

Triple Whammy:

A Study on the Contemporary Situation and Problems of Indonesian Migrant Workers in Taiwan

Asia Pacific Mission for Migrants (APMM)

Supported by the Centre for Environment, Gender and Development (ENGENDER) and the Women Empowerment in Muslim Contexts (WEMC) in cooperation with the Graduate Institute for Social Transformation Studies, Shih Hsin University in Taiwan.

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Preface

This book is a collection of three researches conducted by the Asia-Pacific Mission for Migrants (APMM) in cooperation with the Graduate Institute for Social Transformation Studies, Shih Hsin University in Taiwan and the Centre for Environment, Gender and Development (ENGENDER-HK) and supported by the Women Empowerment in Muslim Contexts (WEMC) project.

The three studies were done to look into three problem areas: (1) overcharging, high placement fees and training centers, (2) extent of salary deductions and excessive fees, (3) and Terminal 3 at the Sukarno-Hatta International Airport in Jakarta, Indonesia. These correspond to three phases of the migrant workers life – pre-deployment, actual employment and return. The studies aim to gather evidence in the hope of understanding the role and relationship among various power structures and authorities, namely the Taiwan and Indonesian government as well as the Indonesian recruitment agencies and Taiwanese brokers and how they impact the lives of Indonesian women migrant workers in particular.

To better comprehend the workings and influence these issues have to the Indonesian migrants, it is important to present an overview of the Indonesian labor export program as well as the current Taiwan labor standards. These will be discussed in the first two chapters of the book.

Subsequently, in Chapter 3, we shall present the findings of the three surveys done between the period of 2007 and 2008. There we will go into detail and discuss these three problem areas.

Finally, we shall try to make sense of the relationships among these three concerns and unravel the mechanisms and inter-relationships of their agents.

We hope that as you take in the information and findings of these surveys, you will be compelled to take action and support the movement of Indonesian migrant workers in Taiwan and elsewhere. The triple whammy that we speak of is not easy target for reform. While it will take a lot of collective effort on the

part of Indonesian migrants, it is equally important that support from all the progressive sections of Indonesian and Taiwanese society be harnessed.

On our part, in behalf of the Asia-Pacific movement for migrant empowerment, we offer this as a contribution to our advocacy to the Indonesian migrants as they continue to improve their working conditions and reclaim their dignity.

Ramon Bultron
Managing Director
Asia-Pacific Mission for Migrants

I. An Overview of the Indonesian Labor Export Program

In the final analysis, the existing problems of Indonesian women domestic workers in Taiwan can be truly comprehended within the context of the Labor Export Program of the Indonesian government and its interaction with the general framework of policies of Taiwan towards foreign labor control. It is imperative that any study on the ground situation of Indonesian women migrant labor be correlated with these to better grapple with the root causes of the said problems.

In this chapter, we shall look into a general overview of the components of the overseas labor export policy of the Indonesian government. This will serve as a major backdrop in understanding the individual and collective experiences of Indonesian migrant workers in Taiwan and elsewhere. We shall lay down the most influential government workings and policies and determine their role in shaping the current conditions of these women migrants.

The Labor Export Program in Indonesia developed as a state policy from the constant interface of two factors. Principally, the internal conditions of the Indonesian economy and social mal-development have forced millions of Indonesians to migrate to seek employment abroad.

Indonesia is the fourth most populous nation in the world with over 225.5 million people, mostly Muslims. It remains one of Southeast Asia's poorer nations according to the World Bank, with a very prominent gap between the rich and the poor. At the end of 2006, an estimated 11 percent of Indonesian workers (11.6 million) were unemployed, and underemployment was over 20 percent (45 million workers).¹

Modern-day Indonesian migration is a testimony to the persistent incapacity of the Indonesian government to provide better jobs and wages for its people. Instead of squarely attending to the prevailing problem of unemployment and landlessness, and to put a stop gap measure to the evolving social discontent of Indonesian people, the labor export program was implemented.

Even the report of the World Bank Office in Jakarta testifies to the reasons cited above. In a report of their Female Migrant Workers Research Team last January 2006, they have outlined that the top reasons for emigrating are: (1) Because the income in their villages is uncertain and is not enough to meet their daily living and expenses; and (2) Because the number of jobs offered overseas is much higher as well as more varied and more promising.²

It is a foregone conclusion that Indonesian workers seek jobs in other countries usually because of poverty. Various researches have revealed that in many cases, migration is not a voluntary process, but is motivated by a natural need of people to secure their livelihood. More so, the reliance on overseas employment to solve the problem of unemployment represents the effort of the Indonesian to settle the unemployment problem in Indonesia.³

However, there is a second factor – a pull factor – to the acceleration of overseas deployment of Indonesian labor. The overall demand for cheap labor as defined by neoliberal globalization policies increased. Richer, industrialized and oil rich nations and corporations demanded skilled workers to labor cheaply in dirty, dangerous and difficult jobs. But this remains a secondary feature in understanding the root causes of forced labor migration in Indonesia.

Historical and Current Trends of Indonesian Temporary Labor Migration

In the 1970s, many Indonesian women were deployed as domestic migrant workers to the Middle East. This trend will significantly increase in the 1980s as a consequence of a new government policy to promote labor export. The percentage of female migrant workers continued to increase, so that by 1992 their number was 89% of the registered Indonesian migrant workers. By 2001, their percentage reached 91.5% of the total. In 2004, although the percentage of female migrant workers of Indonesian migrant workers dropped to 82.8%, their absolute number is still much higher compared to the number of male migrant workers.⁴

Currently, the major destination countries for female migrant workers are: Saudi Arabia, Malaysia, Kuwait, Singapore, Hong Kong and Taiwan, while the destination countries for most of the male migrant workers are still Malaysia and Saudi Arabia.⁵

At least six million citizen of Indonesia are now migrant workers. As can be seen from the figure below, most of Indonesian migrant workers are women and unskilled. Like other sending countries, economical difficulties are dominant reason of migration. Some of the migrant workers were recruited below legal working ages (under 18).



Source: BNP2TKI, National Authority for the Placement and Protection of Indonesian Overseas Workers

In 2007, most of the Indonesian migrant workers are working in Asia Pacific regions, with Malaysia as the top country of destination with almost 2,004,885 Indonesian migrant workers. In the Middle East, there are around 2,167,842 with most working in Saudi Arabia. In America, many are based in the United States, while in Europe, it's the Netherlands with 2,553 Indonesian migrant workers. These migrant workers sustain the economies of the receiving countries by filling critical gaps and needed skills in health, construction, domestic services, and business sectors.⁶

Distribution of Indonesian Migrant Workers by Region (2007)

Regions	Total
Asia Pacific	3,083,645
Middle East and Africa	2,513,233
America	18,338
Europe	8,881
Total in 2007	5,624,097

(Source: BNP2TKI, August 2007)

According to data which can be obtained from Data and Information of the Ministry of Manpower and Transmigration Office, in the year 2007, the placement of Indonesian Migrant worker in Asia-Pacific and in Middle East area are as follows⁷:

NO	DESTINATION COUNTRY	AMOUNT
1	Malaysia	151.998
2	Singapura	23.613
3	Brunei	4.321
4	Hongkong	21.282
5	Taiwan	35.222
6	South Korea	2.175
7	Japan	49
8	Macau	102
9	US America	861
10	Other	137
TOTAL AMOUNT		239.760

(Source: BNP2TKI, August 2007)

Knowing the Government's Policies and Mechanisms for Labor Export

In the 1990s, the Indonesian government had put attention on labor migration when it was included in the General Line of National Development (Garis-Garis Besar Haluan Negara, GBHN). Later that year, a decree was signed by Ministry of Manpower to regulate the process of labor migration. Then in 2004, the law on Placement and Protection Indonesian Overseas Workers was issued by the government.⁸

In summary, the Labor Export Program of Indonesian Migrant Workers Abroad is now being implemented through different regulatory and planning frameworks, such as the national 5-year development plans or REPELITA, and the various Ministerial Decrees from the Ministry of Manpower and Transmigration, e.g. no. 104A which was later ratified into the Law on Deployment and Protection of Indonesian Migrant Workers Abroad (UUPPTKILN) no. 39/2004 or Law No. 39 for short.⁹

As a consequence of the enactment of Law No. 39, the National Authority for the Placement and Protection for Indonesian Migrant Workers (BNP2TKI) was established under Section 94-99 of the said law.¹⁰ The proposed duty of the BNPT2KI was to conduct migrant worker placement on the basis of bilateral agreements between the Indonesian government and the destination countries while providing services to the migrant workers.

Law No. 39 obliges the Government of Indonesia to conduct bilateral trade agreement to manage labor migration. Supposedly this was meant to reduce the number of violence and abuses committed against Indonesian migrant workers. However, the issue of protection rights and welfare of migrant workers cannot simply be accomplished by signing the bilateral labor agreements. Indeed, the bilateral labor agreement of Indonesia as the sending country has become more of a tool to implement the government's labor export program. In fact, under the formal bilateral labor agreement signed by the government of Indonesia with those of the receiving countries, the Indonesian migrants are still assumed as commodities for trade.¹¹

According to the Minister of Manpower and Transmigration Erman Suparno, there are 25 countries of placement Indonesian migrant workers. Among those, only six countries, which are Malaysia, South Korea, Kuwait, Saudi Arabia, and Japan, have signed bilateral labor agreements with Indonesia while ten more are in the offing.¹²

Since the overarching Law No. 39 emanated from the old Ministerial Decree on Transmigration, the general framework and essence of the decree was exported into the new law. In a research paper written by the APMM in 2003, we have already outlined the critique to the essential components of the Indonesian government's policy on labor export. The following were the main critical points of the said decree which remain true to its present form – Law No. 39¹³:

1. Full deregulation of Indonesian labour importation industry

The PJTKI (recruitment agencies) are given the full authority to look for job opportunities abroad. The recruitment agency will then apply for approval the said "job orders" with the Indonesian Consulate in receiving countries. Upon approval, the process of getting Indonesian Migrant Workers (IMWs) from partner recruitment agencies in Indonesia will commence according to the number of needed workers for the particular job description.

The Indonesian government, particularly the Ministry for Labor and Transmigration is reduced to approving licenses for PJTKI and verifying the "job orders". Even services that should be provided to IMWs by the government are transferred to the PJTKI. The PJTKIs, on the other hand, exploit these "services" in order to get the maximum of profit from IMWs before they go abroad and while they are working overseas.

2. No direct hiring

According to the decree, IMWs are those who have registered and passed the selection process conducted by the Perusahaan Jasa Tenaga Kerja Indonesia or PJTKI. PJTKI is the collective term used to call private recruitment agencies for IMWs.

PJTKI has the sole control in terms of deploying IMWs. This system has made IMWs vulnerable to abuse for they are put under the power of recruiters. The recruitment agencies abuse this power repeatedly. Recruiters and employment agencies lure workers with the promise of fast and large amounts of money when working abroad.

In order to work overseas, first time applicants must register at the recruitment agencies in Indonesia. Most recruiters charge expensive fees for this registration process although there are a few who offer fly-first-pay-later deals. After the application, workers are forced to stay in the dormitory while waiting for their document processing and notice of flight departure details. The agency claims that their purpose is to provide skills and language training however these workers are treated like prisoners. They are not allowed to go out, denied access to their families and ordered to follow all of the agency staff instructions.

Sometimes over one hundred workers are forced to stay together under the training center's unsanitary conditions.

3. No standard contract

Contracts are based on the host country's policy. The Indonesian government has set no benchmark wherein they can judge whether their nationals are accorded their basic rights. Essentially, IMWs are subjected to the existing conditions of the host country while the Indonesian government divests itself of its political and social responsibility to its nationals.

Because of this, the minimum wage and other economic benefits for IMWs are also left to the decision of the host government. Such a hands-off policy poses a great danger as what the Indonesian domestic helpers in Hong Kong have experienced.

Generally, receiving countries try as much as possible to depress the wages for migrant workers. They accept migrants in the first place because it is a

source of cheap labor for the economy. While it is true that wages in receiving countries are relatively higher than in sending countries, wages of migrants should not be based solely on the decision of the host government. It must also be based on the benchmark of how much is required for a migrant worker to live decently in the host country and the economic requirements of their families in their home country for their basic needs.

4. Fees charged to IMWs

While the decree stipulates that the IMWs and/or the employers are the ones who will pay the necessary charges for deployment abroad, IMWs in reality shoulder the bulk of the charges. Moreover, because of the deregulation policy, recruitment agencies are given the leeway to dictate how much they will charge the IMWs for items that have no fixed amount. In practice also, IMWs are made to pay fees that are to be paid for the employers. These are deducted from the salary of IMWs and are done through the collusion of the employers and the recruiters.

The PJTKI and the Indonesian Government

Like several other Asian nations with a surplus of labor, Indonesia has become a major global source of contract migrant workers who secure jobs in another country for a limited period, usually around two years. Most legal international labor migration in Indonesia occurs through agents who are heavily involved in recruiting, placing workers in overseas jobs, and arranging travel.¹⁴

These “agents” are collectively known as PJTKI.

The Indonesian Government endows excessive powers to recruitment agencies (PJTKI) over individual IMWs, as private sector partners to its targets in labor export business. This means that the Indonesian government is outsourcing, using and depending on recruitment agencies (PJTKI), to achieve its labor export targets while disassociating themselves from their state responsibility to protect their workers abroad by passing the role to the PJTKI.

The infamous practices of the PJTKI are well-known and documented. They have become purveyors of modern-day slavery especially to Indonesian women migrant workers. Being in the frontline of labor export, they are also at the epicenter of the scandalous issues of overcharging, through various modus operandi – outright extortion, unpaid labor during training sessions

and dubious training fees, illegal salary deductions leading to underpayment or non-payment of wages, and debt bondage.

For example, in the same report of the World Bank office in Jakarta, it says: “Placement fees are officially stipulated by the Department of Manpower and Transmigration, but in reality the amount that migrants paid is much higher.” In their own research, they have outlined the cost of migrating¹⁵:

However, this World Bank report conveniently shies away from pointing the finger at the real culprits of this most criminal act – the PJTKI. It failed to present the reality that the reason why migrants “pay much higher” is because of the PJTKI and its collusion with the Indonesian government.

To date, no recruitment agency (PJTKI) in Indonesia has ever been prosecuted for overcharging. Why? Because under Indonesian laws and policies, high placement fees are legal. Hence, the Indonesian government does not regard this as a problem in need of resolution. Thus complaints by IMWs of being overcharged are generally ignored by the Indonesian government.

In return, the Indonesian government benefits from the practice of using recruitment agencies (PJTKI). In a study conducted by the Association of Indonesian Migrant Workers (ATKI) in Hong Kong, they have outlined the most telling reasons¹⁶:

(1) The government is able to make administration and management of overseas deployment more “efficient” by outsourcing these functions to the private sector recruitment agencies. These agencies also provide training and together with overseas agencies find employment opportunities for Indonesian migrant workers.

(2) The government charges fees for the licensing of agencies and for the processes involved in the preparation of documentation for potential migrant workers. Government revenues increase with the number of IMWs sent abroad. The export of IMWs is now the third largest source of income for the government after oil and non-oil products.

(3) The remittances that IMWs send to their respective families hides the deterioration in Indonesia that stem from on-going economic and fiscal crises, the lack of real development, corruption, collusion and nepotism. IMWs are breadwinners in their families. Subsidies from labour migration to the local

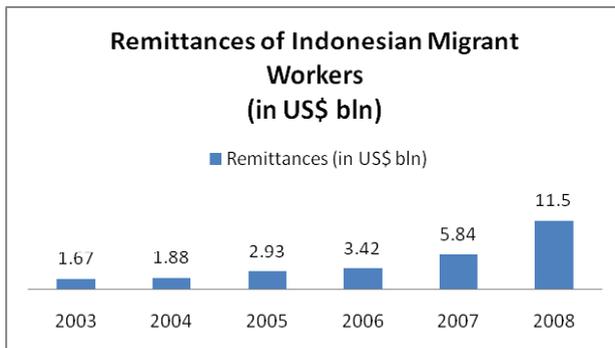
economy has hidden governmental failure and lessened the potential of political unrest due to poverty and high unemployment in Indonesia.

Country of Destination	Placement fee (Depnakertrans)	Fee paid by female migrant workers	Method of payment
Hong Kong	Rp 18,000,000	Rp 21,000,000	81% deducted from monthly wages during 7 months
Taiwan	Rp 24,000,000	Rp 36,000,000	67% deducted from monthly wages during 14 months.
Saudi Arabia and other Middle Eastern countries	Rp 500,000	Rp 600,000-Rp 3,500,000	Cash. In cases where they borrow money from sponsor or local money-lenders, payment may be 3 times higher than the loan.

These Indonesian migrant workers are therefore correct when they said that *“This labor export program is a program of Indonesian government to sell its own people abroad as export commodity as a means to generate income for the government through remittances and other fees imposed to IDWs.”*¹⁷

Remittances and Fees as Lifeline to the Depressed Indonesian Economy

As with other developing countries, Indonesia has become more and more dependent on the remittances of migrants. As we can see on the figure below, the amount of remittance transfers had grown steadily since 2003. The latest data on remittance from government official reveals that it has reached almost US\$ 11.5 billion - almost double the remittance in 2007.



Therefore, in Indonesia, remittance also could be the single largest source of foreign exchange, exceeding export revenues, foreign direct investment, and other private inflows. Recently, the government officially admitted that

remittances of migrants had become the second largest income of Indonesia after income from oil and gas. Under the global economic and financial crisis like today, the share of migrant remittances will surely increase compared to other economic sectors.

Aside from remittances, government of Indonesia also receives huge income from various bureaucratic processing fees that burden migrant workers.

For example, since January to April 2008, the National Authority for the Placement and Protection Indonesian Overseas Workers (BNP2TKI) claimed that they were able to deploy 196,635 migrant workers. It meant that the Government of Indonesia already received US\$15.9 million just from passport fees, insurance payments, and pre-departure orientation fees. There are still other components and of course other fees that must be paid by migrant workers which can make the amount increase. In short, exporting migrant workers abroad is actually a good business in Indonesia.¹⁸

And so too, when migrant workers return, thus the story of the Terminal Three in Soekarna Hatta Airport. This has become a very controversial site for extortion for vacationing migrants.

In this chapter, we have broken down the most important components of the Indonesian Labor Export program. We have attempted to provide you with the general overview of how it operates in collusion with private recruitment agencies. In short, the phenomenon of Indonesian forced labor migration is the concrete expression of how the government of Indonesia has developed its lucrative business of labor export and has failed to respect, protect, and fulfill the rights and welfare of citizens of Indonesia. The government not only failed in providing decent jobs with decent wages for its people but also intentionally extorts and takes benefit from them.

II. An Update of Taiwan's Policy Towards Foreign Labor in the Context of the Global Financial Crisis

There are many issues and policies affecting migrant workers in Taiwan and some new ones have even cropped up during the present recession which has been plaguing the island since the last quarter of 2008. Migrant workers and their advocates though have not been passive in exposing and opposing many of the policies which infringe on the rights and welfare of the former.

Even before 1989, there were already many migrant workers in Taiwan laboring unofficially or to be more precise, were undocumented workers. It was only in the last quarter of 1989 when the Taiwan government officially sanctioned the importation of migrant workers for the government's major construction projects. And by the last part of December it opened the doors for other job categories to foreign workers which exist up to now. (See table below)

At present the majority of blue collar migrant workers come from Thailand, Indonesia, the Philippines and Vietnam and with very small numbers coming from Malaysia and Mongolia. At present the number of migrant workers, their job categories and nationalities as of November, 2008 are found below. "Social, personal and related community services" pertain to live in caregivers, domestic helpers and caregivers in nursing homes and hospitals. The latter as well as those in agriculture who mostly are seafarers in fishing boats and those in manufacturing and construction are covered by the Labor Standards Law.

Table 12-3 Foreign Workers by Industry and Nationality

	End of Nov., 2008						Unit: Person	
	Grand	Indonesia	Malaysia	Philippines	Thailand	Vietnam	Mongolian	
	Industry total							
Grand total	373276	127150	11	84707	79236	82167	5	
Agriculture (Crewmen)	4723	3445	0	816	15	447	0	
Manufacturing	194052	13190	11	60639	72300	47910	2	
Construction	6388	58	0	283	5398	649	0	
Social, personal & related community services	168113	180457	0	22969	1523	33161	3	
Source: G Employment and Vocational Training Administration, CIA.								
Note: G Data series from January 2003 have been classified, based on Standard Industrial Classification of R.O.C. revised seventhly in 2001.								

All of them have the same issues and are affected by the same policies of the Taiwan government although their own governments have different policies pertaining to the payment of placement fees.

In a nutshell the issues and policies affecting them in Taiwan are the following:

1. The Broker System and its Excessive Collection of Placement and Brokers Fees – Taiwanese brokers who are the counterparts of placement agencies in the migrant sending countries act as the managers of the employers. And for this they charge migrant workers monthly brokers' fee in the guise for payment of service fees. This is besides the payment for the placement agencies either in cash or through salary deductions or even both as in the case of Indonesian migrant workers.

2. Collection of Other Excessive "Legal Fees" – Other than the two fees mentioned above, migrant workers of all job categories have to pay monthly for their medical insurance; a 6% income tax if they stay in Taiwan for less than 183 days in any taxable year; and 6% income tax if their earnings are more than NT\$193,000 per annum. A number of migrant workers are also deducted a certain amount as "savings" and will only be given back to them by their employer when they are about to leave Taiwan.

Those covered by the labor standards law are further deducted monthly for their labor insurance and up to NT\$5,000 for board and lodging.

3. No Standard Employment Contract for all Migrant Workers – Contract substitution is legal under Taiwanese law as its labor law stipulates that both employer and employee can bargain for better terms for themselves. This includes forcing the migrant workers to sign side agreements prior to deployment and upon arrival in Taiwan.

4. Exclusion of Domestic Workers such as caregivers and domestic helpers in the Labor Standards Law – Domestic workers were briefly under the Labor Standards Law in April 1998. This right had been taken away from them because of the Taiwan government's contention that if they were under said law it would be very hard to determine their working hours including overtime work and remuneration for this. As such, domestic workers were not included in the minimum wage hike in July 2007 and majority of them have limited or no days off.

5. Issues of Undocumented Migrant Workers – By the end of November, 2008 there were 25,438 migrant workers who absconded from their work. They usually run away because of heavy workload, inadequate food, physical and sexual abuse, as well as excessive, illegal collections of fees by manpower agencies. Other reasons why migrants run away is that they were going to be arbitrarily repatriated or their employment contracts have already expired. Instead of addressing these problems, the Taiwan government continues to implement an iron fist on absconders and there has never been any amnesty for them since 1990.

The Broker System and its Excessive Collection of Placement and Brokers Fees

Taiwan is a unique place in the world in that it has a broker system. Taiwan's Council of Labor Affairs (CLA) asserts that brokers are a necessity to help manage blue collar foreign workers for their employers.

Ironically, migrant workers also have to pay their brokers in the guise of monthly service fees. This is aside from the payment of placement fees for recruiting agencies in the home countries of the migrant workers either in cash or through salary deductions or both. At the same time, the government provides such brokers with unlimited powers over the migrants and more often than not shields them away from any wrongdoing. As managers, the brokers

represent the interests of the employers during labor disputes. The employers of these individual workers also pay the brokers NT\$25,000 – NT\$30,000.

The monthly brokers' service fee was implemented in January 23, 2002 and charged for those who obtained their ROC visa after November 9, 2001. Previously these were disguised as loans and the charges were even much higher than at present.

The collection of on-site handling fees remains as follows¹⁹:

1st year	-	NT 1,800/month
2nd year	-	1,700/month
3rd year	-	1,500/month

If the worker will return to the same employer, service and handling fees will be NT1,500/month for the 4th, 5th and 6th year. If they work afterwards for a different employer, the fees would be:

4th year	-	NT 1,800/month
5th year	-	1,700/month
6th year	-	1,500/month

The services these brokers render include the following²⁰:

- Providing transportation services to and from the airport
- Providing transportation and food whenever there is medical examination
- Providing board and lodging in case the worker is allowed to transfer to another employer
- Getting the Alien Residence Certificate (ARC) of the worker
- On site orientation
- Providing assistance to the worker in case he/she is to be terminated by the employer
- Providing assistance in terms of mediating between the worker and employer whenever there is friction between them based on the methods of settlement agreed upon by MECO-CLA.
- Providing assistance in filing information/documents/cases to the authorities concerned in Taiwan like the tax bureau, police, labor, bureau, etc.
- If it becomes necessary, to assist the worker in transacting business with the bank and of remitting money to his/her family.
- The Taiwanese broker should always ensure the security of the worker and

to get all the benefits that is due him/her and in the shortest time possible.

Last November 7, 2008, the CLA organized a consultation with NGO's and other groups that discussed new proposed sample contracts between migrant workers and brokers and employers with brokers. These contracts would institutionalize and strengthen the broker system in Taiwan and would further limit the rights of migrant workers.

This would make the Taiwanese brokers the sole representatives of the migrant workers in any labor or legal dispute; would ensure that the migrant workers pay for their airfare to and from Taiwan; and would legalize other additional fees, which are already being paid through the monthly service fees migrants pay to the brokers.

Under the current Indonesian policies, aside from the 15 month salary deduction of up to NT\$6,703 a month, the Indonesian Migrant Workers (IMWs) are still forced to pay big amounts of money for their placement fee to the recruitment agencies. The amount depends on the job category. For domestic workers, they have to pay between 3-5 million rupiah (300-500 USD), and for factory workers, they are forced to pay between 30-70 million rupiah (3000-7000 USD) that have to be paid before they leave the country.²¹

Filipino working in homes have to pay a minimum of P80,000 in the Philippines or from NT\$65,000 – NT\$100,000 through salary deductions even if there is a new Philippine Overseas Employment Administration (POEA) guideline that stipulates that domestic workers need not pay any placement fee.²²

According to Fr. Peter O'Neil, Hsinchu Diocese Migrant's Coordinator, migrant workers from different countries below pay the following placement fees in New Taiwan dollars²³:

	Indonesia	Philippines	Thailand	Vietnam
2002	150,000	50,000 – 80,000	100,000 – 180,000	165,000
2003	180,000	55,000 – 80,000	150,000 – 190,000	170,000 – 200,000*
2004	130,000 – 190,000	40,000 – 60,000	120,000 – 150,000	90,000 – 150,000**
2006	150,000 – 170,000	60,000 – 84,000	120,000 – 200,000	130,000 – 229,000***

He also enumerated below the different policies of the sending countries governments on placement fees:

GOVERNMENT PLACEMENT FEE POLICIES (NT Dollars)²⁴
(Vietnamese government has no policy)

	Indonesia	Philippines	Thailand
2002	120,000	24,000	30,000
2003	55,206	24,000	48,000
2004	55,206	24,000	48,000
2006	50,179 (FW)/104,000(DW)	28,000	56,000

To cover-up for the excessive collection of placement fees of placement agencies and of brokers, the CLA came up with a Special Hiring Program for Taiwan (SHTP) with the Philippines, Thailand and later with the other labor sending countries. Initially it was meant only to benefit domestic workers but only for rehires and the employer should agree to this arrangement. Supposedly starting 2009 this would be open for all job categories.

But the Manila Economic and Cultural Office (MECO) which is the de facto Philippine Embassy in Taiwan had unwittingly admitted that its Special Hiring Program for Taiwan (SHTP) is a failure. This can be attributed to it being non-mandatory and dependent only on the employer's decision to avail of such method.

Only 5,205 were deployed through the SHTP in a 12 year period from 1996 - 2007. This is only 1.09% of the total number (477,184) of Filipino workers deployed to the island in said period. Last year, only 600 passed through the SHTP which is 2.12% of the total number of migrant workers (28,426) sent to Taiwan in 2007.²⁵

That is also what happened to the direct hiring agreement between the Thai and Taiwan governments which was inked in 2002. Very few Thais were hired in this process. The main problem for this policy is that this is not mandatory and is available only for rehires.

On another matter, one other function of the brokers is to intimidate the workers into signing side agreements; to forego their complaints against their employers and against them; and not to file complaints with government agencies of both Taiwan and the sending countries representative offices, to NGO's and to lawyers groups such as the Legal Aid Foundation.

There are even a number of cases of physical abuse employed on migrant workers by personnel of the brokers. The two most famous cases was the application of electric batons on Thai workers of the MRT in Kaohsiung after they were accosted by the guards when they came home drunk on August 21, 2005. The second was the beating up of six Filipino workers from Formosa Plastics Corporation (FPC) including the use of electric batons on some of them while on their way to the airport for deportation on August 2, 2005.

The one in Kaohsiung caused the immediate rioting of 100 Thai workers during that night and by hundreds of others the next day. This was a very big issue in Taiwan and caused not only the resignation of local Kaohsiung officials but even that of then Council of Labor Affairs head Chen Chu.

The second resulted in the conduct of three more strikes by Filipino and Thai workers which resulted into gaining many concessions for the workers and the subsequent filing of criminal charges against two of the perpetrators of the beatings. Eventually the criminal case and subsequent civil case was won by the two workers.

Other intimidating tactics were more subtle like brokers going to the place where the female workers were billeted near midnight with other drunken male companions so that the workers are forced to sign a waiver. The most common though is threatening the workers that they would be sent home without pay and that they would be discharged from their dormitories and would have to fend for their own board and lodging needs.

Collection of other Excessive “Legal Fees”

Other than the brokers’ service and placement fees, migrant workers are subjected to other deductions by their employers of the following fees:

For those working in homes: (Minimum Wage – NT\$15,840)

- a. Health Insurance – NT\$236
- b. Alien Residence Certificate (ARC) – NT\$1,000 a year or NT\$83 a month
- c. Health check-ups (2 times in the first year and once for the next succeeding two years) – NT\$8,000 for a three year period or NT\$222 a month
- d. For a growing number of migrants, even the airfare to Taiwan from their countries of origin

e. 6% income tax if one stays in Taiwan for less than 183 days in any taxable year

For other job categories: (Minimum Wage – NT\$17,280 effective July 1, 2007)

a. All of the above

b. Plus up to NT\$5,000 in board and lodging fees

c. Labor insurance – NT\$576

If we include here the deductions for monthly brokers' service fees which average NT\$1,666 a month, the take home basic pay of domestic workers would only be NT\$13,633. All in all, they are legally deducted a minimum of 14% of their salaries a month.

For other job categories an additional maximum amount of NT\$5576 can be deducted every month from their basic pay. This totals to NT\$7783 a month or 45% of the minimum wage.

For Indonesians' wages which are deducted NT\$6,703 a month for 15 months for their placement fee to Indonesian recruitment agencies, the basic pay for the said months would only be NT\$6,930 or only 43.75% of their basic pay. For a three year period, this would amount to a 32% reduction in their basic pay.

And for those of other job categories, this is a staggering deduction of NT\$14,486 for the 1st fifteen months or 84% of the minimum wage. For a three year period, this would amount to a reduction of 61% of their minimum wage.

No Standard Employment Contract for all Migrant Workers

There is no standard employment contract for migrant workers in Taiwan whether they are covered by the Labor Standards Law or not (domestic workers fit into this latter category). At the onset even before the actual deployment to Taiwan, migrant workers are already subjected to forcibly sign side agreements even when they are still in their home countries.

These agreements include payment *"...of brokers' and placement fees in excess of the prescribed amount, advance collection of brokers fees which under the*

law are supposed to be paid by the workers on a monthly basis or every three months at the most and no day-offs for a certain period, usually 12 months..."²⁶

While side agreements covering the first two in the above paragraph can be acted upon by pertinent Taiwanese and government officials of sending countries if the migrants do decide to complain, the agreement for no days-off is another matter. According to a lawyer we consulted, *whether the "no day off" provision would be valid depends upon how the courts interpret the open-ended "public order or good customs" clauses of the Civil Code.* Another problem here according to the lawyer is that *the courts tend to resolve these issues on a case to case basis.*

In a dialogue held between MECO and Filipino migrant organizations on August 15, 2004, the Philippine representative office admitted that such agreements are illegal in the Philippines. But instead of logically considering such agreements as void, MECO instead blamed Overseas Filipino Workers (OFWs) for signing such.

On the other hand, the said Taiwanese lawyer pointed out, since the Labor Standards Law does not cover domestic work, the general Civil Code or Law will govern. In practice this means, besides the model contract, almost any side agreement that are covered by the Civil Law can be considered legal and binding.²⁷

Upon arrival, migrant workers are again subjected to additional side agreements that they have to sign in their new work place especially for factory workers.

The lawyer we consulted had this to say. *"It is likely for an employment contract to be covered by the Labor Standards Law and the Civil Law simultaneously. Anything not covered by the statutory languages of the Labor Standards Law would be governed by the Civil Law."*²⁸

The contention of the CLA regarding this is that under their laws, both employer and employee have the right to bargain for better terms for themselves. In reality, however, migrant workers have no or little bargaining power.

In the first place, migrants cannot form their own unions but can only join existing ones. In addition to this, they cannot become officers of a union. As such, they have no collective rights as workers but can only bargain individually. Secondly, migrants can work legally in Taiwan for a maximum of 9 years but at

the employer's discretion. Only the employer can decide if the worker can be rehired for the maximum number of years the migrants can stay thus leaving the workers at the mercy of the former.

For those covered by the Labor Standards Law, besides side agreements, migrants like factory and construction workers have also to follow company rules and even dormitory regulations. The former is supposed to be valid and legal as long as these do not violate the LSL. A number of company rules, however, to be legally binding are made into side agreements.

These include contentious and ridiculous provisions. Two examples include the following:

"I agree to sign re-contract for the _____ year. If I don't complete the _____ year extension for violating Regulation, I will meet repatriation and be responsible for costs returning to Philippines and a fine of NT\$20,000. All expenses will be deducted from my fix savings."

"After my _____ year contract, I agree and authorized my employer to remit my fix savings to my bank account in the Philippines through Metro bank."

The first paragraph pertains to a breach of contract on the part of the worker. In the usual factory setting, any reason, even termination initiated by the employer, can amount to a "breach of contract". As such, the migrant worker has to pay the fine plus his/her plane fare back home.

The second paragraph of the side agreement, while stipulated within the regular employment contract, is meant for migrants who have been rehired by the same employer after their first three years of work. However, many companies have reversed their previous policy of giving the migrants their fixed or forced savings before returning home. Instead, the new provision stipulates that the company will just remit the money to the workers after they have returned home. In a meeting between the workers and the management, the official reason given for this move is that the company was concerned that the migrants might be robbed upon arrival in their home country.

When we again consulted a lawyer about these two provisions in the re-contract agreement, he had these to say. The "NT\$20,000 penalty" is similar to the "no day off" provision stated earlier. To refresh our memories: "it also depends upon how the courts interpret the open-ended "public order or good customs" clauses of the Civil Code."

With regards to the remittance of the fixed savings, the lawyer stated that “I think those provisions such as remitting fix savings to bank should be held apparently unfair under the totality of circumstances. In reality, due to the open-ended nature of the statutory language, it is contestable at least. Migrant workers must have a good lawyer in arguing this point.”

Exclusion of Domestic Workers such as caregivers and domestic helpers in the Labor Standards Law

Domestic workers who labor mostly as live in caregivers and a few thousand domestic helpers are not covered by the Labor Standards Law except for a brief time in April 1998²⁹ because of lobbying efforts of migrant NGO’s. The CLA has stated that it would be contentious to include those working in homes in the Labor Standards Law because of two provisions in said law. This pertains to the working hours and to the payment of overtime pay.

Other than the common problems facing domestic workers in other countries such as in Hong Kong and the like who are covered by the labor laws of said places, those in Taiwan do not receive the minimum wage; do countless chores not stipulated in their contract (for live in caregivers); and have limited or no days off.

The minimum wage was raised to NT\$17,280 in July 1, 2007 but the wage of domestic workers remained at NT\$15,840 a month.

Also in a survey made by the Asia Pacific Mission for Migrants (APMM) and members of the Migrante Sectoral Party – Taiwan chapter from June to August, 2006, more than 80% of respondents said that they have no regular or even no days-off.

It is unacceptable to argue that migrant workers in Taiwan are not given days off because they were made to sign side agreements pertaining to such or that the Labor Standards Act does not cover those working in homes.

Issues of Undocumented Migrant Workers

According to a Philippine government official, their nationals run away because of heavy workload, inadequate food, physical and sexual abuse, as well as excessive, illegal collections of fees by manpower agencies.³⁰ Other reasons why migrants run away is that they were going to be arbitrarily repatriated and their employment contracts have expired.

On the other hand, in a survey conducted by the Catholic Hope Workers Center (HWC), the migrants chose to become undocumented because of the following reasons³¹:

- 18% said they suffered abuse
- 39% found their work too hard
- 24% stated they were about to be repatriated
- 6% had finished their contracts
- 13% gave other reasons

Of course, one other reason why there are a growing number of undocumented migrants especially among Indonesians is because of the ban imposed on them by the CLA. This ban was imposed on Aug. 1, 2002 because according to the CLA, many workers were running away from their employers; brokerage agencies from Indonesia submit false documents and charge high brokerage fees.³²

In one of the interviews conducted by the APMM on an undocumented worker, she gave this startling revelation:

As for me, I have more bargaining power by being an undocumented worker. I can leave my employer if he/she does not follow our verbal agreement. If I am documented, even if my employers are wrong, they can send me home any time if they do not like me anymore.

Besides banning the importation of certain nationalities, other things which the CLA have done so far to solve the problem of absconding workers are the following:

- Launched an announced crackdown on undocumented migrants from

September to November 2003. During said crackdown, the CLA promised to facilitate the speedy repatriation of undocumented workers who would “voluntarily” surrender to the authorities. This did not succeed, however, as only 200 of the 11,200 undocumented workers then or only 1.78% of them turned themselves in.³³

- Did a survey on why foreign workers ran away from their employers. But instead of interviewing the workers themselves, the CLA chose to interview the employers of the absconders. The two main reasons that came out of the survey are (1) instigation by other foreign workers and (2) imminent expiration of the employment contract. Others include problems in living and working accommodations and expectation for higher payment.³⁴

Effect of Recession on the Migrant Workers

Due to overproduction and reliance of 23.5% of its exports to the US and Japan, many Taiwanese manufacturers have seen their profits go down and have resorted to cost-cutting measures by mainly lowering the wages and benefits of local and migrant workers alike.

As of December 2008, the unemployment rate has increased to 5.03% and it is predicted that this will further rise to 6% in 2009. Labor groups have also reported that up to 700,000 workers (60% in the information technology and manufacturing sector) have been forced to take unpaid leave and have seen a 30% reduction in their take home pay.

Migrant workers are not immune from the effects of the crisis. As of December last year, 4,587 Filipino workers have been retrenched from 85 companies. There are reports that more Thais have been laid off. Reliable sources also revealed that up to 100,000 migrants in the manufacturing sector would lose their jobs by 2009.

Many of the migrant workers are forced by their brokers and employers to sign termination papers (16% on Filipinos) so that the latter will have no liability in providing them with their airfare back home, separation pay and payment for breach of contract. Those who refuse to sign the resignation papers are forced to agree to a no work no pay policy or even unpaid leave. Eventually they would be forced to “voluntarily” resign from their jobs.

Taiwan's Council of Labor Affairs (CLA) initially stated that forced unpaid leave is legal as long as workers agree to this in writing even if the take home pay falls below the mandated minimum monthly wage. This was revised immediately, however, when many local labor groups voiced out their anger at this opinion.

Likewise the CLA opined that "no work, no pay" for migrant workers is legal as long as they agree to this also in writing and as long as the take home pay does not fall below the minimum wage of NT\$17,280. This is contradictory and violates the employment contract of the migrant workers who have to be paid on a monthly and not on a daily basis and where their minimum wage is guaranteed.

Many of the migrant workers were forced to "terminate" their contracts before 2008 ended because of a new ruling by the Ministry of Finance (MOF) on August 13 of the same year

At present most Filipino migrant workers already pay for their airfare to and from Taiwan because of an addendum inserted into the original contract that stipulates this. This is either stamped by the Philippine Overseas Employment Administration (POEA) itself or the placement agency in the Philippines. Under Philippine law this is supposedly illegal as this is equal to contract substitution. Under Taiwanese law, however, this is legally binding as long as the POEA's official seal is in the addendum.

An alarming new development in Taiwan is the approval by the Legislative Yuan this January 12, 2009 of a statute governing the development of Taoyuan International Airport Zone, which will create a free trade zone near the airport where businesses will enjoy preferential taxes and fewer labor restrictions. This simply means that migrant workers would be governed by the Employment Services Act and the Act for the Establishment and Management of Free Ports and not by the Labor Standards Law. In effect, they will not be covered by the minimum wage law, provisions overtime pay and others nor can they air out their complaints to the CLA. This will set a dangerous precedent as other export processing zones can have the same up in the future.

Migrant Workers Struggles and NGO's Lobbying Efforts

In the past when rights based migrant workers organizations were not yet established in Taiwan, there were instances of spontaneous wildcat strikes in different companies and parts of the island. Those who took up the cudgels for the workers were migrant NGO's. Some of these NGO's were able also to form migrant organizations which later have formed an alliance among themselves to advocate for their own rights.

The Asia Pacific Mission for Migrants (APMM) started its work in Taiwan since 1998 but successful organizing among migrant workers started only in 2004 with the establishment of Migrante Sectoral Party and which was eventually transformed into Migrante Taiwan on March 13, 2005. Lately an Indonesian migrants' organization is in the early stages of being developed into a mass organization by APMM's Indonesian staff.

In 2003 the Alliance for Human Rights Legislation for Immigrants and Migrants' (AHLIM) was formed. Also, the Labor Rights Association (LRA) and its allied organizations have time and again advocated migrants' rights and welfare.

Among the different successful campaigns and struggles made by migrant NGO's and migrant organizations in Taiwan are the following:

- Abrogation of the financial management for migrant workers
- Right to transfer even to other job categories if given illegal work
- Formosa Plastics Corporation (FPC) strike which led to exemption from payment of brokers fees as long as there are no absences
- Victory of Gil Lebría and Alfredo Alvarez in their criminal and civil suit respectively against those who beat them up. This was preceded by a campaign in both Manila and Taiwan which utilized militant forms of actions
- Right of foreigners working and living in Taiwan to join and speak in protest activities

In a victorious campaign led primarily by migrant workers organizations and coordinated closely with local labor and other groups, they were able to lower the income tax from 20% to 6% under conditions that one is earning 1.5 times

the minimum wage and he/she has stayed in Taiwan for less than 183 days in any given taxable year. This was implemented in January, 2009

The prospects to further win victories by migrant workers and their advocates are bright. This is especially true if a migrants' movement of different nationalities is formed not only in Taipei but in other parts of the island. The foundations have been started and this should be continued resolutely until it is fulfilled.

III. Triple Whammy: Overcharging, Training Centers and Terminal Three

In cooperation with ENGENDER-HK, the APMM ventured into a series of pilot researches between 2007 and 2008 in Taiwan to get baseline information about the Indonesian migrants in Taiwan as well as dig deeper into their views and experiences on three major issues:

1. The Training Centers run by Indonesian recruitment during pre-deployment stage
2. The Conditions of Indonesian Migrants in Taiwan with focus on Overcharging and Employment Conditions
3. The Terminal 3 project of the Indonesian government for returning and vacationing migrants

These three issues represent outstanding concerns in various stages of the life of Indonesian migrants – pre-deployment, employment and return. These issues are controversial in the sense that they represent the key elements in the exploitative practices committed against the Indonesian migrant workers.

In this chapter, we will present the findings of these researches.

A. Uncovering the Modern Day Slavery: Indonesian Migrant Worker Experiences Inside the PJTKI Training Centre, July 2008

This survey on The Experiences of Indonesian Domestic Workers (IDW's) at the PJTKI Training Centre was conducted by the Asia Pacific Mission for Migrants from August to October 2007 in Taipei, Taiwan. This project was supported by the Centre for Environment, Gender and Development (ENGENDER) and the Women Empowerment in Muslim Contexts (WEMC) in cooperation with the Graduate Institute for Social Transformation Studies, Shih Hsin University in Taiwan.

The objective of this survey is to identify the experiences and situation of IDW's before they started working in Taiwan and while staying at the training

centre of the Indonesian recruitment agency or Perusahaan Jasa Tenaga Kerja Indonesia (PJTKI). The PJTKI plays a very important role in the recruitment process and overseas employment of Indonesian Migrants.

In identifying the experiences of IDW's inside the training centre, we need to know how they were treated by the PJTKI staff, if they are provided with adequate health services and if contact with their families and love ones are allowed. It is also important to know the area where most of the PJTKI training centers are located.

According to the Council of Labor Affairs, in March 2007, there were 94,471 Indonesian Migrants in Taiwan and 83,753 or 88.65% work as caretakers and domestic workers. However, in May 2008, their numbers was recorded at 124,176 and 108,978 work as caretakers and domestic workers. This is an increase of 25,225 in the number of caretakers and domestic workers alone for a period of one year.

The massive deployment of Indonesian women in Taiwan prompted us to look on their condition before going abroad particularly their experiences while staying at the PJTKI training centre.

Thus, this survey focuses on the Indonesian migrant women working at home particularly the caretakers and the domestic workers. However, since most of the caretakers are also doing household chores aside from taking care of old people and people with disabilities, for the purpose of this survey, the caretakers and domestic workers will be termed as Indonesian Domestic Workers or IDW's.

The results of this survey will be used as a reference in doing lobbying work and campaigns to ensure the protection and promotion of the rights and wellbeing of IDW's.

Sampling

It is ideal to gather at least 10 percent or more of the total number of IDW's as respondents to the survey. However, since most of the IDW's are not provided with regular day-off's and if so, they need to squeeze in a lot of their personal chores in one day. Answering a survey questionnaire will be an added burden for them.

As an alternative, we only targeted at least 20 to 30 respondents at random every Sunday for 12 consecutive Sundays and held it in different public places in Taipei City (the capital of Taiwan and situated in the northern part) where a large concentration of IDW's can be found. According to the Employment and Vocational Training Administration of the Council of Labor Affairs, in November 2006, there are 47,611 IDW's in the northern part of Taiwan or 58% of the 82,191 total number of IDW's. The number IDW's in Taipei alone which is 15,180 is 18% of the total number of IDW's and 32% of the recorded number in the northern part of Taiwan.

Breakdown of Indonesian Workers in Taiwan

AREA	TOTAL
NORTHER TAIWAN	47,611
Taipei City	15,180
Taipei County	13,327
Taoyuan County	9,926
Hsinchu City	2,286
Hsinchu County	2,532
Keelung City	1,330
Ilan County	1,948
Hualien County	1,082
CENTRAL TAIWAN	18,899
Miaoli County	2,334
Taichung City	4,179
Taichung County	4,956
Changhua County	3,630
Nantou County	1,636
Yunlin County	2,164
SOUTHERN TAIWAN	15,681
Chia-yi City	742
Chia-yi County	1,572
Tainan City	1,775
Tainan County	2,413
Kaohsiung City	2,434
Kaohsiung County	3,081
Pingtung County	2,579
Taitung County	502
Penghu County	395
Kinmen County	139
Lin Jiang County	49
T O T A L	82, 191

Source: Employment and Vocational Training Administration (EVTA),
Council of Labor Affairs (CLA)

Even those working in nearby cities like Taoyuan and Taipei County come to Taipei City to meet friends, pray at the Mosques, attend other faith services and send money to their family and love ones in Indonesia.

There were a total of 356 individual IDW's who filled-up the survey questionnaires. 71% of the survey questionnaires were distributed during random surveying at public places and 29% were placed at the Catholic Centre (near Taipei Main Train Station) where a group of IDW's are attending their services and social gatherings every Sunday.

In order to show the conditions of the respondents to this survey, the following graphs show the ages, marital status, educational attainment, employment before going abroad and the places where they came from.

In this chart (Fig. TA-1), 44% of the respondents are between 26 to 30 years old. The closest figure to this shows that 31% of the respondents are between 21 to 25 years old. These mean that women in their prime age (75% of the total respondents) are already out of the country and supporting their families back home.

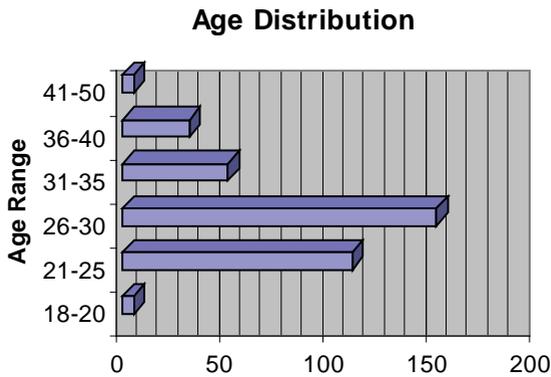


Fig. TA - 1

Fig. TA – 2 shows that majority of the respondents are single (49%) while those married is 41%. Those married are women who are supposed to take care of their own family and kids but are forced to leave their loved ones in order to work abroad.

Marital Status

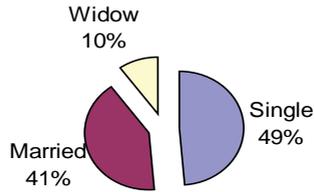


Fig. TA - 2

In Fig. TA – 3, we can see that 60% or 224 of the 374 total respondents entered senior high school and 30% or 111 entered junior high school. Only 6% or 21 of the respondents reached University level. This figures shows that majority of these women only have high school education as their only resource when they work overseas.

Educational Attainment

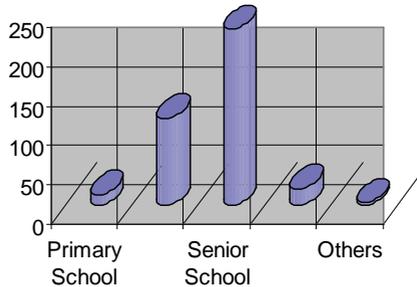


Fig. TA - 3

Aside from working overseas in their prime years of age, the majority of the respondents, about 24% or 85 of 350 total respondents used to work in factories before working abroad. A closer figure also says that 22% or 78 were without work and 17% or 64 of them used to work in the farm.

Employment Before Going Abroad

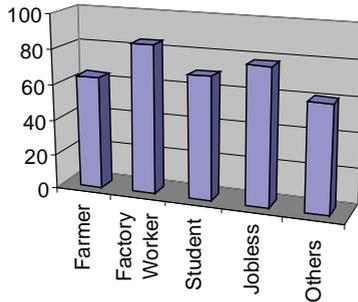


Fig. TA - 4

Fig. TA – 5 shows that majority of the respondents, 54% or 202 of 374 total respondents, came from the district of Jatim. The next concentration is from the district of Jateng which is 23%. Others came from Jabar and Sumatera (Sumatra Island) with 16% and 6% respectively. The District of Jatim, Jateng and Jabar are all located in Java Island.

Place of Origin in Indonesia

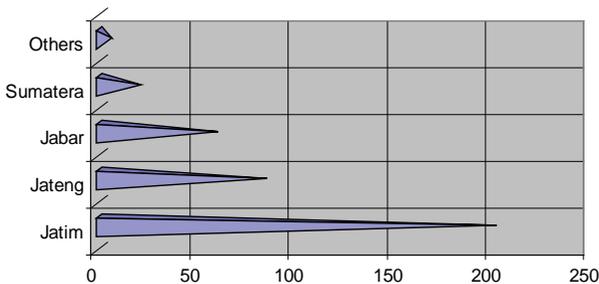


Fig. TA - 5

Findings of the Survey

Majority of the respondent registered with the PJTKI before working in Taiwan. Out of 303 who answered the question, 293 or 96% said they passed though the PJTKI training center before going to Taiwan while only 3% did not.

On the question of how they learned about the PJTKI training center, 158 or 47% who answered the question said they learned it through friends, 21% said

through their relatives or family, while 7% learned of them through newspaper ads.

After being registered and accepted by the PJTKI, 67% said they stayed at the PJTKI training centre; 27% stayed in their own residence and went to PJTKI during training sessions; 2% stayed and work in other residences while waiting to be employed while 3% stayed somewhere else.

Terms of Training at the PJTKI Training Centre

More than half of the respondents (58%) said that their period of stay with the PJTKI training center is a maximum of three months. However, staying between four and six months is also not uncommon (25% of the respondents). Surprisingly, there is a significant number of IDWs who claimed that they stayed with the training centers for more than seven months (16%).

Asked about what “training” they received, the IMWs listed the following:

- (1) Chinese language – 73%
- (2) Cooking – 45%
- (3) Cleaning the house – 44%
- (4) Baby-sitting – 36%
- (5) Ironing clothes – 36%
- (6) Taking care of the elderly – 27%

Link with the Family and love ones

While it is true that a majority of the trainees were allowed communication and visits to their families during their period of training, it is equally alarming to note that there was a significant number who were practically imprisoned in this version of a boot camp for IMWs. The results of the survey showed that 30% of the respondents experienced deprivation of family encounters and visits. It is truly hard to imagine even three months of not being allowed visits from family members or even to return to families either for a short period of vacation or weekend visits. In between training sessions.

The seventy percent who were allowed out of training centers to visit their families had to either pay a deposit or leave a property documents as insurance or collateral pending their return to the PJTKI training center. Sixty-one percent of the respondents had to give money which was then returned to them

once they came back to the training center. Ten percent of them had to leave property documents as collateral. Only 27% claimed that no requirements were imposed on them for their family visits.

While at the PJTKI training center, their means of communication with family is mainly through telephone access (82%) and through letters (15%). Only 36% are allowed visits by family members.

Living Conditions at the Training Center

The survey has uncovered very disturbing indicators of bad living conditions for these IMW trainees:

- 36% claimed that at any given time there are 200 persons in the training center that they are housed in; 28% said theirs is between 100 to 200 trainees while 25% said that theirs had between 50 to 100 people.
- 92% said they sleep in a group while only 3% said they are provided with private rooms
- 36% said that their training centers had between 6 to 10 bathrooms for their use while 30% said they only had between 1 to 5 bathrooms. 44% take their showers in groups while 46% are allowed to shower individually. 52% are forced to buy items for their personal needs either in stores managed by the PJTKI centers or through the PJTKI staff who buys for them outside.
- 78% of the respondents claim that their center is fairly clean while 12% said that theirs was a very dirty place.

Health Condition

Among the respondents, 39% said that they experienced being sick while staying at the training center.

When asked whether the PJTKI provided any health treatment, 65% of the respondents said they did while 35% said they did not.

Working in Another House Offered by PJTKI

For many of the IMW trainees (49%), working in another house offered by the PJTKI for a period of three months and below is fairly common. However, 9%

said that their “training” in the house took more than six months.

While working there, 69% said that they did receive wages or some form of compensation while a surprising 31% did theirs without any remuneration.

Respondents’ Personal Opinions

When asked if they think that the training in PJTKI guarantees their work abroad, 57% said YES; 33% said sometimes and 10% said, not at all.

When asked whether they think that the training under PJTKI will make them free from exploitation by their employers, 38% answered YES, 26% said considerable and 36% said not at all.

When asked whether they think that the training at PJTKI guarantees their two year contract abroad, 39% answered YES; 25% said, considerable and 36% said not at all.

Conclusions

Considering that the majority of IDWs are forced to pass through the PJTKI training centers, the magnitude and scope of issues and problems discovered within the training process are truly alarming. Granted that there is a perceived need to develop skills of these prospective Indonesian overseas workers for job placement, the findings of the survey tell that the supposed skills upgrade come at a very high cost to the rights and well being of these Indonesian migrant women. Even the IDWs themselves are split on whether the training process actually ensures their jobs overseas or whether it has any effect in crisis prevention upon the onset of work abroad.

The training, especially in the Chinese language, may endow the prospective workers with skills to perform well their duties in the foreign household. It may also be argued that the other trainings on domestic chores may increase their efficiency in work. But the accompanying grave conditions and terms we discovered in the training process puts valid suspicion to these supposed noble objectives.

If the ultimate goal is truly for the betterment of the Indonesian overseas worker, why are the living conditions inside the training center in question? How can 200 women cramped inside a training center be a good environment

for skills enhancement? How can restrictions in mobility as well as limitations in family links prepare the prospective overseas worker for a job overseas? How can various elements of control by the PJTKI to their income and expenditures – even to the detail of purchasing their personal needs – ever hope to train them?

These contradictions may fall into place if we subject certain assumptions of the training scheme into scrutiny. If, instead of assuming that the objective is for individual enhancement, the objective is to provide an edge for the marketability of these Indonesian women for domestic work in Taiwan, then the pieces actually fit together.

To respond to the need of Taiwanese society for domestic workers who are relatively skilled and able to communicate well within the household yet are docile and subservient, the PJTKI has actually designed this training scheme to produce such perfect “models” of modern-day slaves.

With the terms and conditions of the training centers, the prospective migrant worker is trained not only in skills but also in mindset, both psychologically and emotionally, to be subservient to their masters. In the training centers, it is the management of the PJTKI. Later on, it would be their foreign employers together with the Taiwanese brokers.

The IDW is “trained” to endure overcrowding, subhuman living conditions, no rest days, restrictions in physical mobility as well as encounters and interaction with family. These would be the same conditions of control when they reach the host country and start to work with their employers. They are “trained” to accept as norm the huge role and influence of the PJTKI to their wages, defining their conditions of work, and even the build-up of dependency towards their recruitment agency. The practices inside the training centers makes the IDW practically hostages to the PJTKI.

The practice of limited access outside the households, minimal link or communication with their own family, inadequate payment of wages is very suitable to a place like Taiwan where no standard employment contract for foreign workers are in place and contract substitutions in the guise of side agreements are being practiced and legally accepted

The results of the survey subjects the fundamentals of the training center scheme itself into criticism. Again, if the objective is to ensure protection of the

overseas workers, how can these negative elements of the training scheme help in achieving such?

There is a need to question the aims and merit of the training process as a pre-departure requirement for Indonesian migrant workers. The survey may have scratched the surface for now, but more research has to be undertaken. What is sure is that the components as well as the fundamental rationale behind the training scheme are suspect as they fail to ensure the “betterment” of Indonesian women to work for jobs overseas. Neither does it empower these women to better protect themselves from the uncertain fate in working abroad.

B. The Extent of Overcharging, Salary Deductions and General Conditions of Work

On December 2008, APMM conducted a survey on the Indonesian migrant workers in Taiwan. For one whole month, aside from interviewing IMWs in the city of Taipei, Tao Yuan and Wanli, APMM conducted a series of meetings with some IMW group and NGOs.

The objective of the survey is to determine the situation and problems faced by the IMWs in Taiwan particularly on two aspects. The first is to ascertain the extent of overcharging, salary deductions and its influence to wage levels, take home pay and remittance behavior of IMWs. The second is to identify outstanding problems in their conditions of work.

It is also important to understand that in Taiwan, there are two general categories of employment for IMWs – as caregivers/domestic workers and as factory workers. The survey also is interested in finding out the similarities and differences between these two job categories.

The survey had a total of 354 respondents from random surveys and face to face talks with IMWs from three areas. In Fig. TB-1, 47% were factory workers and 53% were working as home workers and caregivers.

Respondents according to Job Category



Fig. TB-1

Majority (58%) come from the 21-30 age group and are split halfway between single and married. But if we add on the numbers of divorcees, the category of “married” shoots up 11% higher. The demographic spread of the respondents is similar to that of the first survey conducted by APMM on the training centers, implying that there is no significant shift since the researches were conducted in October 2007.

Findings of the Survey

A. Placement Fees

Under the current Indonesian policies regarding placement fees, IMWs are forced to pay big amounts of money to their placement fee to the recruitment agencies depending on their job category.

For domestic workers, the majority has to pay from 3M to 5 M rupiah (US\$300-500) and for factory workers, they are forced to pay from 30M to 70M rupiah (US\$3,000 to US\$7,000). We need to note, however, that there is also a significant section of domestic workers who pay more than 5 M rupiah (around 10%). Normally, this section will experience lower salary deductions once they work in Taiwan than those who pay the norm.

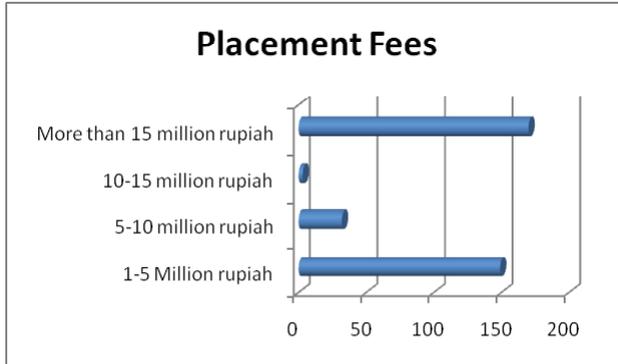


Fig. TB-2
Placement fees paid by IMWs
before leaving the country

These placement fees have to be paid before they leave the country which makes most of the IMWs and their families trapped in debt at the onset of emigration.

B. Wages

According to the wage standards in Taiwan, domestic workers receive NT\$ 15,840 monthly while factory workers receive NT\$ 17,280 monthly. While the varying placement fees for IMWs under different job categories is supposedly justified by the “higher” wage levels of the latter, a close inspection of the pay schedule will reveal that this is not true.

To substantiate the survey, we also collected pay slips and payment schedules of both domestic workers and factory workers. In these pay schedules, the broker lists down the basic pay of the workers, the expected deductions each month and the take home pay of workers. Analyzing these payment schedules has given us the following findings:

1. After all deductions, the factory worker receives between NT\$328,000 and 396,000 in a three year contract while a domestic worker, in paper, receives not less than NT\$400,000 for the same period. This would imply that the aggregate wage of domestic helpers in a three-year contract is bigger than that of the factory worker.

2. However, if one investigates the pay schedule of the domestic workers, one will find that Uang Lembur (overtime pay) is permanently fixed and added unto the computation of wages. The combined amount of overtime pay is NT\$76,032 which explains why the aggregate wage for domestic workers appear higher after the three year contract. In lieu of the so-called higher combined wage of the domestic worker is the sacrifice of their weekly days-off.

3. In fact, the real difference in wages between job categories is only around NT\$20,000 in a three year period (USD 600) in favor of the factory worker. On these grounds, the Indonesian recruitment agencies charge higher placement fees for them.

4. Also, the monthly take home pay of the domestic worker is much lower than that of the factory worker especially in the first year. While the factory worker receives a starting pay of NT\$4,000 to a maximum of NT\$13,000 a month (depending on the scheduled deductions), a domestic worker will only get between NT\$2,000 to NT\$9,000.

In summary, what we see are smoke and mirrors. The real wages of factory workers and domestic workers are not really that different. If we take away the fixed computation of overtime pay (payment for days-off not given to domestic workers), they both receive between NT\$330,000 to NT\$396,000 for the whole three years. The difference between the two wage levels is actually explained by the payment for the forced labor imposed on domestic workers.

C. Salary Deductions

Because the monthly pay of the domestic worker is much lower than the factory worker especially in the first year, and this on top of the absence of the rightful day-off, it is not uncommon for domestic workers to run away from their employers. Likewise, even though the factory worker gets a higher take home pay than the domestics in the same period, the conditions of employment, board and lodging of these workers are its downside.

The current trend in Taiwan is that most of IMWs are treated badly both by their employer and agencies.

The top issue for them is the various “legal” and illegal deductions to their wages. Both the Taiwan government and the brokers (with ties to the Indonesian recruitment agencies) are the main culprits in this scheme.

Findings from the survey indicate that Indonesian migrant workers are forced to work with very bad conditions, especially the deduction of 15 months of their salaries both because of Taiwan regulation and also by their recruitment agencies. As a result, most of the IMWs don't get anything from their work except if they do overtime.

The range of deductions include (total in three years):

- a. Potongan Taiwan (Taiwan Deductions) – NT\$60,000
- b. Medical check ups and Alien residence Certificate (MCU and ARC) – NT\$11,000
- c. Askes (Medical Insurance) – NT\$8,496
- d. Taiwan tax – NT\$45-47,000
- e. Agency and Brokers Fees – between NT\$100-138,000

Because of these excessive fees paid by IMWs, the overall legalized deductions to their wages amount to a staggering 41% of the salaries of these workers.

It is therefore not surprising to discover that the majority of these workers do not receive the minimum wage at the end of each month as prescribed by Taiwan labor laws.

How much salary do they receive every month?

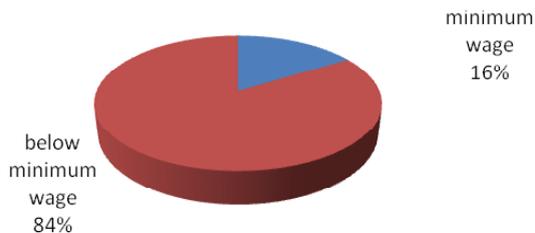


Fig. TB-3

The graph above shows the respondents' experience during the first year contract. Asked whether this has changed during the second contract, only 20% respondents claimed that they have already received the minimum wage for their job category. This is just a 4% increase as compared to the first year. This is proof that the deductions persist after the first year of contract.

D. Conditions Of Work

On top of this most exploitative scheme, the conditions of work of IMWs are not at all rosy.

Asked whether these workers enjoy days-off each month, 66% say they do not enjoy any day off from work each month followed by only 22% who are allowed one day off a month. Also, 70% of the respondents say that they do not enjoy public holidays as written in the labor laws of Taiwan. Only 15% claim that “sometimes” they are allowed to spend their public holidays.

This is because domestic workers are not covered by Taiwan labor laws. This exclusion to local labor laws is highly discriminatory and is in direct violation of international labor standards.

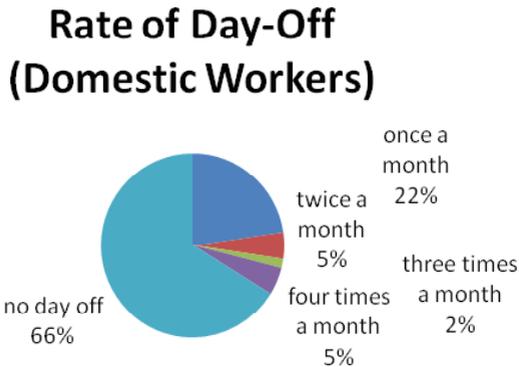


Fig. TB-4

More so, 70% of respondents reported that they are forced to work more than 8 hours a day. This, together with the denial of day-off for workers are the major indications of how modern-day slavery operates in Taiwan.

As part of the initial surveying of general working conditions of IMWs in Taiwan, we have asked them whether they have experienced various cases of rights violations, disempowerment and outright violence and abuse. The results are listed below:

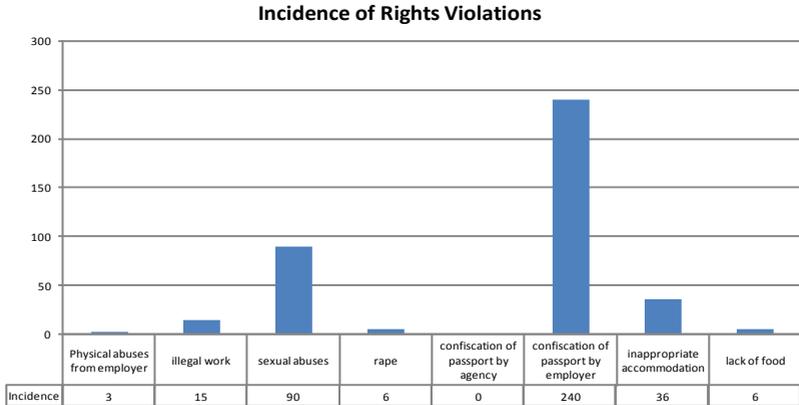


Fig. TB-5

Conclusions

From the data given by the respondents of the survey, it is quite clear that IMWs do not enjoy basic rights as enshrined by international labor standards. Both the Taiwan labor practices as well as the regulations enforced by Indonesian labor export laws shape the sorry conditions of work of these workers. It is precisely because these laws and regulations make the exploitative practices “legal” that the situation becomes more untenable.

The survey has pointed out the major exploitative systems for both the domestic and factory worker job categories. The practice of overcharging and the exaction of excessive fees are predominantly impacting the economic status and conditions of these IMWs.

However, there needs to be more follow-up research done as to ascertain the varying modus operandi of Indonesian recruitment agencies and their interaction and coordination with Taiwanese brokers and banking/financing institutions. There needs to be a correlation done between the experiences of Taiwan and Hong Kong based IMWs in this regard.

Also, the extent of deductions imposed on IMWs by the Taiwan foreign labor system and the Indonesian labor export program needs to be further studied. For example, there needs to be a comparison between the Hong Kong and Taiwan experience as regards to the amount of salary deductions vis a vis the placement fees paid before deployment. Do bigger placement fees mean lesser

salary deduction upon work in Taiwan? Are there stratified levels of salary deductions dependent on the pre-paid placement fee in Indonesia? Do these cut across all job categories or limited only to domestic workers? Answers to these questions can very well be a major point to support advocacy efforts not only in Taiwan and Indonesia but also on the regional and international contexts.

C. A Suspicious Setting for More Abuses inside their Home Country, A Survey Held in Taiwan Among the Indonesian Migrant Workers on Terminal 3 at the Sukarno-Hatta International Airport in Jakarta, Indonesia, August 2008

This survey among the Indonesian Migrant Workers on Terminal 3 at the Sukarno-Hatta Airport in Jakarta, Indonesia was conducted by the Asia Pacific Mission for Migrants from August to October 2007 in Taipei, Taiwan. This project was supported by the Centre for Environment, Gender and Development (ENGENDER) and the Women Empowerment in Muslim Contexts (WEMC) in cooperation with the Graduate Institute for Social Transformation Studies, Shih Hsin University in Taiwan.

The opening of Terminal 3 at the Soekarno Hatta International Airport as a special place of migrant workers who just returned from their workplace abroad has raised issues among the intended sector especially among the domestic workers working abroad. Alarming reports state that Terminal 3 is intended as a protection effort for migrant workers, but in practice, stories of abuses, deception and robbery can be heard since the terminal 3 started its operation in 1999.

It is in this regard that this survey was conceptualized and conducted in order to identify experiences of Indonesia migrant workers inside terminal 3 and to analyze the impacts of Terminal 3 among them.

According to the Council of Labor Affairs, in March 2007, there were 94,471 Indonesian Migrants in Taiwan and 83,753 or 88.65% work as caretakers and domestic workers. However, in May 2008, their numbers was recorded at 124,176 and 108,978 work as caretakers and domestic workers. This is an increase of 25,225 in the number of caretakers and domestic workers alone for a period of one year.

Thus, this survey focused on the Indonesian migrant women working at home particularly the caretakers and the domestic workers. However, since most of the caretakers are also doing household chores aside from taking care of old people and people with disabilities, for the purpose of this survey, the caretakers and domestic workers will be termed as Indonesian Domestic Workers or IDW's.

The results of this survey will be used as a reference in doing lobbying work and campaigns to ensure the protection and promotion of the rights and wellbeing of IDW's.

Sampling

It is ideal to gather at least 10 percent or more of the total number of IDW's as respondents to the survey. However, since most of the IDW's are not provided with regular day-off's and if so, they need to squeeze in a lot of their personal chores in one day. Answering a survey questionnaire would have been an added burden for them.

As an alternative, we only targeted at least 20 to 30 respondents at random every Sunday for 12 consecutive Sundays and held it in different public places in Taipei City (the capital of Taiwan and situated in the northern part) where a large concentration of IDW's can be found. According to the Employment and Vocational Training Administration of the Council of Labor Affairs, in November 2006, there are 47,611 IDW's in the northern part of Taiwan or 58% of the 82,191 total number of IDW's. The number IDW's in Taipei alone which is 15,180 is 18% of the total number of IDW's and 32% of the recorded number in the northern part of Taiwan.

Even those working in nearby cities like Taoyuan and Taipei County come to Taipei City to meet friends, pray at Mosques, attend other faith services and send money to their family and love ones in Indonesia.

There were a total of 269 individual IDW's who filled-up the questionnaires for this survey. 71% of the survey questionnaires were distributed during random surveying at public places and 29% were placed at the Catholic Centre (near Taipei Main Train Station) where a group of IDW's are attending their services and social gatherings every Sunday.

In order to show the condition of the respondents to this survey, the following

graphs show the gender, ages, employment in other countries before working in Taiwan and the place in Indonesia where they came from.

Gender Distribution

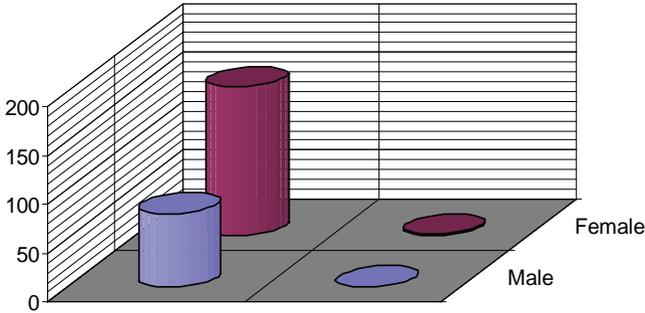


Fig. TA - 1

As to gender distribution, 151 or 67% of the 226 total number of respondents who answered this question are female compared to male which is 33% or 75.

Age Distribution

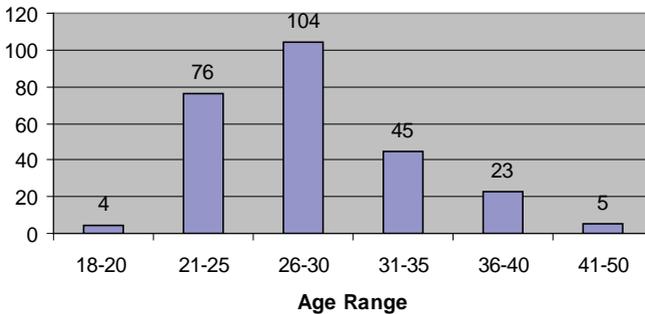


Fig. TA - 2

As to age distribution, 86% of the respondents belonged to the age group 26-30; followed by 63% at 21-25; then 37.5% at 31-35; 19% at 36-40 age bracket; and the least with only 5 or 4% ranging at 41-50 years of age. It is also good to note here that most of the Indonesian migrants in Taiwan are in their prime age.

Place of Origin in Indonesia

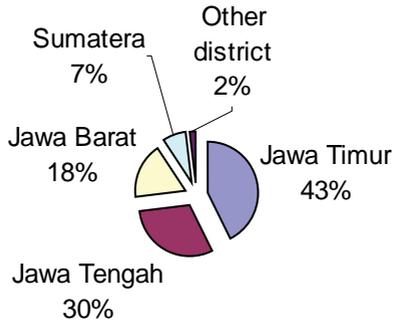


Fig. TA – 3

On the matter of Place of Origin in Indonesia, out of the 267 respondents, majority came from Jawa Timur (East Java)at 43%; closely followed by those coming from Jawa Tengah (central Java) at 30%; 3rd from Jawa Barat (West Java) at 18%; only few from Sumatera at 7% and other district with only 2%.

Former Country of Work

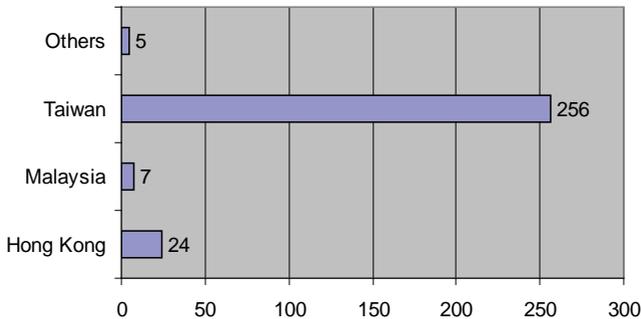


Fig. TA – 4

Significantly, majority of the respondents' former country of work was in Taiwan with 85% of the 269 total respondents who answered this question. A far second was in Hong Kong with 24 or 8%. Third was in Malaysia with 7 or only 2%; and the last 1% from other countries. This means that most, if not all, of the respondents already experienced travel in and out of Indonesia.

Survey Results

On the question if ever they've been to Terminal 3 at the Soekarno-Hatta International Airport in Jakarta, 77% who answered this question said YES and 23% said NO.

On the question if they ever tried to avoid entering Terminal 3 after their arrival in Jakarta, almost 65% answered YES while 35% answered NO.

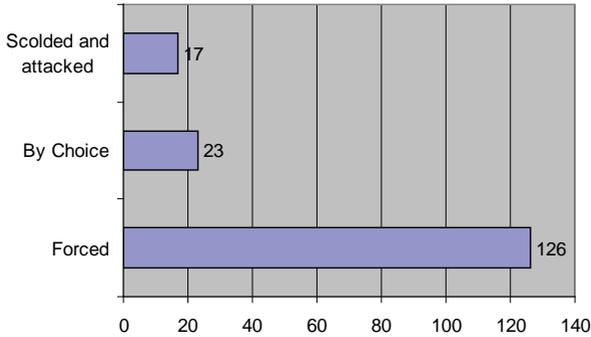


Fig. TA - 5

Fig. TA – 5 above shows that for those who answered YES in the 2nd question, 126 respondents remarked that the airport staff forced them to enter Terminal 3; 23 answered that the airport staff made them choose whether or not to enter the Terminal; and 17 said that they were scolded and attacked by the staff.

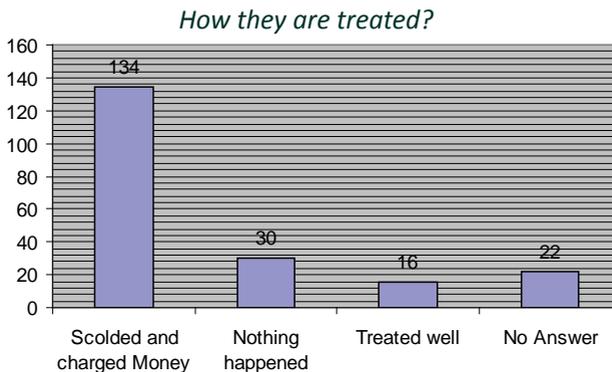


Fig. TA - 6

On the question on how they have been treated when they were brought from the arrival hall to Terminal 3 by bus, Fig. TA – 6 shows that 66% answered that they were scolded and charged for money; 15% answered that nothing untoward happened to them; while almost 8% claimed that they were well-treated and respected by the staff.

Exaction of Fees

On the question if they had been forced to pay certain fees, 90% answered YES while only 10% answered NO.

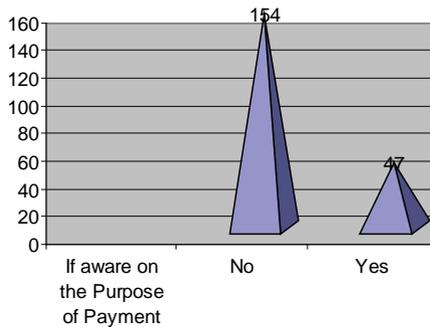


Fig. TA – 7

On the question if they knew for what purpose the payment was, Fig. TA – 7 shows that 77% answered NO or did not know while only 23% claimed that they knew or were informed about the fee collection.

When asked why they paid, 54% answered that they did so because they were scared; 9% felt they were responsible to pay.

Journey Home from Terminal 3

When asked how they left Terminal 3, 51% answered that they took the transportation going to the place of their destination at Terminal 3. Thirty four percent answered that they were picked up by their family; 6% said they were left alone at terminal 3 waiting for someone they knew to meet them; and 9% gave no answer.

When asked how their family picked them up at Terminal 3, 48% answered that their family showed a document as proof of relations and paid a certain

amount of money; 31% answered that they just showed the document to show their relationship with the people who picked them up without any charge; while 15% just paid an amount of money.

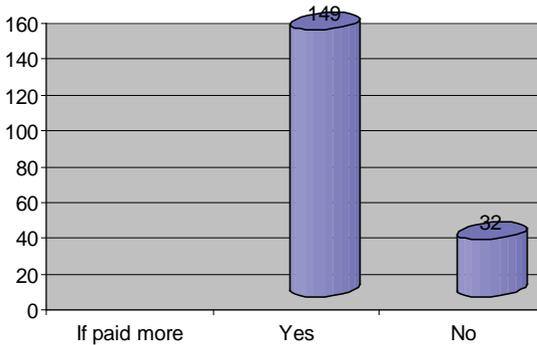


Fig. TA - 8

Asked if they paid more or paid extra throughout their journey from Terminal 3 to their home, it can be seen in Fig. TA – 8 that 82% of the respondents answered YES while only 18% answered NO.

Avoiding Terminal 3

On the question on what they did to avoid Terminal 3, 74% answered that they took flights which headed to other Indonesian cities aside from Jakarta where the Terminal is located. Two percent answered that they did not go back to Indonesia.

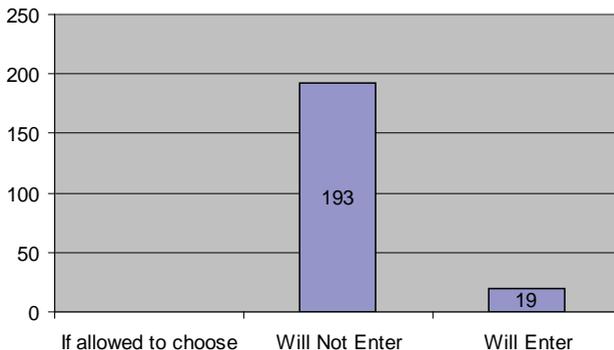


Fig. TA - 9

Asked whether they will enter terminal 3 if given a choice, it can be seen in Fig. TA – 9 that 91% answered that they chose NOT to enter Terminal 3. Only 9% answered that they will enter.

On The Need for Protection

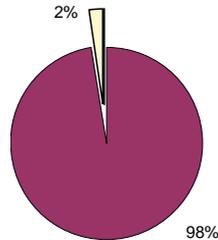


Fig. TA - 10

On the question if overseas Indonesian workers who go back to Indonesia need protection, Fig. TA – 10 shows 98% indicated they do and only 2% claimed not to.

On the question on what kind of protection should be given to overseas Indonesian workers upon arrival, the following were the top four answers:

1. The Indonesian Government must abolish the illegal fees that are being collected by officers in the airport especially in the Terminal 3;
2. The Government must treat IDWs as economic heroes and must not discriminate them. They should be treated the same way as other passengers.
3. Close terminal 3;
4. Provide the best protection for their safety (security protection by police);

The following were the most common perceptions and views of the respondents regarding the Terminal 3:

- a) Terminal 3 is the worst place that they have ever been through;
- b) It is the worst place for exploitation that they have experienced;
- c) The transportation service at Terminal 3 is very bad and the officials are abusive;
- d) It is even difficult for family members to pick up migrant workers who just arrived because of red tape and corruption;
- e) There are also news of migrant workers who were sexually abused and harassed by the officers and staff at Terminal 3; and

f) The police and immigration officers at the airport extort more money from them as “security fee” to guarantee their safe journey home.

General Findings and Conclusions

Based on the survey results and opinion of the respondents and as stated in Fig. TA-5 and Fig. TA – 9, majority of the Indonesian Migrant Workers who participated in this survey (about 75%) were forced to enter Terminal 3. However, if given other options, 91% will not choose to enter Terminal 3 anymore.

The way IMW’s are being forced and treated at the Terminal 3 is unacceptable. Fig. TA – 6 and Fig. TA – 7, shows a large percentage of the respondents experienced being scolded and forced to pass through Terminal 3. And that they were asked by airport officials at Terminal 3 to pay certain fees but were not informed of its purpose.

It is also ironic that IMW’s are not even protected in their own country as shown by the findings mentioned above. That is why 98% of the respondents still believe that they need protection when they go back to Indonesia.

Based on the above responses and views from the respondents, it can be said in general that the Terminal 3 at the Soekarno Hatta International Airport has failed to provide protection and genuine services to Indonesian migrant workers. On the contrary, it has become a dangerous transit area or haven for more abuses, exploitation, and all kinds of indignities as experienced by the migrants.

It is ironic that Indonesian migrants experience a double whammy of exploitation and abuses -, before they leave the country (please refer to the survey on PJTKI Training Centre) and when they return back to their own country. Likewise, it will not be a surprise that the Indonesian government is insensitive to the plight of their own people abroad while hell bent to develop more its systematic labor exportation policy in the future.

A list of recommendation can also be drawn from the result of this survey. However, we believe that on top of the list of these recommendations is the immediate closure of terminal 3 and for the Indonesian government to develop mechanisms that will protect their own people returning home as well as ensuring the rights of their migrant workers in other countries.

IV. Understanding Some Major Exploitative Practices on Indonesian Women Migrants in Taiwan

The research conducted by APMM resulted in a much clearer understanding of the exploitative practices that are inflicted on Indonesian migrant workers in Taiwan. The three areas of study – overcharging and enforced training, excessive fees and salary deductions, and Terminal 3 – correspond to the major issues that they face in both countries and in varying phases of their lives as migrants.

In the pre-deployment phase, the IMW is already plagued by high placement fees as well as forced labor and other exactions which results in serious problems of incurred debt even before IMWs start to work overseas. It has been explained that the recruitment agencies (PJTKI) and their training centers derive exorbitant payments in return for prospects of working abroad. However, in the final analysis, as expounded in Chapter 2 of this book, these unfortunate practices are “legalized” and made permissible by actual laws enforced by the Indonesian state. If not for the legal license given by the authorities to the PJTKI, the latter will not be too bold as to compound the burden of overcharging with a three to six month boot camp in the guise of “training” women to be exported as foreign laborers to Taiwan and elsewhere.

The ties that bind the Indonesian women migrant to the Indonesian recruitment agencies are found to be strong even during their employment phase. The intertwining interests of power structures – the employer, the broker, the partner Indonesian recruitment agency, the Taiwanese labor practices and the Indonesian Consular services (or lack thereof) – feed upon the already measly wages of the lowly Indonesian migrant.

On top of these, the workers experience a barrage of rights violations, most notable of which are the manifestations of forced labor (no day-off, no holidays, forced overtime, etc). Taiwan’s labor standards have eroded to the point that the foreign worker, especially the Indonesian migrant, has become truly the epitome of a modern-day slave.

These two issues – the excessive salary deductions and slave-like working conditions – happen simultaneously and are alarmingly widespread across the IMW population in Taiwan.

More so, the cycle of exploitation is completed when the Indonesian migrant returns to their home country. Seemingly, without let-up, they are again subjected to many anomalous procedures. From outright extortion to harassment, the returning or vacationing IMW experiences unnecessary and unfortunate hassles and potentials for abuse.

The figure below illustrates how these policies and practices, as well as their agent structures, relate with each other in the uninterrupted cycle of exploitation and disempowerment:



It is the aim of this illustration to inform the reader that the processes are interrelated, is cross-border and form a cyclical flow. It shows that the issues discussed stem from systemic flaws in the labor export design of the Indonesian government and the Taiwan labor standards. It provides the framework in explaining where the exploitative practices in the micro-level (the workplace, family and individual concerns) spring from.

These authorities in the macro-level define what each individual Indonesian migrant woman will experience as she goes through the different phases of her life as a migrant.



While it is true that the PJTKI and their partner recruitment agencies are at the frontline and are easily defineable by the individual migrant as the source of their misery, they are still just the implementors of bigger authorities that actually shape labor export and import policies. The figure above implies the bigger role and influence that the macro level have in making sure that the cogs of unregulated recruitment practices are turning. These three power structures, however, interlock and run on a synchronized fashion. It is therefore imperative for any advocate to understand these processes to effectively intervene in addressing the practical and outstanding problems of the IMW in Taiwan.

The triple whammy exposed in this research is fueled by the three power structures identified above. Whatever exploitation, disempowerment or erosion of rights and well-being of IMWs is attributable to these three. It is therefore also crucial for IMWs to understand these structures and agents so that they may take the first important steps in addressing their own problems, realize that collective action is necessary to engage these structures, and win for themselves significant reforms and reprieve in the process of their struggle.

The good news is, the IMWs themselves are already taking on the cudgels of self-organizing and direct action through various efforts of capacity-building and outreach. In fact, these issues have already been culled from the discussions within the community of these Indonesian migrant women.

Aside from the data harvested from the survey and interviews, we have already come across a certain level of self-realization from a significant section of IMWs in Taiwan. More and more IMWs are able to understand the commonality of their plight as well as are able identify the authorities and structures that impact most their work and life in Taiwan and back home in Indonesia.

In fact, this research project has also served as a catalyst of sorts in encouraging the IMW community to discuss, debate and share their common experiences and draw strategies for engagement and reform. The surveys have brought individual women migrants to also come together and talk about their situation. The results of the various surveys were presented to groups of IMWs and this has triggered a positive reaction from them.

Also, learning from the stories of their compatriots from Hong Kong, these IMW have been inspired to replicate the experience of self-empowerment and collective action. From the shared experience of organizing the Association of Indonesian Migrant Workers (ATKI) in both Hong Kong and Macau as well the efforts to build alliances against overcharging of recruitment agencies and various government policies detrimental to them, the IMWs in Taiwan were encouraged to also do something for their interests in Taiwan.

In 2009, different IMW groups have started the process of coalescing and forming PILAR in Taiwan, a sister formation of PILAR in Hong Kong. PILAR is the United Indonesians Against Overcharging which is a alliance of various groups with a common purpose of raising the issues of overcharging and excessive fees levied upon migrants through recruitment agencies and government policies.

This triple whammy in Taiwan is now being challenged by IMWs who are now increasingly becoming aware and are questioning the authorities for policies and acts which disempower them in various spheres of their lives as migrants. Advocates and supporters have no recourse but to acknowledge the truth behind these issues as well as the validity of the need to build grassroots movement of Indonesian migrants that will gradually confront and challenge these injustices.

To understand these exploitative practices is also to take sides and support the just struggle for genuine empowerment of Indonesian migrant workers in Taiwan and elsewhere.

¹ Graeme Hugo: Indonesia's Labor Looks Abroad, Migration information Source, by, University of Adelaide, April 2007

² Migration, Remittances and Female Migrant Workers, siteresources.worldbank.org/INTINDONESIA/Resources/fact_sheet-migrant_workers_en_jan06.pdf

³ Dhoni Yusra: Migrant Protection Approach: Study on Protecting Indonesian Migrant Worker, INDONUSA Esa Unggul School of Law, presented to the conference of the International Association of Law Schools - "The Law of International Business Transactions: A Global Perspective", Hamburg, Germany, April 10-12, 2008

⁴ Migration, Remittances and Female Migrant Workers, siteresources.worldbank.org/INTINDONESIA/Resources/fact_sheet-migrant_workers_en_jan06.pdf

⁵ Ibid

⁶ Syamsul Ardiansyah: "Memorandum of Misunderstanding", Policy Brief on Bilateral Labor Agreement of Indonesian, Institute for National and Democratic Studies (INDIES) Indonesia, December 2008

⁷ http://www.nakertrans.go.id/pusdatinnaker/tki/index_tki.php, January 8, 2007

⁸ Ibid

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