate care for crew members has been criticized.
3. Excessively-long fishing trip: The current period of a single fishing trip lasts from one to several months, with few cases more than two years. Living onboard in the limited space for such a long period could affect crew members' physical and mental health.
4. Low coverage rate of labor insurance of foreign crew members employed in the coastal and offshore fisheries: Vessel operators in coastal and offshore fisheries who employ foreign crew members in accordance with the

Employment Service Act shall take out labor insurance for foreign crew members as prescribed in the Labor Insurance Act. However, some operators do not fulfill this obligation due to various reasons, including being unfamiliar with the insurance requirements and declaration procedures, being in the belief that many have already covered under the accident insurance and therefore considering labor insurance is unnecessary, expected little payout of labor insurance of foreign crew members given their short stay in Taiwan, and difficulties in applying for, suspending, or paying labor insurance given the specific nature of the fishing industry. The labor insurance coverage rate of eligible foreign crew members in 2019 was only 51%.

5. Low quality medical care and lack of emergency relief payment in the event of accidental death for foreign crew members employed overseas:
 - i. Although medical care has covered under the commercial insurance package, the current regulation does not set a minimum payout, resulting in some vessel operators opting for a commercial insurance with a lower insured amount.
 - ii. In the event when a foreign crew member employed overseas dies, the relatives of the deceased can only claim for death benefit in accordance with the Regulations; however, in the same situation, the relatives of the deceased foreign crew members who was employed domestically, can claim for additional

compensation such as survivor benefits and missing allowances covered by labor insurance.

6. Poor accessibility of complaint channels for foreign crew members:

- i. Some crew members are unaware of the fact that they can file complaints through the 1955-Hotline (available in English, Indonesian, Vietnamese, and Thai) operated by the MOL.
- ii. Communication is limited when distant water fishing vessels are out at sea. In addition, the accessibility of the 1955-Hotline for crew members is also affected when fishing vessels call at foreign ports.

7. Insufficient safety awareness or unhandy personal protective equipment:

- i. The foam life jacket commonly placed on board distant water fishing vessels is bulky, and therefore fishing operation could be interfered when crew members in it.
- ii. Due to language barriers, it is difficult to ensure that the occupational health and safety training is fully implemented, and consequently, such occupational health and safety equipment may not be used properly, leading to a relatively high frequency of man overboard accidents and accidental deaths.

C. Debt Bondage

1. Debt Bondage: Before foreign crew members employed overseas embark on fishing vessels or those employed domestically entering Taiwan, they shall arrange and prepare relevant documents, training, air tickets, travel allowance, service fee for local recruitment agents and settling-in allowance in advance. Foreign crew members would usually borrow money from their local recruitment agents to cover such expenses, making them susceptible to debt bondage.
2. Illegal behaviors of recruitment agents: Few immoral recruitment agents, in order to make unlawful gain, falsify the number of recruited foreign crew members. Other violations include neglecting to properly manage and provide care to foreign crew members and failing to know their whereabouts when they enter Taiwan or when fishing vessels berth in Taiwanese ports.

D. Monitoring and Control

1. Limited capacity in labor inspection of distant water fishing vessels: The COA has been conducting interviews with foreign crew members aboard Taiwanese distant water fishing vessels through outsourced interviewers since 2017. At present, there are 10 interviewers responsible for carrying out the interviews. The number of vessels interviewed each year accounts for around 10% of the total number of Taiwanese distant water fishing vessels, and the number of interviewed foreign crew members employed overseas accounts for 2.5% of the total number. Either of the coverage is relatively low. In addition, the interviews only target

foreign crew members currently and do not collate relevant documents at operators' premises.

2. Human trafficking cases involve cross-border investigations, making evidence collection challenging: Whenever receiving reports or detecting potential human trafficking cases through inspection, the COA will transfer cases identified with indicators of human trafficking to district prosecutors' offices for further investigations. However, such cases mainly occur at sea and abroad, where the victims and relevant evidence are not in Taiwan. The difficulties in collecting evidence result in low prosecution rate, lessening the deterrent effect of human trafficking for those immoral.

E. FOC-Vessels

1. Lack of oversight on the flag state: Some fishing vessels choose to fly under a flag of convenience either because such flag state imposes less stringent regulations, or simply for the sake of evading current complex international management measures. However, the lax management of the flag state does incentivize few FOC-vessel operators with illegal motives.
2. Unclear competent authority: Legally speaking, whenever forced labor occurs on board a FOC-vessel, it is the flag state that shall handle the case; nevertheless, the international community often demands the government of Taiwan to step in on the grounds that the vessel is operated or invested by Taiwan nationals, which results in issue of unclear competent

authority and further leads to misconception that the government of Taiwan does not properly manage FOC-vessels operated by ROC nationals.

F. International Cooperation

1. The countries of origin of the foreign crew members have inadequate crew management, such as crew selection and training, license issuance, recruitment agents, etc., which need to be strengthened.
2. The international community has limited knowledge of the action taken and efforts made to protect the rights and benefits of foreign crew members by the government of Taiwan. As a result, the government should strengthen its external communications.
3. The flag state of FOC-vessels is packed with limited management capacity.

G. Education and Promotion

1. The awareness of sustainable fisheries and labor rights protection of the Taiwanese fishing vessel operators needs to be raised. There are still few unscrupulous operators.
2. The Taiwanese fishing vessel operators lack clear conception of the concept of corporate social responsibility, and often mistakenly believe that the protection of the rights and benefits of crew members conflicts with their operating profits.

III. IMPLEMENTATION STRATEGIES

The COA has examined matters regarding management on fishing vessel crew members and their rights and benefits scattered across ministries, and meanwhile taken into consideration the main issues about fisheries and human rights at current stage, proposing seven implementation strategies, under which actions are outlined, to strengthen legal institution and ensure complete implementation. The seven strategies are “Full Implementation of Agreed Labor Conditions,” “Improvement on Living Conditions and Social Protection,” “Strengthening Management of Recruitment Agents,” “Increasing Monitoring and Control Capacity,” “Strengthening Management of Foreign-flagged Fishing Vessels,” “Establishing and Deepening International Cooperation,” and “Promoting Mutually-Beneficial Partnerships.” Actions to be taken are as follows:

(I) Full Implementation of Agreed Labor Conditions

A. Requiring direct and full wage payment to foreign crew members:

1. Reform regulations on wage payment: The COA to amend the Regulations, requiring that vessel operators shall make wage payment either in cash directly to foreign crew members, or through bank transfer to the account designated by foreign crew members, and documentary proof shall be kept. In other words, wage payment shall not be made through foreign recruitment agents. Furthermore, the COA to formulate the “Guidance on Wage Payment to Foreign Crew Members Employed Overseas” for operators’

reference. Operators will also be subject to verification and inspection to ensure that wage payment is made in full and directly to foreign crew members and that operators take on their responsibility despite wage payment are made through domestic recruitment agents to foreign crew members.

2. To gradually raise minimum monthly wage of foreign crew members employed overseas: After collecting information on monthly wage of crew members in distant water fisheries in different countries and communicating with the fishing industry, it is confirmed that the minimum monthly wage will be increased by 100 USD (from 450 USD to 550 USD) in mid-2022. Furthermore, a wage adjustment scheme for overseas employment will be set up, where wage would be adjusted considering factors including labor market status and economic development.

B. Maintaining accurate attendance record of crew members:

1. To amend the Regulations, regulating the rest hours of foreign crew members aboard distant water fishing vessels to be in line with the standards stipulated in the ILO-C188 Convention; and to promote the use of attendance record, which shall be maintained properly.
2. To keep records of working hours of crew members using punch clocks or other means, and with the help of technology monitoring to ensure resting hours are provided; to require operators to maintain the attendance record of crew members in its entirety, avoiding potential controversy.

Implementation Strategy	Action	Key Performance Indicator	Competent Authority	Schedule Estimate
Full Implementation of Agreed Labor Conditions	Requiring direct and full wage payment to foreign crew members	<ol style="list-style-type: none"> 1. Formulating the “Guidance on Wage Payment to Foreign Crew Members Employed Overseas” in mid-2022 2. Increasing the minimum monthly wage by 100 USD in mid-2022; Setting up a wage adjustment scheme for overseas employment in mid-2022 3. Operating the wage adjustment scheme for overseas employment from 2023 onward 4. Amending the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members: <ol style="list-style-type: none"> (1) For wage payment made in cash to foreign crew members, an acknowledgement receipt shall be kept. For wage payment made through bank transfer, the designated account shall not be accounts of recruitment agents (2) Wage payment shall not be made through foreign recruitment agents to crew members 	COA	2022-2025 2022 2023-2025 2022
	Promoting the use of attendance record	<ol style="list-style-type: none"> 1. Drawing up the attendance record template in 2021 2. Amending the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members to require the use of attendance record, and promote its implementation 3. Inspecting 550 distant water fishing vessels (cover around 50% of total number) annually from 2022 onward 	COA	2021-2025

(II) Improvement on Living Conditions and Social Protection

A. Providing guidance on newly-built (renovated)fishing vessels to ensure they are in line with the standards stipulated in the ILO-C188 Convention; and imposing phase-out measure on existing vessels that are incapable of meeting such standards:

1. The COA and the Ministry of Transportation and Communications (MOTC) to provide guidance on newly-built (renovated) fishing vessels in accordance with the Regulations for the Issuance of Building Permit and Fishing License of Fishing Vessel and the Ship and Boat Equipment Regulations amended in 2020, ensuring the accommodation space on board meets the standard stipulated in the ILO-C188 Convention; and to provide incentives for vessel operators to renovate their vessel construction or rebuild a new vessel from the existing one.
2. To impose phase-out measure on existing distant water fishing vessels that are incapable of improvement.
 - i. As the majority of small scale and timeworn fishing vessels do not fulfill the requirement on accommodation space specified in the ILO-188 Convention. Such fishing vessels when entering the ports of countries that had ratified the ILO-C188 Convention are at risk of being reported as violating the Convention.
 - ii. To impose phase-out measure on small scale and timeworn fishing vessels whose facilities and, accommodation space on board do not meet

standards set in international conventions. It is planned to buy-out 200 of such.

B. Formulating a guidance on water and food supply onboard distant water fishing vessels; and providing additional living care facilities for foreign crew members in major domestic fishing ports:

1. To formulate a guidance on water and food supply to ensure that sufficient drinking water and proper food are supplied on aboard fishing vessels; to amend the Foreign Crew Members' Onboard Care Service Plan, incorporating the aforementioned guidance; and to ensure full implementation of the guidance.
2. To continue constructing on-shore living care facilities for foreign crew members in major domestic fishing ports. The COA to construct two affordable accommodations, 20 sanitary facilities and recreation facilities, and one shore power facility. Information on relevant facilities and will be maintained and regularly updated for foreign crew members.

C. Regulating a maximum 10-month stay at sea for distant water fishing vessels: To amend relevant regulations applicable to fishing vessels operating in different oceans, regulating a maximum 10-month stay at sea. The Fisheries Monitoring Center of the Fisheries Agency under the COA will monitor its implementation.

D. Increasing the coverage rate of labor insurance of domestically-employed foreign crew members:

1. Implementation aspect: In order to increase the coverage rate of labor insurance of foreign crew members and to improve their safety at sea, the MOL will carry out the following measures:

- i. Urging operators to take out the insurance at source.
 - (i) To seek assistance from the Workforce Development Agency under the MOL in adding information on where to download the application form for labor insurance and relevant instructions to the employment approval letter.
 - (ii) To issue official letters to vessel operators with new employment approval for foreign crew members, providing assistance on applying labor insurance for them.
 - (iii) To streamline the procedures for labor insurance application. The personal information on foreign crew members will be printed on the insurance application form in advance and the form will be sent to the vessel operators along with the official letters of insurance application reminder. The insurance application for foreign crew members will be considered

completed after the MOL receives the application signed by operators.

- ii. Highlighting the importance of taking out labor insurance for foreign crew members through various communication channels.
 - (i) To hold forums for vessel operators, making them aware of their responsibility as an employer for taking out labor insurance for foreign crew members and of how important labor insurance benefit is to foreign crew members.
 - (ii) To issue official letters to recruitment agents and vessel operators who did not take out labor insurance for their foreign crew members; to require recruitment agents providing assistance in applying labor insurance to vessel operators; and to raise the legal awareness of fisheries operators.
 - (iii) To produce policy information leaflets, which could be distributed by the Coast Guard Administration under the Ocean Affairs Council (OAC) and the Fisheries Agency under the COA when processing inward/outward vessel declaration or conducting fisheries-related activities.

- iii. Initiating guidance program and verification mechanism: To conduct inspection of operators' premises, scrutinizing whether vessel operators have taken out labor insurance for foreign crew members as required. In the event when the operator is found failed to take out labor insurance for his/her employed foreign crew members, penalties will be given in accordance with the regulations; and to visit large-scale recruitment agents, requiring them to provide assistance in applying labor insurance for foreign crew members to vessel operators when recruiting foreign crew members.
2. Legal aspect: Effective on May 1st, 2022, the Labor Occupational Accident Insurance and Protection Act stipulates that the insurance coverage of employees employed by an employer with registered business shall start from the date of commencement of employment. In other words, even if the employer does not take out insurance for foreign crew members, foreign crew members can still apply to the Bureau of Labor Insurance for occupational accident benefits in the event of an occupational accident.
- E. Increasing the insured amount of life insurance for foreign crew members and to require the minimum insurance amount for health insurance.
 - F. Giving solatium to relatives of foreign crew members employed overseas in the event when the crew member died in

the performance of duty or during the term of employment; and to reward fishing vessels assisting in search and rescue activities.

- G. Giving solatium to foreign crew members that are legally employed domestically in the event when they are victims of criminal cases, or are unable to work due to occupational hazard, illness or injuries, and are considered eligible.
- H. The Fisheries Agency under the COA, to set up a website publicizing information on the rights and benefits of foreign crew members, providing direct access for foreign crew members to relevant information (including information on the fishing vessel on which they are employed as listed in Appendix 5; and employees' benefits and disclosure items); to encourage the installation of Wi-Fi on distant water fishing vessels and the sharing of it with foreign crew members during the crew members' rest hours by providing rewards such as increasing catch quotas. In the future, foreign crew members can file complaints via LINE@ 移點通, a LINE account managed by the MOL with the connection to Wi-Fi.
- I. Establishing diverse complaint channels for foreign crew members:
 - 1. The COA to produce and distribute around 10,000 multilingual information cards, where contains information on crew members' rights and benefits and compliant channels, to foreign crew members biennially; the Fisheries Agency of COA to assist in promotion the use of live chat services of the 1955-Hotline and the social media account

operated by the MOL, in which foreign-crew-members-related matter will be shared, diversifying the complaint channels foreign crew members can utilize.

2. To continue distributing 250,000 copies of the Handbook for Foreign Workers in Taiwan annually and to produce multilingual radio program providing information on foreign-workers-related policies and compliant channels. The existing compliant channels include the 1955-Hotline, which is operated by the MOL providing a toll-free, 24-hour, 365-day, multi-lingual phone complaints and consultation service; consultation service centers subsidized by the MOL in every cities and counties to provide services such as psychological and legal consultation and consultation on labor dispute handling; and service desks for foreign workers at domestic airports, where foreign workers can file complaints or seek consultation service.
 3. The MOL, in consideration of foreign crew members' preference in communication, to establish a LINE account named Line@ 移點通 in May, 2021, where foreign-workers-related information is shared in real-time; and to launch a live chat service of the 1955-Hotline in June 2021, expecting to provide diverse access to consultation for foreign crew members.
- J. Promoting the wearing of inflatable life jackets in performance of duty; raising navigation safety awareness; and fully carrying out employment training:

1. To promote the wearing of inflatable life jackets of crew members in their performance of duty.
2. The Occupational Safety and Health Administration of the MOL to conduct inspections, ensuring vessels are in compliance with the Occupational Safety and Health Act and the Regulation on the Facilities regarding Occupational Safety and Health.
3. To raise crew members' safety awareness through sharing cases of accidental deaths at sea of crew members with crew members, officer member trainings and gatherings.
4. To inspect whether vessel operators have fully carried out the occupational safety and health training and facility training through reviewing the footage of the CCTV system onboard when conducting interviews with foreign crew members and inspections of labor conditions in fisheries and safety and health inspections.

Implementation Strategy	Action	Key Performance Indicator	Competent Authority	Schedule Estimate
Improvement on Living Conditions and Social Protection	Providing guidance on fishing vessels to ensure they comply with standards set in relevant international conventions	Phasing out 200 small scale and timeworn fishing vessels that are incapable of improvement (80 vessels in 2023, 70 in 2024 and 50 in 2025)	COA	2023-2025
	Formulating the guidance on water and food supply on board distant water fishing vessels; constructing living care facilities in major domestic fishing ports for foreign crew members	<ol style="list-style-type: none"> 1. Amending the Foreign Crew Members' Onboard Care Service Plan in 2021, adding requirement on water and food supply 2. Constructing two additional affordable accommodations in major domestic fishing ports (one in 2023 and 2024 respectively) 3. Constructing 20 additional on shore sanitary facilities and recreation facilities (It is planned to construct 7 in 2021, 4 in 2022, 3 in 2024 and 3 in 2025) 4. Completing construction of on-shore power facility in 2021 5. Maintaining and regularly updating information on relevant facilities for foreign crew members; and setting up a website to publish such information 	COA	2021-2025 2023-2024 2021-2025 2021 2021-2025
	Regulating a maximum stay at seas for fishing vessels in accordance to their operating ocean and closely monitoring vessels' implementation	<ol style="list-style-type: none"> 1. Amending relevant regulations applicable to fishing vessels operating in different oceans, setting a maximum 10-month stay at seas 2. The Fisheries Monitoring Center regularly monitoring all distant water fishing vessels' stay at sea upon adoption of such amendment 	COA	2022 2022-2025

	Increasing the coverage rate of labor insurance of domestically-employed foreign crew members	Increasing the coverage rate of labor insurance of foreign crew members from 51% in 2019 to 92% by 2024 (equivalent with that of Taiwanese employees). Actions to be taken as follows: 1. Finalizing the proposed measures on urging operators to take out labor insurance for foreign crew members by the end of 2021; conducting on inspection in premises of medium and large-scale vessel operators and major recruitment agents to assist in applying labor insurance for foreign crew members. Operators fail to take out labor insurance for their foreign crew members after receiving guidance will be punished. Increasing the coverage rate of labor insurance of foreign crew members to 80% by the end of 2021 2. Streamlining the procedures for labor insurance application and providing assistance to operators in applying labor insurance for foreign crew members. The coverage rate of labor insurance of foreign crew members is aimed at 92% by the end of 2024	MOL	2021-2025
	Increasing the insured amount of life insurance for foreign crew members and requiring the minimum insurance amount for health insurance	1. Amending the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members in 2022, increasing the minimum insured amount of the life insurance for crews to NTD 1.5 million and requiring the minimum insured amount of health insurance to be NTD 300,000 2. Implementing the requirements after the adoption of the amendment	COA	2021-2022 2022-2025
	Giving solatium to relatives of foreign crew members employed	Establishing principles on the provision of solatium to relatives of foreign crew members employed overseas employment in 2022, where the maximum amount of the solatium is NTD	COA	2022-2025

	overseas in the event of the crew member's death.	100,000.		
	Giving solatium to foreign crew members that are legally employed domestically in the event when they are victims of criminal cases, or are unable to work due to occupational hazard, illness or injuries	Providing solatium to foreign crew members that are legally employed domestically from 2021 onward	MOL	2021-2025
	Providing foreign crew members easy access to information on their rights and benefits	<ol style="list-style-type: none"> 1. Encouraging vessel operators to install Wi-Fi or establish an internet-sharing mechanism for foreign crew members onboard 110 vessels (which accounts for 10% of total number of distant water fishing vessels) 2. The Fisheries Agency under the COA establishing a website publishing and updating relevant information on foreign crew members' rights and benefits in 2022 	COA	2022-2025 2022-2025
	Establishing diverse complaint channels for foreign crew members	<ol style="list-style-type: none"> 1. COA producing and distributing 10,000 information cards biennially to foreign crew members employed overseas 2. MOL publishing a number of 400 policy-promotion messages annually on Line@移點通; providing services including four-language live chat service and FAQ inquires 3. MOL distributing 250,000 copies of the Handbook for Foreign Workers in Taiwan and producing multilingual radio program providing information on foreign-workers-related policies and compliant channels 	COA, MOL	2021-2025

	<p>Promoting the wearing of inflatable life jackets in performance of duty; raising navigation safety awareness; and fully carrying out employment training</p>	<ol style="list-style-type: none"> 1. Amending the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members, requiring all deck crew members onboard distant water fishing vessels shall wear life jackets in the performance of their duty; subsidizing operators to purchase 10,000 inflatable life jackets 2. Requiring fishers of small-scale coastal and offshores fishing vessels and rafts to wear life jackets when out at sea; subsidizing operators of such to purchase 4,000 inflatable life jackets 3. Compiling cases of accidental deaths at sea of crew members and adding such information to trainings and producing safety promotion posters 4. Promoting the policy that crew members shall wear life jackets in performance of duty when conducting fisheries inspections 5. Inspecting whether vessels have life-saving equipment available on board during regular inspection of fishing vessels 6. Providing assistance to operators in raising safety awareness of crew members through continually holding policy promotions and carrying out conduct labor and safety inspections 	COA, MOTC, MOL	2022-2025
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(III) Strengthening Management of Recruitment Agents

A. Strengthening Management of Recruitment Agents

1. Recruitment agents conducting domestic employment recruiting business.

i. The Employment Service Act and the Regulations for Permission and Supervision of Private Employment Services Institution, specify the obligations and responsibilities of domestic and foreign recruitment agents, including decreasing the number of foreign workers whose whereabouts are unknown, and relevant punishments. The MOL to continue implementing the regulations and through cooperation with countries of origin of crew members, proactively inspecting recruitment agents to ensure their compliance.

ii. To increase the inspection frequency of recruitment agents (include those recruit domestically-employed foreign crew members) established in accordance with the Employment Service Act:

(i) To conduct regular interviews with or inspections of recruitment agents on the basis of their review result. In 2021, there are 1,163 registered recruitment agents; consequently, at least 2,000 interviews/inspections are expected to be conducted annually.

- (ii) To conduct interviews with or inspections of recruitment agents with a certain percentage of recruited foreign crew members under domestic employment in the second half of 2021 and to examine if they overcharge foreign crew members.
 - iii. The MOL to amend the Guidance on Wage Payment to Foreign Crew Members, removing the option that operators may make wage payment to foreign crew members through recruitment agents.
- 2. Recruitment agents conducting overseas employment recruiting business:
 - i. Domestic recruitment agents: To amend qualification requirements for recruitment agents conducting overseas employment recruiting business and to include additional conditions on their revocation of authorization. In order to ensure consistency in qualification requirements for recruitment agents conducting either domestic employment recruiting business or the overseas one, a grace period will be given to recruitment agents conducting overseas employment recruiting business to obtain authorization from the MOL. In addition, for domestic recruitment agents which a certain percentage of number of foreign crew members whose whereabouts are unknown, their authorization will be suspended for a period of one year; and in the

event where there is forced labor or human trafficking on board foreign-flagged vessels, the authorization of the recruitment agents involved will be revoked when found they did not assume their legal responsibilities (such as providing recruitment contract, assisting in reporting for duty and daily care).

- ii. Foreign recruitment agents: To establish management mechanism of foreign recruitment agents through cooperation with countries of origin of foreign crew members; and to amend the Regulations, specifying the qualification requirements for foreign recruitment agents with which domestic recruitment agents are allowed to cooperate.

B. Formulating a guidance on charge items for recruitment agents:

To formulate a guidance on charge items for recruitment agents through consultation with the countries of origin of foreign crew members, where relevant charges such as recruitment fee, training fee, certification fee and airfare, etc., and the total amount of allowable charges will be specified in order to resolve or eliminate the issue of debt bondage.

Implementation Strategy	Action	Key Performance Indicator	Competent Authority	Schedule Estimate
Strengthening Management of Recruitment Agents	Strengthening management of recruitment agents	<p>Management of recruitment agents conducting domestic employment recruiting business:</p> <p>Increasing the inspection frequency of recruitment agents established as per the Employment Service Act:</p> <ol style="list-style-type: none"> 1. Conducting regular interviews with or inspections of recruitment agents on the basis of their review result. It is estimated to carry out at least 2,000 interviews/inspections annually 2. Conducting interviews with or inspections of recruitment agents with a certain percentage of recruited foreign crew members under domestic employment in the second half of 2021 <p>Management of recruitment agents conducting overseas employment recruiting business:</p> <p>Adopting the following amendments to the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members:</p> <ol style="list-style-type: none"> 1. Increasing qualification requirements for the authorization for recruitment agents: <ol style="list-style-type: none"> (1) Domestic recruitment agents obtaining authorization from the MOL after amendment to the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members is adopted (2) Foreign recruitment agents with which domestic recruitment agents cooperate withholding authorization documents from the countries of origin of foreign crew members 	COA, MOL	2022-2025

		<p>2. Specifying recruitment agents' obligations and responsibilities:</p> <ul style="list-style-type: none"> (1) In the event where there is forced labor or human trafficking on board foreign-flagged vessels, the authorization of the recruitment agents involved being revoked or suspended when found they did not assume their legal responsibilities (2) No wage payment being made to foreign crew members through foreign recruitment agents (3) Imposing penalties on recruitment agents with a certain percentage of number of recruited foreign crew members whose whereabouts are unknown. Revoking the authorization in serious cases 		
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(IV) Increasing Monitoring and Control Capacity

A. Increasing enforcement manpower and labor inspection frequency.

1. The COA to recruit additional manpower responsible for conducting labor inspection of crew members (hereinafter the inspectors; 49 contractual employees and 30 temporary employees, most of which will be responsible to conduct labor inspections).
2. To conduct inspections of the premises of vessel operators and recruitment agents, examining documentation related to foreign crew members' wage and labor condition. It is aimed at inspecting the premises of vessel operators and recruitment agents of all 1,100 distant water fishing vessels in the first year. The inspection frequency is subject to change in view of the implementation.
3. To conduct inspections of all Taiwanese-flagged distant water fishing vessels entering domestic ports when the COVID-19 pandemic eases and within one year after the launch of this Action Plan. It is aimed at inspecting 550 Taiwanese-flagged distant water fishing vessels (accounts for more than 50% of the total number of distant water fishing vessels) and 4,300 foreign crew members (accounts for approximately 20% of the total number of foreign crew members) annually in domestic and foreign ports (includes inspection conducted by third-party) or on high seas in the following years. The inspection frequency is subject to

change in view of the development of the COVID-19 pandemic.

4. The COA to conduct joint inspection of distant water fishing vessels with the MOL; the Coast Guard Administration of the OAC to increase the frequency of high seas inspections as appropriate in view of the Fisheries Agency's demand for carrying out labor inspections; the National Immigration Agency of the Ministry (MOI) of the Interior to conduct random inspections of coastal and offshore fishing vessels with foreign crew members onboard, examining whether there is forced labor or human trafficking.
- B. Promoting the installation of CCTV system on board distant water fishing vessels: To require high-risk fishing vessels (such as with violation record, staying at sea for a long period, etc.,) to install CCTV system on board for the first year as the first step; and to amend relevant regulations, requiring distant water fishing vessels to install CCTV system on board progressively and regulating the storage, review and utilization of the footage.
- C. Establishing third-party inspection system: To amend the Regulations and the Regulations on the Management of the Crew of Fishing Vessels, providing legal basis for third-party inspection. The third-party inspection is needed to conduct inspections of Taiwanese-flagged distant water fishing vessels entering foreign ports in the early stage after this Action Plan is launched when there is no officer (or inspectors) stationed at

foreign ports or when the officers (or inspectors) stationed are not available for carrying out interviews/inspections. In addition, the third-party inspection is also needed in response to market states' (such as the US) and civic society organizations from abroad' concerns over the validity of the inspections conducted by the competent authority or its designated institution.

D. Strengthening cross-agency cooperation to combat human trafficking at sea.

1. To formulate the “Cooperative Mechanism for Strengthening Combat against Human Trafficking at Sea,” the “Guidelines on Handling Cases of Foreign Crew Members Suspected of Being Victims of Forced Labor,” and the “Checklist of Suspected Case of Exploitation of Foreign Crew Members” increasing the sensitivity of front-line personnel from the judicial police authority and other administrative bodies when handling complaints (or reports) about foreign crew members suspected of being victims of forced labor, strengthening cross-agency cooperation, and providing prompt assistance and protection for the victims.
2. The MOI, the Ministry of Justice (MOJ), the MOL, the FA, and the judiciary/ police authority to organize at least one educational training in human trafficking prevention annually to promote better understanding of indicators of human trafficking.
3. To amend the Human Trafficking Prevention Act, increasing the penalties for human trafficking.

4. Considering the increasing number of cases of suspected exploitation of foreign crew members in recent years, to include the Fisheries Agency and the MOL in the Human Trafficking Prevention Task Force of each district prosecutors' office to enable efficient cross-agency cooperation and communication.
5. The COA to promptly-provide emergency shelters for foreign crew members on board distant water fishing vessels suspected of being victim of human trafficking prior to victim identification, in the event when there is concern over their personal safety.

Implementation Strategy	Action	Key Performance Indicator	Competent Authority	Schedule Estimate
Increasing Monitoring and Control Capacity	Increasing law enforcement manpower and frequency of labor inspection	<ol style="list-style-type: none"> 1. Conducting inspections of the premises of vessel operators and recruitment agents, examining documentation related to foreign crew members' wage and labor condition from 2022 onward 2. In the event when the COVID-19 pandemic eases: <ol style="list-style-type: none"> (1) Conducting inspections of all Taiwanese-flagged distant water fishing vessels entering domestic ports in the first year (2) Inspecting 550 Taiwanese-flagged distant water fishing vessels (accounts for more than 50% of the total number of distant water fishing vessels) and 4,300 foreign crew members (accounts for approximately 20% of the total number of foreign crew members) annually in domestic and foreign ports (includes inspection conducted by third-party) or on high seas in the following years 	COA (Lead), MOL	2022-2025
	Facilitate Promoting the installation of CCTV system on board distant water fishing vessels	<ol style="list-style-type: none"> 1. Making amendments to relevant regulations, requiring distant water fishing vessels to install CCTV system on board, and regulating the storage, review and usage of the footage 2. Requiring high-risk fishing vessels (such as with violation record, staying at sea for a long period, etc.) to install CCTV system on board in 2022 as the first step, and progressively requiring other distant water fishing vessels to follow. Approximately 1,000 vessels shall have CCTV installed by 2025 	COA	2022 2022-2025

	Establishing third-party inspection system	<ol style="list-style-type: none"> 1. Finalizing the inspection items of third-party inspection in consultation with relevant ministries in 2022 2. Inspecting at least 200 distant water fishing vessels (accounts for 18% of the total number) annually through third-party inspection from 2023 to 2025 	COA	2022-2025
	Strengthening cross-agency cooperation to combat human trafficking at sea	<ol style="list-style-type: none"> 1. Formulating “Cooperative Mechanism for Strengthening Combat against Human Trafficking at Sea” and other relevant administrative rules in 2022 2. Each ministry organizing at least one educational training in human trafficking prevention annually 3. Amending the Human Trafficking Prevention Act, increasing the penalties for human trafficking 4. Including the Fisheries Agency and MOL in the Human Trafficking Prevention Task Force of each district prosecutors’ office 5. The Fisheries Agency to establish an emergency shelter for suspected human trafficking victims prior to victim identification 	MOI (Lead), MOJ, OAC, MOL, COA	2022-2025

(V)

Strengthening Management of FOC-Vessels

A. Conducting joint inspection of foreign-flagged fishing vessels entering Taiwanese ports and or interviews with their foreign crew members on board.

1. Amendments were made to the Regulations on the Approval of Investment in or Operation of Foreign Flag Fishing Vessels in 2020, regulating the competent authority to revoke the authorization to invest in or operate foreign flag fishing vessel in the event when the authorized Taiwan national is found guilty of violating the Human Trafficking Prevention Act or engaging in forced labor; and in 2021, the Regulations on the Management and Approval of Foreign Flag Fishing Vessels Entering into Ports of the Republic of China were amended, regulating the competent authority shall deny the port entry of foreign-flagged fishing vessels whose operator is charged by their domestic judiciary of involving in forced labor or human trafficking, or the international organization(s) or the foreign government(s) has informed that the operator is involved in forced labor or human trafficking.
2. To conduct joint inspections of foreign-flagged fishing vessels entering Taiwanese ports and or their foreign crew members on board. In the event when suspected forced labor or human trafficking is detected during interviews, the case will be forward to the judicial authority, or relevant information will be provided to the flag state.

3. To provide assistance of foreign crew members on board foreign-flagged fishing vessels in handling labor disputes in the event when such complaint is made through the 1955-Hotline or other channels, and forward relevant information to the flag state; and to forward the case to the judicial police authority for further investigation in the event when there is forced labor or human trafficking.
 4. To create a FOC-vessel database; and to require employment contracts of foreign crew members on board foreign-flagged fishing vessels entering Taiwanese ports, if considered necessary.
- B. Requiring the labor conditions on board FOC-vessels invested or operated by Taiwan nationals to comply with the standards set by the government of Taiwan.
1. The COA had amended the Regulations on the Approval of Investment in or the Operation of Foreign Flag Fishing Vessels on December 11, 2020, stipulating that Taiwan nationals operating or investing foreign-flagged fishing vessels shall not involve in forced labor or human trafficking; in addition, in the event when any Taiwan national authorized to operate or invested in foreign-flagged fishing vessels has been found guilty of violating Article 2, subparagraph (2) of the Human Trafficking Prevention Act; or the foreign government(s) or the international organization(s) has informed and the competent authority determines that the applicant has engaged in forced labor or human trafficking, their

authorization to invest in or operate foreign-flagged fishing vessels will be revoked. It is also made certain that the increase of FOC-vessels in the long-term is not supported by the government.

2. Without prejudice to jurisdiction of the flag state and the international law, to amend the Regulations on the Approval of Investment in or the Operation of Foreign Flag Fishing Vessels, requiring the labor conditions on board foreign-flagged fishing vessels operated or invested by any Taiwan national shall meet the standards set by the government of Taiwan, and in the event when such standards is not satisfied, the authorization to operate or invest in foreign-flagged fishing vessels will be revoked.

Implementation Strategy	Action	Key Performance Indicator	Competent Authority	Schedule Estimate
Strengthening Management of FOC-Vessels	Conducting joint inspection of foreign-flagged fishing vessels entering Taiwanese ports interviews with their foreign crew members on board	<ol style="list-style-type: none"> 1. Establishing joint inspections/interviews mechanisms for foreign-flagged fishing vessels entering Taiwanese ports by mid-2022 2. Inspecting at least 15% of all FOC- vessels entering Taiwanese ports annually from mid-2022 onward 	COA(Lead), MOL, MOTC, OAC	2021-2025 2022-2025
	Requiring the labor conditions on board FOC-vessels invested or operated by ROC nationals to comply with the labor standards set by the government of Taiwan	<ol style="list-style-type: none"> 1. Regulating labor conditions of foreign-flagged fishing vessels invested or operated by Taiwan nationals when granting approval of new FOC-vessel application 2. Amending the Regulations on the Approval of Investment in or the Operation of Foreign Flag Fishing Vessels, requiring labor conditions of foreign-flagged fishing vessels invested or operated by Taiwan nationals 3. Amending the Regulations on the Approval of Investment in or the Operation of Foreign Flag Fishing Vessels, requiring the labor conditions on board foreign-flagged fishing vessels operated or invested by any Taiwan national shall meet the standards set in the ILO-C188 Convention 	COA	2022-2025 2022-2025 2024

(VI) Establishing and Deepening International Cooperation

Strengthening communication and establishing cooperation with the countries of origin of foreign crew members and the major market states:

- A. Considering Indonesian and Filipinos are the majority on board Taiwanese-flagged fishing vessels, to seek cooperation on fishing crew members affairs with Philippines and Indonesia through channels including the missions of the Ministry of Foreign Affairs (MOFA) and the bilateral dialogue organized by the MOL. In terms of the cooperation with Indonesia, in view of reducing risk of occupational accident, possibilities of jointly organizing trainings with local fisheries vocational schools or through Taiwanese fisheries associations have been explored. In addition, to seek establishing crew member selection mechanism with countries of origin of foreign crew members.
- B. The COA to hold dialogues with the major market states including the US and EU through the MOFA and the MOL on the rights and benefits of foreign crew members and to establish cooperation.

Implementation Strategy	Action	Key Performance Indicator	Competent Authority	Schedule Estimate
Establishing and Deepening International Cooperation	Strengthening communication with the countries of origin of foreign crew members, the flag state of FOC-vessels invested or operated by Taiwan nationals and major importer countries of fish catch	<ol style="list-style-type: none"> 1. Seeking cooperation on fishing crew members affairs with the main countries of origin of foreign crew members through the MOFA and the MOL 2. Establishing crew member selection mechanism with countries of origin of foreign crew members (Indonesia) 3. Holding at least four dialogues annually with the major market states including the US and EU and the countries of origin of foreign crew members through the MOFA and the MOL 	MOFA, COA, MOL	2021-2025

(VII) Promoting Mutually-Beneficial Partnerships

A. To encourage vessel operators to join the Corporate Social Responsibility (CSR) program:

In consideration that many seafood processors, giant wholesalers and retailers in the international market have announced in recent years that they will purchase more seafood produced by fisheries that have obtained eco-certifications (where mostly with the Marine Stewardship Council (MSC) certification) or have joined the Fishery Improvement Projects (FIP), and that either the MSC certification or FIP has incorporated human rights issue into its evaluation.

Vessel operators who join the FIP should take relevant improvement actions to follow its social responsibility policy, including providing complaint channels to crew members, accepting random inspections/interviews, and ensuring that the working hours of crew members meet the legal requirements. Therefore, it is expected that the fisheries can make improvements under market pressures.

B. Cooperation between the public and private sector

1. To collect comments and recommendations from vessel operators, social groups, and migrant workers' rights promotion groups on the review mechanism of recruitment agents.
2. To include human trafficking prevention into seminars, workshops, forums and regulation advocacy meetings organized by local governments or civic society

organizations subsidized by the Workforce Development Agency of the MOL, increasing the awareness of civic society organizations, vessel operators, recruitment agents and foreign crew members on human trafficking.

3. To invite experts and scholars (including those recommended by crew members groups) to participate in fishery labor inspections and occupational safety and health inspections.
4. To strengthen human rights education for vessel operators and foreign crew members with an aim to eventually build partnerships; and to organize caring events for foreign crew members with labor groups and charitable organizations.
5. To seek assistance from the Legal Aid Foundation for foreign crew members who need legal assistance for their compliant cases but cannot afford relevant expenses.
6. To involve labor groups in fisheries labor inspections and annual review on recruitment agents.

Implementation Strategy	Action	Key Performance Indicator	Competent Authority	Schedule Estimate
Promoting Mutually-Beneficial Partnerships	Encouraging vessel operators to join CSR programs	<ol style="list-style-type: none"> 1. Holding five seminars for vessel operators annually, promoting CSR 2. 500 fishing vessels (accounts for 45% of total number of distant water fishing vessels) obtaining eco-certifications or joining the FIP 3. Holding 20 seminars annually to introduce international conventions 	COA	2021-2025
	Cooperation between the public and private sector	<ol style="list-style-type: none"> 1. Conducting fishery labor inspections and occupational safety and health inspections annually from 2022, where the number of conducted labor inspections with participation of experts and scholars shall account for at least 15% of the total inspections 2. Collecting comments and recommendations from vessel operators, social groups, and migrant workers' rights promotion groups on the review mechanism of recruitment agents 3. Subsidizing local governments and civic society organizations to hold seminars, workshops, forums and regulation advocacy meetings, 16 sessions in total annually, with inclusion of human trafficking prevention issue 4. Holding at least four (4) human rights education trainings annually with fisheries associations and civic society organizations 5. Organizing two (2) caring events with civic society organizations or charitable organizations annually 	MOL, COA	2021-2025

		6. Holding at least two (2) discussion meetings with migrant workers' rights promotion groups or civic society organizations 7. Reporting the progress in implementing this Action Plan to the domestic and foreign public through internet and media 8. Seeking assistance from the Legal Aid Foundation for foreign crew members who need legal assistance for their compliant cases but cannot afford relevant expenses		
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IV. FUNDING REQUIREMENT

(I) **Duration:** 2022~2025

(II) **Budget Source and Calculation Reference**

The Action Plan is submitted in accordance with the procedures set out in the Major Social Development Projects. The budget source and its calculation reference are detailed as follows:

A. Budget Source

1. The estimated expenditure for 2022 to 2025 is NTD 603,624,000, the budget for which will be allocated on an annual basis by the Fisheries Agency of the COA.
2. The estimated budget for 2022 is NTD 93,470,000 (the capital budget accounts for NTD 27,900,000): A budget of NTD 49,609,000 has been allocated, and the remaining NTD 43,861,000 (the capital budget accounts for NTD 8,500,000) is pending to be allocated. The COA will seek approval from the Executive Yuan in accordance with relevant procedures that the remaining to be covered by its Secondary Reserves.
3. The estimated expenditure for 2023 to 2025 (reviews on implementation will be undertaken on a rolling basis): The estimated central government budget for 2023, 2024, and 2025 is NTD 1,73,285,000 (the capital budget accounts for NTD 57,900,000), NTD 176,911,000 (the capital budget accounts for NTD 57,900,000), and NTD 159,958,000 (the capital budget accounts for NTD 32,400,000) respectively.

These are all additional funding requirements, which are pending to be allocated in annual the respective annual budget.

(Notes by the translator: The rest of this Chapter is left out in the translated copy for its miscellaneous nature. Please refer to the original copy for detailed information.)

V. SUPERVISION AND EVALUATION

(Notes by the translator: This Chapter is left out in the translated copy for it is simply for internal use on supervision, evaluation, and accounting. Please refer to the original copy for detailed information.)

VI. EXPECTED EFFECT AND INFLUENCE

(Notes by the translator: This Chapter is left out in the translated copy for it is simply for internal use on supervision, evaluation, and accounting. Please refer to the original copy for detailed information.)

VII. FINANCIAL PLAN

(Notes by the translator: This Chapter is left out in the translated copy for it is simply for internal use on supervision, evaluation, and accounting. Please refer to the original copy for detailed information.)

COA

VIII. APPENDICES

Appendix 1

Recommendations Made in the 2021 Trafficking in Persons Report Produced by the US Department of State on the Systemic Labor Exploitation in Taiwan's Distant Water Fisheries

No.	Recommendation
1	Insufficient staffing and inspection protocols continue to impede efforts to combat forced labor on Taiwan-flagged and -owned fishing vessels in the highly vulnerable Distant Water Fleet (DWF).
2	Increase inspections and, where appropriate, prosecute the senior crew and owners of Taiwan-owned and -flagged as well as Taiwan-owned, foreign-flagged fishing vessels suspected of forced labor in the DWF, including vessels stopping in special foreign docking zones.
3	Enact and implement policies to expedite maritime forced labor investigations and reduce suspect flight.
4	Conduct comprehensive, victim-centered interviews to screen foreign fishing crewmembers for forced labor indicators during portside and at-sea vessel inspections.
5	Train all maritime inspection authorities on victim identification, referral, and law enforcement notification procedures.
6	Formally include civil society input into the recruitment agents reviewing process.
7	Increase resources for maritime inspections and streamline the maritime inspection protocols; require DWF vessels to have an International Maritime Organization identification number; and to establish a standardized database logging registration numbers of Taiwanese-flagged fishing vessels along with

	their radio callsigns, vessel names, license numbers, authorized fishing areas, and crew lists.
8	Clearly define roles and responsibilities for, and increase coordination between, the agencies that oversee Taiwan-owned and -flagged fishing vessels.

Appendix 2

Problems on Taiwanese Distant Water Fishing Vessels Identified in the 2020 List of Goods Produced by Child Labor or Forced Labor Published by the US Department of Labor

Item	Problem
Wage	Crews are subject to deducted wages and are frequently not paid the minimum monthly wage, i.e., USD 450.
Working Hours	Crews are forced to work 18 to 22 hours a day.
Onboard Living Conditions	Crews live in degrading and unhygienic conditions
Living Care	Crews face hunger and dehydration and are subject to physical violence and verbal abuse.
Stopping at A Port of call	Distant water fishing vessels spend months at sea without stopping at a port of call, making it difficult for crews to go ashore for rest, and isolating them from the outside world
FOC-Vessels	Some FOC-vessel operators involve in forced labor.

Comparison Between the Rights and Benefits of Foreign Crew Members Under Domestic Employment and Overseas Employment

Item	Domestic Employment	Overseas Employment
Legal Basis	<ol style="list-style-type: none"> 1. The Labor Standards Act, the Employment Service Act, the Labor Insurance Act, and the Labor Occupational Accident Insurance and Protection Act (applicable to domestic workers) 2. The labor occupational accident insurance is, from May 1st, 2022, separated from the labor insurance system, and is regulated by both the Labor Occupational Accident Insurance and Protection Act and the Act for Protecting Worker of Occupational Accidents. 	The Act for Distant Water Fisheries and the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members
Minimum Employment Age	Above 16	Above 18

Minimum Monthly Wages	NTD 25,250	USD 450 (equivalent to NTD 13,500)
Means of Payment	<ol style="list-style-type: none"> 1. A worker shall be paid such wages as determined through negotiations with the employer, provided, however, that such wages shall not fall below the basic wage. 2. Wages shall be paid in the statutory, circulating currency; provided, however, that part of such wages may, by custom or business nature, be paid partly in kind in accordance with the labor contract. If part of the wages is paid in kind, the conversion price of such wages in kind shall be fair and reasonable to meet the needs of both the worker and his/her family members. 3. Wages shall be paid in full directly to the worker. 4. Employers shall not make advance deduction of wages as penalty for breach of contract or as indemnity. 	<ol style="list-style-type: none"> 1. Wages shall be paid directly to crew members unless otherwise agreed between the two parties. 2. Vessel operators shall not make advance deduction of wages as penalty for breaching the contract or as indemnity. 3. Borrowings, if any, shall be specified in the contract, including the creditor, item, and amount. 4. If vessel operators voluntarily give crew members any bonus or prize, the crew member shall sign on receipts upon receiving.
Working Hours and Leaves	On May 23, 2019, the MOL pronounced that Article 84-1 of the Labor Standards Act applies to fishing crew members, where	<ol style="list-style-type: none"> 1. Foreign crew members shall not have less than ten hours of rest per day.

	<p>workers may arrange their own working hours, regular days off, national holidays and female workers' night work through other agreements with their employers. Consequently, the COA formulated the "Guidelines on Working Hours Arrangement of Fishing Crew Members" and the "Template on for Working Hours Arrangement of Fishing Crew Members" as reference. The Guidelines specify:</p> <ol style="list-style-type: none"> 1. Minimum hours of rest shall not be less than ten hours in any 24-hour period. The hours of rest may be divided into periods, but one of them shall be at least six hours in length. Minimum hours of rest shall not be less than 77 hours in any seven-day period. 2. The regular working hours of crew members shall not exceed 14 hours in any 24-hour period. The average working hours per week shall not exceed 48 hours every 12 months. <ol style="list-style-type: none"> 2. Foreign crew members shall not have less than four days off per month; however, in consideration of fishing operations, days off may be adjusted and compensatory leave(s) may be arranged in accordance with the agreement between the employer and employee. 3. Vessel operators shall respect the need of foreign crew members for religious holidays.
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	<p>3. Workers shall have at least one rest day as regular leave every seven days. However, in consideration of fishing operations, two days off as regular leaves may be arranged in every two weeks.</p> <p>4. If the working hours of the fishing crew members exceed the regular ones due to the fishing operation or in case of force majeure, the total hours of rest upon completion of the duty shall not be less than 10 hours in 24 hours, and one of the rest periods shall not be less than six hours. If the working hours exceed the regular ones, overtime pay shall be given.</p>	
Service Fee	<p>1. As regulated in the Standards for Fee-charging Items and Amounts of the Private Employment Services Institution, domestic recruitment agents shall not charge placement fees from a foreigner.</p>	<p>Domestic recruitment agents shall not charge service fee from crew member, whereas it may be charged from operators.</p>

	<p>2. As per the Standards, recruitment agents are allowed to charge service fee from a foreigner when the foreigner delegates the agent to seek for employment vacancies. The amount of the service fee should not be over NT\$1,800 for each month in the first year, NT\$1,700 for each month in the second year and should be not be over NT\$1,500 for each month after the third year according to the foreigner working cumulative time into the country at the time. The fee should not be charged in advance. In the event that a foreigner neither delegates the agent to seek for employment vacancies nor sign a service contract with the agent, there should be no service fee incurred.</p>	
Insurance	<p>1. Employers shall take out labor insurance, labor occupational accident insurance, and national health insurance for employees.</p> <p>2. The labor occupational accident insurance is, from</p>	<p>Operators shall take out commercial insurance (i.e., life insurance, accident insurance, and health insurance) for foreign crew members.</p>

	May 1st, 2022, separated from the labor insurance system, and is regulated by both the Labor Occupational Accident Insurance and Protection Act and the Act for Protecting Worker of Occupational Accidents.	
Living Care	1. The Standards of Foreigners' Living Management Plan formulated by the MOL regulated the management of food and water supply and accommodation in fisheries. Employers shall genuinely execute the Plan when employing foreign crew members.	1. The onboard living conditions shall conform to the standards stipulated in "Review Principles on the Foreign Crew Member's Onboard Care Service Plan" Operators shall do the self-evaluation of the Plan before submitting it for review. 2. Operator shall cover the expenses of transportation and accommodation for the crew members from the day they arrive in the country where the fishing vessel is till the day when they return to their home country. 3. Foreign crew member shall not work on other fishing vessel(s) or premises, or engage in other labor service unrelated to fisheries.
Management of	1. Recruitment agents (i.e., private employment services	1. Recruitment agents shall be licensed by the

Recruitment Agents	<p>institutions) shall be licensed by the government.</p> <p>2. The registered capital amount of agents shall be NTD 5,000,000 and the guarantee bond shall be NTD 3,000,000.</p> <p>3. Review mechanism: The review results are graded as A, B, and C, and are published online as a reference for employers and foreigners. The renew of the license of the recruitment agents who are graded as C for two consecutive years will be denied.</p>	<p>government, and only legal persons are allowed to apply for becoming recruitment agents.</p> <p>2. Recruitment agents shall submit the guarantee bond to the competent authority and the amount of the guarantee bond ranges from NTD 1,500,000 to 5,000,000.</p> <p>3. Review mechanism: The review results are graded as A, B, C, and D. The recruitment agency that being graded as C for two consecutive years or being graded D may be prohibited from conducting recruiting business for a period of one year; the competent authority may revoke the authorization of such recruitment agents with serious violations.</p>
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**Regulations on the Authorization and Management of Overseas Employment
of Foreign Crew Members**

Item	Existing Regulations
Age Requirement	Above 18
Wages	<ol style="list-style-type: none"> 1. Monthly wages shall not be less than USD 450. 2. Operators shall still pay crew members during the work suspension if the suspension is not caused by the crew member.
Means of Payment	<ol style="list-style-type: none"> 1. Wages shall be paid directly to crew members unless otherwise agreed by the two parties. 2. Making advance deduction of wages as penalty for breaching the contract or as indemnity is prohibited. 3. Borrowings, if any, shall be specified on the contract, including its creditor, item, and amount. 4. If vessel operators voluntarily give crew members any bonus or prize, the crew member shall sign on receipts upon receiving.
Working Hours	<ol style="list-style-type: none"> 1. Crew members shall have at least ten hours of rest per day. The minimum consecutive hours of rest per day shall be agreed. 2. Crew members shall not have less than four days off per month. 3. Operators may extend the working hours of crew members if there is a natural disaster, incident or emergency, and shall pay them double of the stipulated hourly wages during the extension. Crew members shall be compensated with appropriate rest after the normal situation has been restored.

	<ol style="list-style-type: none"> 4. During the voyage when the fishing operation is not commenced, the master shall arrange rest hours and off-days for crew members. 5. Special leaves of crew members for religious need may be requested and arranged annually.
Service Fee	Domestic agents shall not charge service fee from crew members, whereas it may be charged from operators.
Insurance	<ol style="list-style-type: none"> 1. Accident insurance 2. Life insurance (the insured amount shall not be less than NTD 1,000,000) 3. Health insurance
Operators' Responsibility When Failed to Insure Crew Members	The operator shall bear the loss or indemnity when failed to insure crew members or failed to insure crew members with the required insured amount.
Medical Treatment	<ol style="list-style-type: none"> 1. In case that any foreign crew member suffers from injuries or sickness in the performance of duty, the distant water fisheries operator shall arrange immediate medical treatment and shall pay the medical fees and other related expenses. If the diagnosis issued by relevant medical institutions provides that the crew member is unable to perform duties, the operator shall pay the monthly wages as stipulated in the contract to the crew member during the period of medical treatment. 2. In case that any foreign crew member suffers from injuries or sickness not in the performance of duty, the distant water fisheries operator shall arrange immediate medical treatment and shall make an advance payment of the medical fees and other related expenses. If the diagnosis issued by relevant medical institutions provides that the crew member is unable to perform duties in the short-term, the operator may terminate the contract ahead of its completion without paying compensation.

	<ol style="list-style-type: none"> 3. In case that any foreign crew member suffers is injured or sick in the performance of duty and requires a long period of medical treatment; or perishes, the operator shall repatriate or send such foreign crew member or the corpse and personal belongings to the person designated by the crew member, and shall cover such expenses.
Living Care	<ol style="list-style-type: none"> 1. The operator shall be responsible for the life living care of the crew member prior to his/her repatriation and paying related expenses. 2. The onboard living conditions shall conform to the standards stipulated in “Review Principles on the Foreign Crew Member’s Onboard Care Service Plan” Operators shall do the self-evaluation of the Plan before submitting it for review. 3. Operator shall cover the expenses of transportation and accommodation for the crew members from the day they arrive in the country where the fishing vessel is till the day when they return to their home country. 4. Foreign crew member shall not work on other fishing vessel(s) or premises, or engage in other labor service unrelated to fisheries.
Other Labor Protection and Welfare of Crew Members	<p>Operators shall:</p> <ol style="list-style-type: none"> 1. Ensure the personal safety of the crew members and apply the entry and departure of a country for the crew members in accordance with local regulations when the vessel enters ports. 2. Respect the crew members’ personality and habits, and ensure the crew members’ personal safety and labor rights. Operators shall not require crew members to conduct any work that will endanger their safety and mental health. 3. Provide crew members with personal protective equipment essential for fishing operations without charge. 4. Ensure the life-saving equipment available on the fishing vessel is sufficient and in good condition.

	<p>5. In the event that the following acts exercised by the operator or the master cause personal injury or damage to the crew member, the operator shall bear all relevant costs incurred, whereas the insurance facility shall be exempted from the liability:</p> <p>(1) Involvement in irregularities or illegal actions that result in confiscation, seizure of fishing vessel, or imprisonment or detention of crew members;</p> <p>(2) Involvement in irregularities or illegal actions including human trafficking;</p> <p>(3) Involvement in any violation against international fisheries regulations or domestic or foreign laws and regulations.</p>
Operator Obligations	Operators' obligations are clearly specified, which includes genuinely executing the contract and providing easy access to complaint channels for crew members.
Obligation to Inform	Operators or recruitment agents shall inform crew members of matters (basic rights) included in the contract, and the entire process of informing shall (from October 1 st , 2019), be recorded throughout. Such recording shall be kept for at least three years.
Management of Recruitment Agents	<p>1. Recruitment agents shall be licensed by the government, and only legal persons are allowed to apply for becoming recruitment agents.</p> <p>2. A guarantee bond shall be submitted. The amount of the guarantee bond ranges from NTD 1,500,000 to NTD 5,000,000.</p> <p>3. Review mechanism: The authorization of recruitment agents with substandard grades may be revoked.</p>
Violation Penalties	<p>1. Recruitment agents who recruit foreign crew members without authorization are subject to a fine between NTD 4,000,000 and NTD 200,000,000. Recruitment agents who commit violations are subject to a fine between NTD 1,000,000 and NTD 5,000,000.</p>

	2. Operators (or masters) who commits violations are subject to a fine between NTD 50,000 and NTD 250,000.
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Information List of Facilities on Fishing Vessel

Information List of Facilities on Fishing Vessel		
Item	Description	Remarks
Vessel Name		
Age of Vessel		
Tonnage		
Length		
Fishery Type		
Fishing Area		
Toilet		
Shower Facility		

Comparison of the Implementation Strategies and Their Actions of the Action Plan with the United Nations Guiding Principles on Business and Human Rights

Implementation Strategy	Three pillars of the United Nations Guiding Principles on Business and Human Rights	Action	Approach
Full Implementation of Agreed Labor Conditions	The State Duty to Protect	Requiring direct and full wage payment to foreign crew members	<ul style="list-style-type: none"> • Require no wage payment be made through foreign recruitment agents • Formulate the Guidance on Wage Payment to Foreign Crew Members Employed Overseas • Increase the minimum monthly wage of foreign crew members employed overseas • Set up a wage adjustment scheme for overseas employment

		Promoting the use of attendance record	<ul style="list-style-type: none"> Require accurate attendance record of crew members and collate/monitor it with technologies
Improvement on Living Conditions and Social Protection	The State Duty to Protect	Providing guidance on fishing vessels to ensure they comply with standards set in relevant international conventions	<ul style="list-style-type: none"> Require newly-built fishing vessels to meet the standards set up in the ILO-C188 Convention Impose phase-out measure on existing vessels fail to make improvement
		Formulating the guidance on water and food supply on board distant water fishing vessels; constructing living care facilities in major domestic fishing ports for foreign crew members	<ul style="list-style-type: none"> Amend the Foreign Crew Members' Onboard Care Service Plan, requiring the minimum daily intake of water Construct additional on-shore living facilities for foreign crew members Maintain and regularly update information on relevant facilities for foreign crew members; and set up a website to publish such information
		Regulating a maximum stay at seas for fishing vessels in accordance to their operating ocean and closely monitoring vessels' implementation	<ul style="list-style-type: none"> Regulate the maximum stay at seas of fishing vessels, regularly monitored by the FMC
		Increasing the coverage rate of labor insurance of domestically-employed foreign crew members	<ul style="list-style-type: none"> Urge operators to take out the insurance at source Publicize the operators' obligation to insure foreign crew members in various mean; provide guidance on a case-by-

			case basis; and examine the implementation situation
	The State Duty to Protect	Increasing the insured amount of life insurance for foreign crew members and requiring the minimum insurance amount for health insurance	<ul style="list-style-type: none"> • Increase the minimum insured amount of the life insurance • Require the minimum insured amount of health insurance
		Giving solatium to relatives of foreign crew members employed overseas in the event of the crew member's death.; giving solatium to foreign crew members that are legally employed domestically in the event when they are victims of criminal cases, or are unable to work due to occupational hazard, illness or injuries	<ul style="list-style-type: none"> • Give solatium to relatives of foreign crew members in the event of the crew member's death
		Providing foreign crew members easy access to information on their rights and benefits	<ul style="list-style-type: none"> • Set up a website publicizing information on the rights and benefits of foreign crew members • Require fishing vessels to have Wi-Fi on board
	Access to remedy	Establishing diverse complaint channels for foreign crew members	<ul style="list-style-type: none"> • Launch the multi-lingual (English, Indonesian, Vietnamese, and Thai) live chat service of the 1955 Hotline and create a community on social media platforms

			<ul style="list-style-type: none"> • Produce/distribute information leaflets and radio programs publicizing policies
	The State Duty to Protect	Promoting the wearing of inflatable life jackets in performance of duty; raising navigation safety awareness; and fully carrying out employment training	<ul style="list-style-type: none"> • Amend the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members, requiring crew members onboard distant water fishing vessels to wear life jackets when working on deck
Strengthening Management of Recruitment Agents	The State Duty to Protect	Strengthening management of recruitment agents	<ul style="list-style-type: none"> • Increase the inspection frequency of recruitment agents conducting domestic employment
			<ul style="list-style-type: none"> • Conduct inspection of recruitment agents with high percentage of recruited foreign crew members (employed under domestic employment scheme) whose whereabouts are unknown
			<ul style="list-style-type: none"> • Amend the Regulations on the Authorization and Management of Overseas Employment of Foreign Crew Members, requiring: <ul style="list-style-type: none"> - recruitment agents to obtain permit from the MOL; - punishment to be imposed on recruitment agents with recruited

			<p>foreign crew members whose whereabouts are unknown;</p> <ul style="list-style-type: none"> - foreign recruitment agents with which domestic recruitment agents cooperate shall be approved by their competent authority; - authorization of recruitment agents to be revoked in the event when the recruited crew members encounter human trafficking or forced labor and the recruitment agent is found not discharge its obligations
Increasing Monitoring and Control Capacity	The State Duty to Protect	Increasing law enforcement manpower and frequency of labor inspection	<ul style="list-style-type: none"> • Seek consultation with the countries of origin of foreign crew members on charge items (recruitment fee, training fee, certification fee, etc..) of foreign recruitment agents
		Promoting the utilization of technological monitoring equipment on distant water fishing vessels	<ul style="list-style-type: none"> • Increase inspection manpower • Conduct inspection of operators' premises • Amend relevant regulations, requiring: <ul style="list-style-type: none"> - mandatory installation of a CCTV system on board in the public area; - Preservation of monitoring footage

	The State Duty to Protect The Corporate Responsibility to Respect	Establishing third-party inspection system	<ul style="list-style-type: none">• Conduct inspections abroad through the third-party inspection system
	The State Duty to Protect	Strengthening cross-agency cooperation to combat human trafficking at sea	<ul style="list-style-type: none">• Amend the Human Trafficking Prevention Act, increasing the violation penalties
	Access to remedy		<ul style="list-style-type: none">• Formulate the “Cooperative Mechanism for Strengthening Combat against Human Trafficking at Sea”• Organize trainings on human trafficking prevention
Strengthening Management of FOC-Vessels	The State Duty to Protect	Tightening regulations on investing or operating foreign-flagged fishing vessels	<ul style="list-style-type: none">• Amend the Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels, specifying conditions to be met to operate or invest foreign-flagged fishing vessels and to enter Taiwanese ports

		Conducting joint inspection of foreign-flagged fishing vessels entering Taiwanese ports interviews with their foreign crew members on board	<ul style="list-style-type: none"> • Conduct joint inspections of FOC-vessels and/or interviews with crew members onboard
		Requiring the labor conditions on board FOC-vessels invested or operated by Taiwan nationals to comply with the labor standards set by the government of Taiwan	<ul style="list-style-type: none"> • Amend the Act to Govern Investment in the Operation of Foreign Flag Fishing Vessels, regulating the labor conditions on board FOC-vessels invested or operated by Taiwan nationals to comply with the labor standards set by the government of Taiwan
		Strengthening communication with the countries of origin of foreign crew members, the flag state of FOC-vessels invested or operated by Taiwan nationals and major market states	<ul style="list-style-type: none"> • Seek cooperation with the countries of origin of foreign crew members on crew affairs • Hold dialogues with market states on crew affairs
Establishing and Deepening International Cooperation			<ul style="list-style-type: none"> • Encourage vessel operators to join CSR programs • Hold publicity events to vessel operators annually
			<ul style="list-style-type: none"> • Invite experts and scholars to participate in inspections of labor
Promoting Mutually-Beneficial Partnerships	The Corporate Responsibility to Respect	Encouraging vessel operators to join CSR programs	
		Cooperation between the public and private sector	

	The State Duty to Protect		conditions and occupational safety and health onboard fishing vessels
			<ul style="list-style-type: none"> • Subsidize local governments and civic social organizations to organize relevant seminars, workshops, etc.
			<ul style="list-style-type: none"> • Make publicly available of the implementation situation of this Action Plan through internet and media

GOA

Cooperative Mechanism for Strengthening Combat against Human Trafficking at Sea

I. Objective

This Mechanism is formulated to fully implement the Action Plan for Fisheries and Human Rights, to increase the sensitivity of front-line personnel from the judicial police authority and other administrative bodies when handling complaints (or reports) about foreign crew members suspected of being victims of forced labor, to strengthen cross-agency cooperation, and to provide prompt assistance and protection for the victims, with the objective to reduce such crime.

II. Building a Three-Phase Mechanism

(II) Phase 1: Suspected Cases Notification and Victim Protection

A. Goal

To ensure that the suspected victims are provided with access to immediate assistance and effective protection during the administrative handling, criminal notification, and placement procedures.

B. Competent Authorities (organizations)

- Fisheries Agency of the Council of Agriculture, Executive Yuan (and its subordinated agencies);
- Ministry of Labor (and its subordinated agencies);
- Coast Guard Administration, Oceana Affairs Council;
- National Police Agency, Ministry of the Interior (and its subordinated agencies);
- National Immigration Agency, Ministry of the Interior; and
- Civic society organizations.

C. Strategy

1. To increase crew members' understanding about their labor rights and the access to complaint channels with input from civic society organizations. (Fisheries Agency and Ministry of Labor)
2. To implement the shelter-first principle and increase the number of emergency shelters. (Fisheries Agency)
3. To make improvement in complaint channels.
 - i. Domestic side: Publicize the 1955-Hotline and/or with assistance from civic society organizations. (Fisheries Agency and Ministry of Labor)
 - ii. Foreign side: Hold dialogues/seek cooperation with the countries of origin of crew members, or subsidize civic society organizations for such purpose. (Fisheries Agency)

4. To train civil servants of key stakeholder agencies on handling complaint cases, referral, interview and investigation skills. (Fisheries Agency, Coast Guard Administration, and Ministry of Labor)

(III) Phase 2: Cross-agency Joint Investigation

A. Goal

To coordinate efforts on conducting administrative investigations and judicial police investigations.

B. Competent Authorities

- Fisheries Agency of the Council of Agriculture, Executive Yuan (and its subordinated authorities);
- Ministry of Labor (and its subordinated authorities);
- Coast Guard Administration, Oceana Affairs Council;
- Investigation Bureau, Ministry of Justice;
- National Police Agency, Ministry of the Interior (and its subordinated authorities); and
- National Immigration Agency, Ministry of the Interior.

C. Strategy

1. To establish cooperation mechanism for joint investigations of crew members being exploited with the

law enforcement authority and the subordinated authorities of the Fisheries Agency. (National Immigration Agency)

2. To complete the administrative investigations to the extent possible, including, in the event when the vessel suspected of the case is abroad, to collect information on the vessel owner, major shareholder of the vessel and/or involved recruitment agents, and inform the law enforcement authority of the case later; or to refer the case to the judicial police authority. (Fishery Agency)
3. To formulate the guidelines on indicators of crew members being exploited at sea, including the checklist and transcript template (National Immigration Agency); and to make necessary amendments to the “Standard Operation Procedures for Reporting and Processing Cases of Foreign Crew Members Employed Overseas Onboard Distant Water Fishing Vessels Suspicious of Violating Human Trafficking Prevention Act.” (Fishery Agency)
4. To strengthen human trafficking identification training and to build partnerships with civic social organizations and share hands-on experience and frequently encountered problems. (front-line personnel from the judicial police authority and other administrative bodies)

(IV) Phase 3: Increasing participation in human trafficking prevention task force at local level

A. Goal

To collect extensive evidence; to conduct sophisticated investigations; and to increase conviction rate.

B. Competent Authorities

- Prosecutors' Offices
- Fisheries Agency of the Council of Agriculture, Executive Yuan (and its subordinated authorities);
- Ministry of Labor (and its subordinated authorities);
- Coast Guard Administration, Oceana Affairs Council;
- Investigation Bureau, Ministry of Justice;
- National Police Agency, Ministry of the Interior (and its subordinated authorities); and
- National Immigration Agency, Ministry of the Interior.

C. Strategy

1. To include the Fisheries Agency and the Ministry of Labor in the Human Trafficking Prevention Task Force of each district prosecutors' office. (Ministry of Justice)
2. To oversee the implementation of the CCTV system on board, human and electronic observer programs, and attendance record and preserve relevant information collected through above means. (Fishery Agency)
3. To train and share experience of investigating cases of crew members being exploited with prosecutors and

judicial police authority. (Judicial police authority and prosecutors' offices at local level)

III. Operation Procedures for the Three-Phase Mechanism and Work Instructions

- (I) To clearly define roles and responsibilities of relevant authorities in different phases, and to consider the different employment scheme of foreign crew members, the operation procedures are as follows:

A. Phase 1: Suspected Cases and Victim Protection

1. Information provision: Information is mainly received from the Fisheries Agency (in charge management of overseas employment scheme), the Ministry of Labor (in charge management of domestic employment scheme), letters of accusation, notifications of civic social organizations, international organizations or foreign governments, and through the 1955-Hotline and complaints from crew members. After receiving the information, the competent authority, either the Fisheries Agency or the Ministry of Labor (subject to the employment scheme applicable to the suspected victim), will examine and handle the cases.
2. Notification authority: The personnel of the Fisheries Agency (and its subordinated authorities), the Ministry of Labor (and its subordinated authorities), and other administration bodies, upon the discovery of a suspected case of human trafficking during the normal course of their

duty, shall notify the following front-line judicial police authority:

Work Distribution Chart of Suspected Cases of Exploitation of Crew Members

Suspected

Source of the Case	Employment Scheme of and the Whereabout of the Crew Member		Competent Authority	Emergency Shelter
1. The suspected victim 2. Civic society organizations 3. The fisheries authority and the labor affairs authority (detection)	Overseas Employment	Without entry permit (on board fishing vessels or at seas near ports)	Coast Guard Administration	1. The authority handling the case to directly place the suspected victim in the emergency shelter provided by the fisheries authority. 2. After the placement of the crew members, the authority handling the case to notify the Border Affairs Corps of the National Immigration Agency for arranging the entry permit for the suspected victim.
		Without entry permit (stranded in commercial ports)	Harbor Police Department, National Police Agency	
		Withhold entry permit and is within the territory	The judicial police authority receiving the information	
		Missed trips/ jump off from vessels		

	Domestic Employment	The place where the suspected victim is exploited or where the rescue of the suspected victim is carried out	The judicial police authority receiving the information	The authority uncovering the case to directly place the suspected victim in the emergency shelter provided by the labor affairs authorities.
Investigation conducted by the judicial/police authority	Irrespective of the employment scheme applied and the whereabouts of the concerned crew members		The judicial police authority to conduct investigations following the instructions of prosecutors	To place the suspected victim in the appropriate emergency shelter according the employment scheme applicable to the suspected victim.
Detected by prosecutors during investigations of other cases	Irrespective of the employment scheme applied and the whereabouts of the concerned crew members		District Prosecutors' Office	To place the suspected victim in the appropriate emergency shelter according the employment scheme applicable to the suspected victim.

3. Investigation conducted by the judicial police authority: To ensure resources are efficiently used, the judicial police authority that conducts investigations, if not part of the judicial police authority specified in the work distribution chart, shall notify prosecutors.
4. Ensuring the time-effectiveness of the case: Victim identification shall be conducted **within 14 days** after the judicial police authority accepting the case checks the “suspected case of human trafficking” box on the “Checklist of the Suspected Case of Labor Exploitation of Foreign Crew Member.”

B. Phase 2: Cross-agency Joint Investigation

1. Preliminary Investigation: The Fisheries Agency and the Ministry of Labor (in accordance with their roles and responsibility) shall first conduct administrative investigation, collecting information on the suspected victim’s working conditions and applied employment scheme. The case may also be investigated by the Investigation Task Force.
2. Investigation Task Force in Action: The Fisheries Agency shall notify the investigation task force of cases with suspected victim that is foreign crew member employed overseas; the front-line personnel of the labor affairs authority shall notify the investigation task force of cases with suspected victim that is domestically-employed foreign crew member.

3. Evidence Collection: The judicial police authority, after accepting the case, shall go through relevant procedures for inquiry and evidence collection before referring the case to district prosecutors' offices. If necessary, consult with prosecutors for case analysis or report to prosecutors for conducting investigations following their instructions first.

C. Phase 3: Increasing participation in human trafficking prevention task force at local level

1. Building and Improving At-Sea Monitoring Environment: The Fisheries Agency shall enact regulations requiring installations/implementation of at-sea monitoring equipment/measures on fishing vessels, and provide relevant information and evidence to the judicial police authority for further investigation when detecting suspected case of human trafficking. Relevant stakeholder authorities shall also engage in the investigation, use technologies to handle cases, and keep abreast of new and emerging forms of crime.
2. Improving Investigation Competence of Front-Line Personnel: The Fisheries Agency, the Ministry of Labor (and their subordinated authorities), and the judicial police authority shall hold trainings regularly and invite experienced judges, prosecutors and investigators as instructors.

- (II) Authorities shall distribute works as per their roles and responsibilities and according the employment scheme applicable to and the status of the suspected victim, and handle cases

following the “Operation Procedures and Work Instructions for Suspected Cases of Exploitation of Foreign Crew Members” (Attachment).

IV. Matters Needing Attention

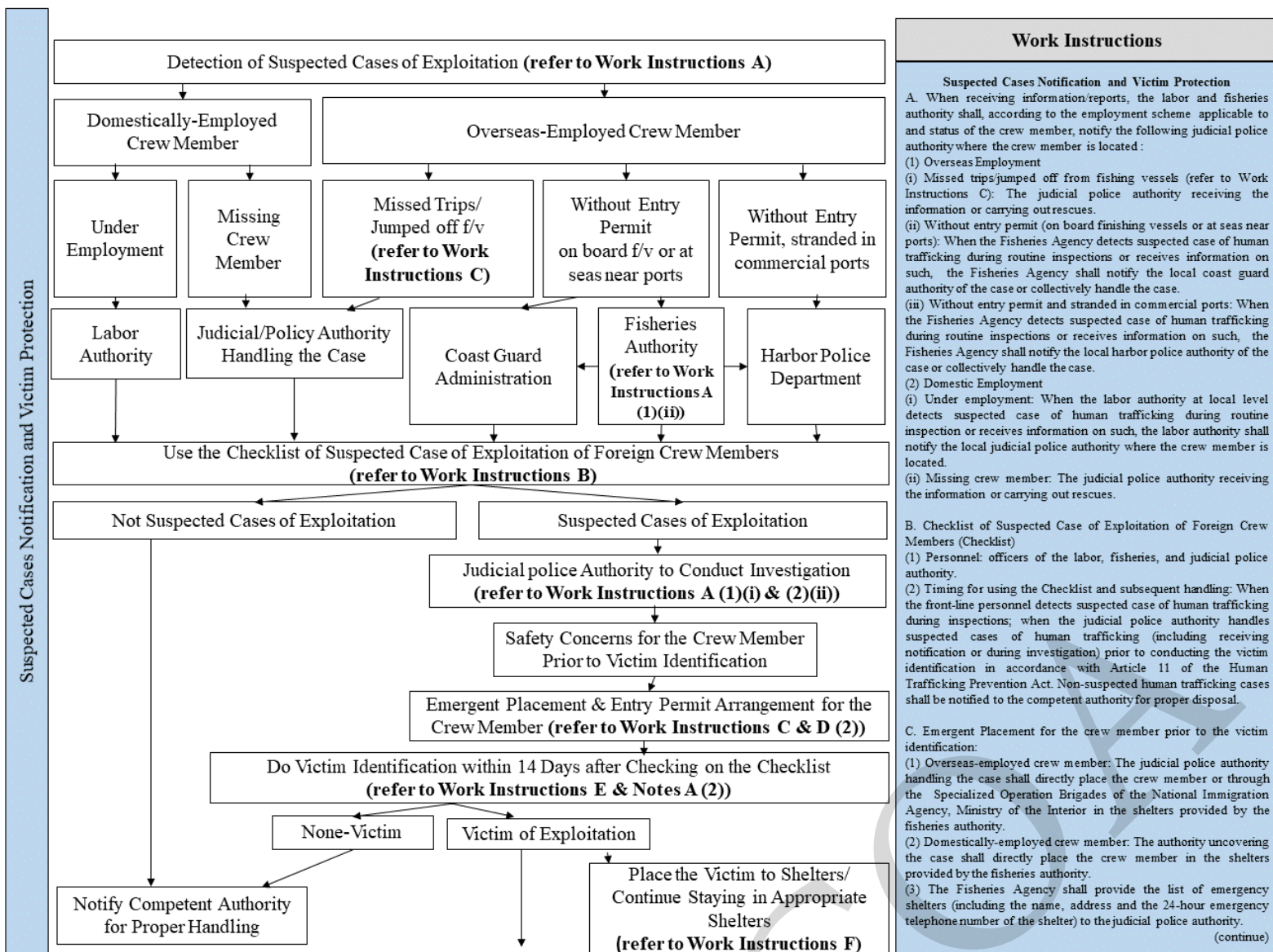
- (I) The “Checklist of Suspected Case of Exploitation of Foreign Crew Members” attached to the “Operation Procedures and Work Instructions for Suspected Cases of Exploitation of Foreign Crew Members” is drawn up with reference to the ILO Indicators of Forced Labor and the “Indicators of Human Trafficking for Victim Identification” published by the Ministry of Justice, for the utilization of the Ministry of Labor, the Fisheries Agency and their subordinated authorities, and front-line personnel of the judicial police authority.
- (II) In the event when foreign crew members file complaints of maltreatment or exploitation after returning to their home countries and relevant investigations require assistance from foreign governments or international organizations, the Fisheries Agency shall follow the “Standard Operation Procedures for Reporting and Processing Cases of Foreign Crew Members Employed Overseas Onboard Distant Water Fishing Vessels Suspicious of Violating Human Trafficking Prevention Act,” seeking their assistance through the Ministry of Foreign Affairs.
- (III) In the event when an agreement of mutual legal assistance or relevant memorandum is signed between the judicial policy authority and the involved foreign counterpart, the judicial policy authority shall seek assistance in providing information/evidence through such mechanism.

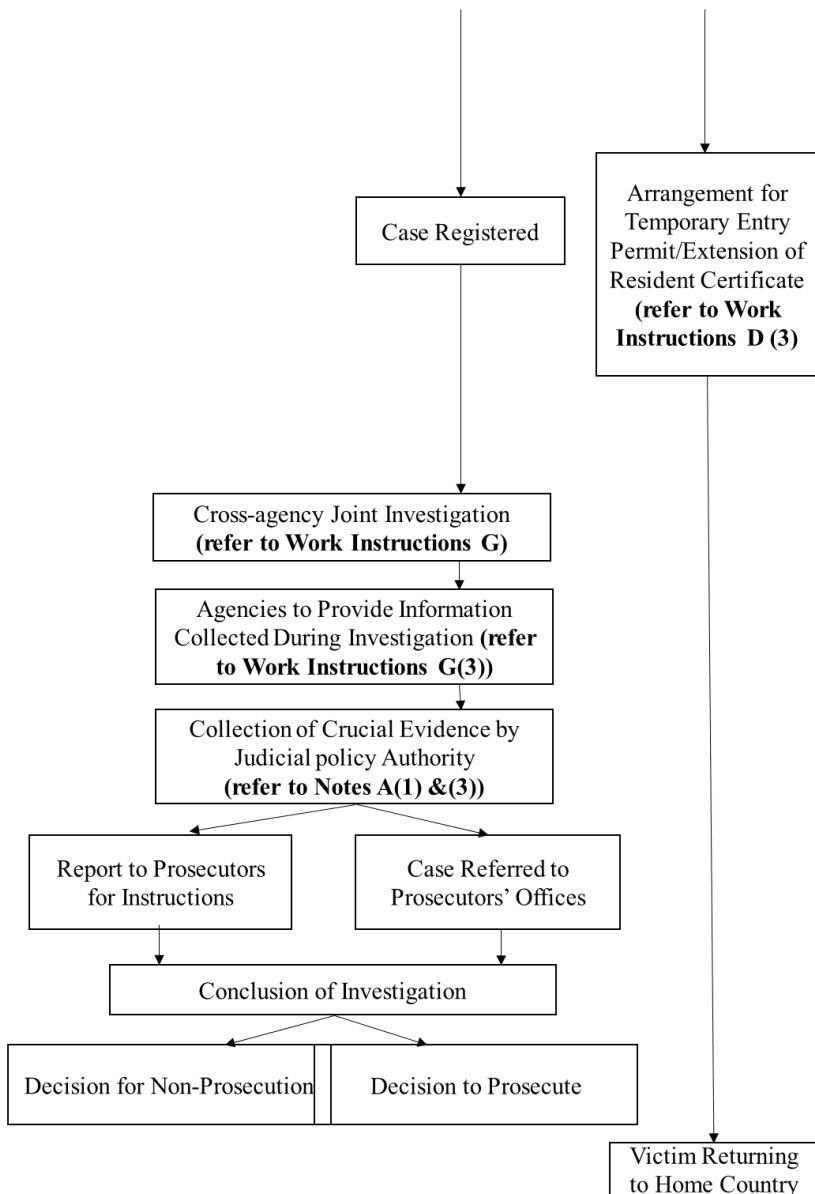
- (IV) The foreign crew members referred to in this Cooperative Mechanism include foreign crew members employed on Taiwanese-flagged fishing vessels, either under domestic employment scheme or overseas employment scheme, and foreign crew members employed on foreign-flagged fishing vessels invested or operated by the Taiwan nationals.

Attachment

Operation Procedures and Work Instructions for Suspected Cases of Exploitation of Foreign Crew Members

Operation Procedures





Work Instructions
<p>Suspected Cases Notification and Victim Protection</p> <p>D. Entry Permit Arrangement for the Crew Member: (1) Crew members who are missing crew members or who have missed their trips/jumped off from vessels shall be directly placed in emergency shelters. No need to arrange entry permit. (2) Prior to victim identification, the judicial police authority handling the case shall, if the crew member legitimately-employed does not withhold entry permit, notify the Border Affairs Corps of the National Immigration Agency for arranging the entry permit. (3) After victim identification, the application for temporary entry permit or extension of resident certificate shall be submitted through the emergency shelter to the local service center of the National Immigration Agency, Ministry of the Interior.</p> <p>E. Victim Identification: (1) When doing victim identification, the judicial police authority may seek assistance from social workers or relevant professionals (refer to Notes A). (2) Upon being identified as victims of human trafficking, the crew member shall fill out the Notice of Rights of Human Trafficking Victim with Foreign Nationality.</p> <p>F. Placement of the Victim in Emergency Shelters: (1) Overseas-employed crew member: The judicial police authority handling the case shall place the crew member in emergency shelters provided by the National Immigration Agency through the Specialized Operation Brigades of the National Immigration Agency. (2) Domestically-employed crew member: The judicial police authority handling the case shall directly place the crew member in the emergency shelters provided by the labor authority.</p>
<p>Cross-agency Joint Investigation</p> <p>G. Joint Inspections: (1) Preliminary Investigations: The fisheries authority or the labor authority shall, subject to the employment scheme applicable to the crew member, conduct administrative investigation. The case may be investigated by the Investigation Task Force. (2) Investigation Task Force in Action: The Fisheries Agency shall notify the investigation task force of cases with suspected victim that is foreign crew member employed overseas; the front-line personnel of the labor authority shall notify the investigation task force of cases with suspected victim that is domestically-employed foreign crew member. (3) Evidence Collection: The judicial police authority, after receiving the case, shall go through relevant procedures for inquiry and evidence collection before referring the case to district prosecutors' offices. If necessary, consult with prosecutors for case analysis or report to prosecutors for conducting investigations under their order first.</p>
<p>Prosecutorial Investigation</p> <p>H. Report to Prosecutors' Offices: (1) Referring the case: During the investigation, if the judicial police authority has any doubts about the case, they shall contact the district Prosecutors' Office at any time to ensure the time-effectiveness of the case. Cases shall be referred to Prosecutors' Offices immediately once evidence is completely collected. (2) Reporting to Prosecutors for Instructions: The judicial policy authority may report to prosecutors for instructions, e.g., whether to apply for seizing the vessel involved or to impose restriction on Leaving the ROC on the persons involved as per the Code of Criminal Procedure, when handling complex cases. Meanwhile, the judicial policy authority shall still track the activities of the person involved, collect and preserve evidence, including the departure time of the fishing vessel involved, information on related persons, in a timely manner.</p>

Notes:

A. The judicial police authority shall note the following matters when investigating suspected cases of exploitation:

- (1) Basic information required for cases to be registered:
 - (i) To request the Fisheries Agency and its subordinated authorities and the labor affairs authority to provide information on the involved distant water fishing vessel, including the vessel name, vessel operator, recruitment agent, crew list, and the estimate time of arrival and departure of the involved vessel as soon as accepting suspected cases of exploitation.
 - (ii) To confirm whether there is any supplementary evidence apart from the victim's testimony, such as other witnesses, monitoring recordings, monthly wage remittance records; meanwhile, to discuss with district prosecutors' offices about evidence collection in a timely manner.
- (2) Suspected victim
 - (i) To invite social worker or other relevant professional during the victim identification, in accordance with the "Work Instructions on Handling Cases of Human Trafficking of Foreign Nationals" circulated by the Ministry of the Interior.
 - (ii) To produce police interview transcripts along with the result of the victim identification, in accordance with the "Principles of Human Trafficking Victim Identification" circulated by the Ministry of Justice, and with reference to the crew member interview transcript template.

(3) Evidence Collection:

- (i) To collect objective evidence apart from the victim's testimony.
- (ii) To conduct police interview with relevant witnesses separately.
- (iii) To request assistance as necessary from interpreters when conducting police interviews.
- (iv) To examine carefully, when conducting on-site vessel investigations, whether the living and working conditions meet the basic requirements. If unreasonable circumstances are found (e.g., setting life management regulations other than the original contract), be sure to take photos or video as supplementary evidence of exploitation.
- (v) To judge whether the wage is not commensurate with the work duty based on the employment contract of the crew member and relevant labor regulations.
- (vi) To conduct separate investigations of crew members and vessel operator, vessel master (or officer members) with reference to respective interview transcript template.

B. The National Immigration Agency, Ministry of the Interior, had launched on December 2nd, 2020, the “Passing the Torch Program: Human Trafficking Cases Investigation” and circulated the contact list of officers affiliated to their agency that are experienced in investigating human trafficking cases. The judicial police authority please make use of those resources when handling such cases.

C. Definitions:

- (1) “Missed Trips Crew Members” means overseas-employed foreign crew members who are granted with temporary entry permit but fail to embark the fishing vessel when the vessel departs domestic ports.
- (2) “Jumped off Crew Members” means overseas-employed foreign crew members who are not granted with temporary entry permit but illegally go ashore.

D. For the purpose of this Cooperative Mechanism, foreign crew members employed overseas include those employed on foreign-flagged fishing vessels invested or operated by Taiwan nationals.

Checklist of Suspected Case of Exploitation of Foreign Crew Members

Name:	Gender:	Date of Birth: (yyyy/mm/dd)
Nationality:	Passport No.:	Contact No.:
Address:		
Vessel Name:	Vessel Company & Contact No.:	Agent's Name and Contact No.:
Working Period: From (yyyy/mm/dd) to (yyyy/mm/dd)		

Employment Scheme: ☐ Overseas Employment (including FOC-vessels)

☐ Domestic Employment (authorized by the Ministry of Labor)

[Check only one box]

No.	Indicators of Exploitation	Suspected Unlawful Acts
1	Abuse of Vulnerability	<input type="checkbox"/> The vessel company (or operator) never gave me the employment contract written in the language that I am familiar with or is my mother tongue; or the vessel company (or operator) had provided me with my employment contract but did not allow me to keep it or its copy. <input type="checkbox"/> The officer members on the vessel treated me badly and punished me. I do not now complaint channels (or I had filed complaints but there has been no response.) <input type="checkbox"/> I was transferred to other fishing vessels but I did not sign any new

No.	Indicators of Exploitation	Suspected Unlawful Acts
		employment contract.
2	Physical Violence	<input type="checkbox"/> When it was my rest hours or when I was sick and I did not want to work, the vessel master/officer members verbally (e.g., wage deduction or terminating the contract)/physically threatened me to work. <input type="checkbox"/> I was once beaten by the master or officer members with their bare hands or objects because I did not follow their instructions while working.
3	Intimidation and Threats	<input type="checkbox"/> When I was working onboard, the master/officer members often held objects (e.g., hooks, sticks or bars) to scold crew members with poor working performance. I (or other crew members) was once injured because of it. <input type="checkbox"/> When working onboard, I was forced to continue working because the master, officer members or agent threatened me that they will hurt my families.
4	Restriction of Movement	<input type="checkbox"/> When the vessel stopped at ports, we were allowed to go ashore; however, we were always monitored by officer members (e.g., not allowed to use our cellphone) or we were not allowed to walk around by ourselves. <input type="checkbox"/> When the vessel stopped at ports, I was punished by prohibition from going ashore, for reasons not because I did not have a valid passport or due to other reasons that kept me from leaving the vessel. <input type="checkbox"/> During the voyage, I was locked by the master/officer members in the fish hold or other confined cabins.
5	Debt Bondage	<input type="checkbox"/> I was charged a recruitment fee/debt interest that is higher than the agreed one from the agent, but because I was already on the vessel, I had no

No.	Indicators of Exploitation	Suspected Unlawful Acts
		<p>choice but accept it (or I could not make complaints).</p> <p><input type="checkbox"/> It is agreed in the contract that the transportation fee, training fee, or other fees will be paid by the vessel company (or the operator), but when I got my wages, I found those fees were deducted from my wages.</p>
6	Withholding of Wages	<p><input type="checkbox"/> I did not get my wages every month or at the agreed time, and I was usually paid less than the agreed amount or later than the agreed time.</p> <p><input type="checkbox"/> I did not get the allowance that was agreed to give me monthly or in the agreed period. The amount of the allowance was often less than the agreed one and I often got the allowance late.</p> <p><input type="checkbox"/> I found that there were many unreasonable penalties in money when working on the vessel or when we went ashore. I was punished and the vessel operator, agent or other staff making wage payment directly deduct the amount from my wages.</p>
7	Excessive Overtime	<p><input type="checkbox"/> My daily working hours on the vessel were longer than (more than four hours in average in a day) the agreed ones, and I was not paid for overtime (or compensated with rest hours after the vessel stopped at a port).</p> <p><input type="checkbox"/> During the fishing season, I had worked continuously for seven days or more, and my average rest hours per day was less than six hours.</p>
8	Abusive Working and Living Conditions	<p><input type="checkbox"/> When I was sick, I was often not allowed to take leaves or rest.</p> <p><input type="checkbox"/> The vessel company, master or officer members did not prepare sufficient and clean food/drinking water on the vessel before the vessel left the port. I had reported this issue to them but after the vessel stopped at another port and went out at sea, food and drinking water were still not</p>

No.	Indicators of Exploitation	Suspected Unlawful Acts
		<p>enough.</p> <p><input type="checkbox"/> The sleeping cabin is so small that could hardly accommodate a single person.</p> <p><input type="checkbox"/> There was no sufficient life-saving equipment or essential medicines.</p>
9	Retention of Identity Documents	<p><input type="checkbox"/> I was allowed to go ashore after the vessel stopped at ports but my passport or other identity documents were kept by the master or officer members. And when I asked to take my documents back, they did not give them to me.</p> <p><input type="checkbox"/> My identity documents were kept by the master or officer members with no reason while other crew members could keep their passport themselves. And when I asked to take my documents back, they did not give it to me</p>
10	Deception	<p><input type="checkbox"/> I worked on a vessel that was not the one agreed in the contract. My wages were lower than the agreed ones, or the living conditions on that vessel was much worse, but I had no choice but continue working.</p> <p><input type="checkbox"/> My working hours were longer than the ones agreed in the contract, and the labor conditions were also worse than what I had heard from the agent.</p> <p><input type="checkbox"/> I was asked to transfer to work on another vessel, and my wage were less than the original one.</p>
11	Isolation (Barrier to Seeking Help)	<p><input type="checkbox"/> When I was working or resting on the vessel, I was often prohibited from talking or texting with other crew members coming from the same country.</p>

No.	Indicators of Exploitation	Suspected Unlawful Acts
		<input type="checkbox"/> Unlike other crew members, I could not keep my cellphone with me. <input type="checkbox"/> Most of the foreign crew members, including me, were told not to talk or interact with government officials of the port state when they are conducting inspection of the vessel.
No.	<input type="checkbox"/> Preliminary judgement: The wage of the crew member was not commensurate with his/her work duty during the voyage (or the term of the employment contract). [Check on this box if the crew member's total owed payment is more than three times of his/her monthly wage. The interviewer please complete the following columns.] <input type="checkbox"/> No withholding wages, no deduction was made from wages, or the amount of unpaid wages of the crew member is not more than three times of his/her monthly wages. (Check only one box)	
1	Hours of Overtime and Overtime Pays Owed	<input type="checkbox"/> With irregular monthly working hours: Overtime pay owed NTD/USD_____, equivalent to _____ times of my monthly wage. <input type="checkbox"/> With regular monthly working hours: Accumulation of overtime hours: _____ hours (fill in the actual overtime hours). Overtime pays owed NTD/USD_____, equivalent to _____ times of my monthly wage.
2	Owed Wage	<input type="checkbox"/> Owed wages NTD/USD _____, equivalent to _____ times of my monthly wage. <input type="checkbox"/> Owed allowance NTD/USD _____, equivalent to _____ times of my monthly wage.

No.	Indicators of Exploitation	Suspected Unlawful Acts
3	Unreasonable Wage Deduction (Punishments)	<input type="checkbox"/> Wage deduction due to unreasonable punishments, NTD/USD _____ in total, equivalent to _____ times of my monthly wage. <input type="checkbox"/> I was required to pay NTD/USD _____ in total for breaching the contract, my return flight ticket, or other fees myself, which is either different from what have been agreed in the contract or against relevant regulations. The total amount of the payment equals to _____ times of my monthly wage.

Interview Date: From (yyyy-mm-dd HH:MM) to (yyyy-mm-dd HH:MM)

Interviewee Name (signature): _____ (may be left blank under exceptional circumstances)

Interviewer Authority & Contact No.:

Interviewer Name (signature/seal): _____ Section Head (signature/seal): _____

After completing the interview, it is preliminarily judged that the case is:

- ☐ Not a suspected case of human trafficking: No more than two “Indicators of Exploitation” are identified, and the box of “No withholding wages, no deduction was made from wages, or the amount of unpaid wages of the crew member is not more than three times of his/her monthly wages” is checked.
- ☐ A suspected case of human trafficking: Two or more “Indicators of Exploitation” are identified, and the wage is not commensurate with the work duty. **(However, in the event that the crew member is physically abused, despite the wage is commensurate with the work duty, shall be considered as suspected case of exploitation.)**

Notes:

1. This Checklist of Suspected Case of Exploitation of Foreign Crew Members is drawn up with reference to the ILO Indicators of Forced Labor and the “Indicators of Human Trafficking for Victim Identification” published by the Ministry of Justice, for the utilization of front-line personnel, and the information collected from the Checklist can serve as preliminary information for subsequent investigation of human trafficking.
2. This Checklist is regarded as one of the information in accordance with Article 9 of the Human Trafficking Prevention Act to be notified to the front-line personnel conducting investigations of the labor affairs authority and the fisheries authority; this Checklist can be utilized by the judicial police authority such as the Coast Guard Administration of the Ocean Affairs Council and the National Immigration Agency of the Ministry of the Interior upon discovering or receiving a report on a suspected case of human trafficking prior to undertaking the victim identification in accordance with Article 11 of the Human Trafficking Prevention Act.
3. The judicial police authority shall refer the case of human trafficking with this Checklist enclosed to the district prosecutors’ office after concluding the investigation.
4. According to the International Labor Organization, cases that workers are physical abused and forced to work despite no wages are withheld or deducted shall still be considered as forced labor. Being isolated or locked on fishing vessels may constitute forced labor as well. For such cases, the interviewer may check the “suspected case of human trafficking” box for subsequent identification undertaken in accordance with the “Indicators of Human Trafficking for Victim Identification” published by the Ministry of Justice by the judicial police authority.

5. The interviewee may choose not to sign on this Checklist in consideration of the interviewee's personal safety.
6. The interviewer shall, after completing this Checklist, notify the fisheries authority and the labor affairs authority of cases that are not suspected human trafficking, and refer the case to relevant competent authority in the event when the person involved is suspected to violate domestic laws or regulations.
7. For the purpose of this Checklist, foreign crew members employed overseas include those employed on foreign-flagged fishing vessels invested or operated by Taiwan nationals.
8. This Checklist shall, in addition to the signature or seal of the interviewer, be signed or sealed by the section head of the interviewer.