

Research Articles

A Study on the Losses of Labor Insurance Claims in Fatal Occupational Accidents of Immigrant Workers in Industries

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Abstract

This study analyzed the labor insurance compensation records filing from 2005 to 2014 to compare the differences between the occupational mortality victims on both the local workers and immigrant workers, and explored the characteristics of the payment, including the amount of compensation and the number of days taken to receive the pays. In addition, the study conducted an in-depth interview to get an insight of the determinants leading to the differences in claims and propose feasible solutions for future policies. The results showed that the occupational mortalities rates per thousand workers are much higher for immigrant workers than those of local workers, with the ratios within the range of 1.6 to 2.4. From the occurrence of the occupational accidents, local workers will receive compensation after 68.5 days on average, fluctuating between 55-85 days whereas the immigrant workers will receive their compensation after 120 days on average before 2010. The mean age of victims of occupational mortalities for immigrant workers is 32.82, instead of the mean age for local workers is 43.22. Moreover, immigrant workers in industries received on average a total of NT\$ 590 thousand as compensation while local workers are entitled to NT\$1,030 thousand, respectively. The main reason for the difference of claims is because that immigrant workers need documents issued from their native countries and the documents are subject to costly certification and translation processes. This will take up to 4-6 months of administrative processing time and the procedures must be conducted by recurring agencies or external departments. This study suggested that Ministry of labor could use the Employment Security Fund to provide an additional subsidy at least to 1.5

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million NT\$ to cover the losses based on the finding of the study. In addition, the laws may be amended to streamline the applications for compensation in the event of fatal occupational accidents, as well as ensuring educational training for comprehensive labor rights. Also, labor protection cards may be provided to both the immigrant workers and their families to serve as a communication channel in case of accidents occurred. At last, the authors proposes that Ministry of labors should establish an obligatory support system to provide legal assistance to immigrant workers and assist them in claiming beneficial compensations to fulfill the spirit of National Treatment Convention.

Keywords: Immigrant workers in industries, Occupational mortalities, National treatment, Labor insurance compensation

Introduction

Due to the increasing economic development of Taiwan, the demand for labor has greatly increased. In order to meet this labor demand, the Council of Labor Affairs has allowed the introduction of foreign labor [1], beginning in October 1989 in conjunction with the six- year national development projects. By the end of April 2015, the number of foreign laborers in Taiwan's industries reached over 322,000, among which 241,000 are concentrated in the 3D industries (Dangerous, Dirty, Difficult). Relatively dirty, dangerous, and labor-intensive work environments may give rise to a more severe occupational disaster rate per thousand people, and in the event of an occupational disaster, the workers may be unable to seek assistance, or may even lose their jobs and will be deported back to their home countries [2].

On September 30th 2010, a major industrial safety incident occurred on the National Highway Project 6 in Nantou, in which 6 of the 7 casualties were illegal laborers from Indonesia. As the Act for Protecting Worker of Occupational Accidents is only applicable to legal laborers, the 6 illegal laborers were not covered within the scope of protection. Under the principles of entitlement to National Treatment for foreign labor, labor conditions should be subject to the regulation of laws and the government should put in more efforts to protect the rights of foreign laborers [3]. As such, in the event of an occupational accident, the differential entitlement to legal rights, or even loss of rights, due to a difference in legal status is an important issue.

In fact, despite the measures and announcements of the Council of Labor Affairs in protecting the rights and labor conditions of foreign laborers, such as Immigration Registration, the 1955 Counseling and Protection Hotline for Foreign Workers, premature termination verification, and protection of foreign labor wages, there is still a serious lack of recognition of issues related to the rights of foreign laborers in occupational accidents [4].

The introduction of foreign labor in Taiwan is a reflection of the employment and economic environment in Taiwan and it is a dynamic change. Yu Yue-Ee, Tao Hong-Lin (1999) discovered that the difference in wages is the primary motivation for labor mobility while the second incentive is the amount of immigration costs. Due to the geographical advantages of South East Asian countries, the costs of immigration are lower; and with a significant wage difference, Taiwan has managed to attract an influx of foreign labor. This is the background of the early stages of the introduction of foreign labor [5].

Liu Ke-Qiang and his team (2012) discovered in their research that foreign labor workers exhibit a high willingness to work in Taiwan due to the benefits, wages, and protection that Taiwan offers them. However, the excessive workload and cultural differences will lead to adaptability issues in eating and accommodation, which will affect their willingness to work. This result shows that in comparison to the labor export countries, the protection of rights - such as better safety and health standards - and wages in Taiwan have indeed become the primary motivation for foreign labor workers to work in Taiwan. When the protection

of the rights ceases to exist, or become lower than that provided by the labor export countries, the willingness of foreign labor workers to work in Taiwan will be affected [6].

Using the Qualitative Research In-depth Interview method, Ye He-Yi (2013) interviewed the illegal immigrant workers involved in the National Highway 6 Project accident on September 30th 2010 to understand the reasons for their immigration. After organizing the information from the interviews, the researchers discovered that the incompleteness of the assistance channels, difficulty in implementing rights protection, inadequate investigations by the labor administration departments and the difficulty of evidence collection for the violations are the main reasons for their immigration. As such, protecting the rights of foreign laborers in the areas of life management, labor conditions, occupational safety and health, and labor insurance have become key issues in the administration of foreign labor policies [7].

Targeting foreign laborers in industries in the Taoyuan area, You Fu Sheng (2013) randomly distributed 300 surveys to investigate the insurance needs of foreign laborers in Taiwan. The research revealed that 1. Many employers have indeed failed to pay labor insurance and health insurance for foreign laborers. 2. Foreign labor workers from different countries are entitled to differential insurance protection. Protection provided by accidental death or disability insurance for labor workers from the Philippines, Thailand, and Indonesia are significantly inadequate, and the employers are of the same opinion. This result shows that providing additional protection is an

issue that the government should focus on [8].

Targeting Thai labor workers in the manufacturing industries, Zhao Pei-Dong and his team (2008) conducted surveys with 31 employees in 6 human resource agencies. The surveys showed that overtime hours, comfortable work environments, eating, communication and overtime pay are the most important needs for foreign labor workers in the manufacturing industries. It is hoped that the employers and the government will cooperate together to improve these demands [9].

Research conducted by the Institute of Labor, Occupational Safety And Health, and Ministry of Labor revealed that if the casualty rate for occupational disasters in the whole industry is assumed to be 1.00, then the relative risk of death for foreign labor workers in occupational accidents in the industry is 1.11, while the risk of death for workers operating manufacturing equipment is 2.23. A further analysis of the reasons for occupational fatalities showed that traffic accidents accounted for 29.3%, attacks and violence incidents accounted for 28.4%, falling accounted for 16.0%, contact with materials and equipment accounted for 15.2%, exposure to hazardous substances and environment accounted for 8.4%, and fire accidents and explosions accounted for 2.6% [10].

In recent years, wages in the labor export countries have been on the rise while our neighboring countries are also offering better wages and labor conditions, leading to a decrease of competitive advantage for Taiwan in attracting foreign labor. In the future, if Taiwan fails to maintain higher economic incentives, a safer work environment and complete labor rights protection

in foreign labor employment, Taiwan may face a decline in economic development or suffer a reduction in industry competition and deteriorate into a vicious cycle of inadequate workers.

From the above, we can see that occupational safety and health conditions, labor conditions and rights protections are related to the competitive advantage for Taiwan and neighboring countries in attracting foreign labor. As such, several questions are worth exploring, such as: Is the occupational disaster rate of foreign workers higher than that of local workers? Are there any differences in the application and compensation process for labor insurance, or average age in accident incidence between foreign workers and local workers in the industry? Factors affecting the loss of labor insurance compensation and avoiding or reducing such losses have become the key issues that must be understood.

Research Methods

1. Statistical Analysis of Occupational Fatality of Foreign Labor Workers in Industries

Using the labor insurance records in the Bureau of Labor Insurance up to the end of January 2015, this study compares the fatal occupational accidents of foreign labor workers. This is done by using the foreign labor compensation records and a random selection of the fatal occupational accidents of local workers on a 1:10 ratio to calculate the annual distribution of occupational deaths of foreign workers and local workers, and the number of days taken to issue the compensation. In addition,

the age brackets of the foreign workers and local workers in occupational fatalities in the industries are also obtained to calculate the average age of workers in occupational disasters from the median figure in each age bracket, as well as the average compensation issued by the Bureau of Labor Insurance.

2. Confirmation and Analysis Methods for Loss of Rights after Occupational Fatality of Foreign Labor Workers in Industries

Through the perspectives of labor administration departments, human resource agencies and employment units, the second part of this study aims to identify the types of rights lost in occupational fatalities and proposes the elimination of unlawful rights discrimination. This section will adopt the Qualitative Research In-depth Interview and purposive sampling method. It will also show the results of one-on-one interviews with a government staff member in the labor administration department, a foreign government representative office official and three employees in foreign labor human resource agencies respectively to collect information on the differences in rights of foreign labor workers in occupational fatalities.

Through the use of open-ended questions, the interviewers engaged in face-to-face communication with the interviewees to understand the occupational fatality issues, as well as their feelings and thoughts on the course of events in the industries. The interviews allowed the interviewers to understand the issues from the perspectives of the interviewees and allowed the interviewees to express the issues semantically. In the 30-60 minute

interviews, the researchers sought the permission of the interviewees to take down important notes which included an abstract of the interview and other observations of the spot clues (non-semantic). As such, depending on their positions and duties,

every interviewee had different key points and suggestions to offer. The relevant interview contents, key issues discussed and the suggestions proposed after the interview are organized as in Table 1.

Table 1 Target Interview and Key points

No.	Position	Aim of Interview	Main Focus of Interview	Suggestions for Administration
A	Labor Department Staff, Thailand Trade and Economic Office	Understand administrative procedures of labor source country and the financial assistance available	1. Level of Understanding of Taiwan Occupational Safety and Health Act 2. Assistance provided for nationals	Yes
B	Workforce Development Agency Staff, Ministry of Labor	Determine the degree of understanding of the Labor Insurance and Occupational Safety and Health Act by the officials that have introduced foreign labor in accordance with the Employment Service Act.	1. Source of Protection for Occupational Safety and Health Act and Rights 2. Foreign Labor Insurance Salary	No
C	Occupational Safety and Health Administration Staff, Ministry of Labor	Determine the degree of understanding of the Labor Insurance and Rights by the officials who have conducted occupational accident prevention for foreign laborers in accordance with the Occupational Safety and Health Act.	1. Provision and Practices of Labor Insurance 2. Reasons for Occupational Disasters and Suggested Precautions	Yes
D	Bureau of Labor Insurance Staff	Determine the degree of understanding of relevant rights and the Occupational Safety and Health Act by the officials who have conducted foreign labor occupational accident compensation in accordance with the Labor Insurance regulations.	1. Source of Protection for the Occupational Safety and Health Act and Rights 2. Insurance Salary of Foreign Laborers and Introduction of Administrative Procedures	No
E and F	Human Resource Agency Management	Obtain the suggestions of the human resource companies that have introduced foreign labor in accordance with the Employment Service Act.	1. Source of Protection for the Occupational Safety and Health Act and Rights 2. Administrative Practices and Suggestions for the Streamlining of Procedures after an Occupational Fatality	Yes
G	Head of Foreign Labor Department in Large Enterprises	Understand the opinions of large enterprises on foreign labor management, accident prevention and rights protection.	1. Source of Protection for the Occupational Safety and Health Act and Rights 2. Insurance Salary of Foreign Labor 3. Suggestions and Practices for Protection of Foreign Labor Rights	Yes

Results

1. Analysis of Characteristics of Occupational Disasters as Compared between Foreign Laborers and Local Laborers in Taiwan

(1) Occupational Fatality Rate per Thousand People and Number of Days for Issuing Compensation

An analysis of the labor insurance occupational disaster database between 2005 and 2014 showed that regardless of the year, the fatality rate per thousand foreign labor workers is higher than that of local labor workers, at a ratio range of 1.6-2.4 times, which is much higher than local workers. The statistics for local workers exhibited an annual declining trend, whereas although the foreign labor workers also showed a declining trend, there are still years in which there are unforeseen increases (Table 2 and Figure 1). This shows that the industrial safety risks are indeed higher for foreign workers than for local workers.

(2) Comparison of Average Number of Days taken from Accident Occurrence to Issuing of Labor Insurance Compensation in Previous Years

From the occurrence of an occupational disaster, the average number of days required for the issuing of compensation to local labor workers is 68.5 days, with a range between 55-85 days. For foreign labor workers, the average days required before 2010 is 120 days; however, the number has greatly

increased to 180 days beginning from 180 days??? (Figure 2). Judging from the number of days taken to issue compensation, the time required for foreign labor workers to obtain compensation is two times more than local workers.

Table 2 Annual Distribution of Occupational Fatality Rate for Foreign Laborers and Local Laborers and Number of Days for Issuing Compensation

Year	Occupational Fatality Rate per Thousand People		Number of Days for Issuing of Compensation	
	Foreign	Local	Foreign	Local
2005	0.083	0.045	127±91	68±53
2006	0.061	0.038	121±62	65±63
2007	0.068	0.034	115±63	68±112
2008	0.073	0.036	125±67	55±39
2009	0.052	0.034	113±46	71±41
2010	0.067	0.030	120±50	70±52
2011	0.056	0.033	180±102	85±102
2012	0.077	0.032	182±77	67±70
2013	0.048	0.030	174±124	79±123
2014	0.051	0.031	197±107	69±80

Source: Table automatically generated by SAS STAT 9.2 statistical analysis software based on information from labor insurance occupational disasters.

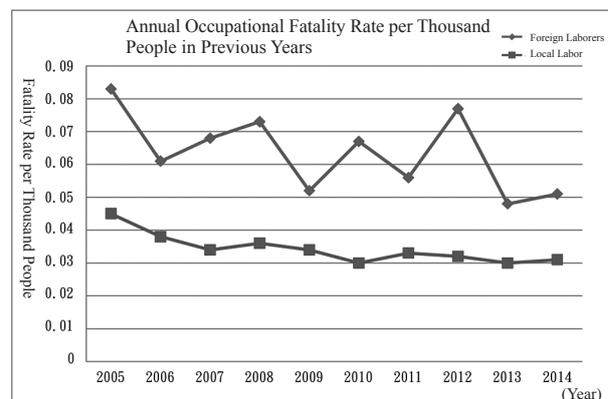


Figure 1 Annual Occupational Fatality Rate per Thousand People in Previous Years

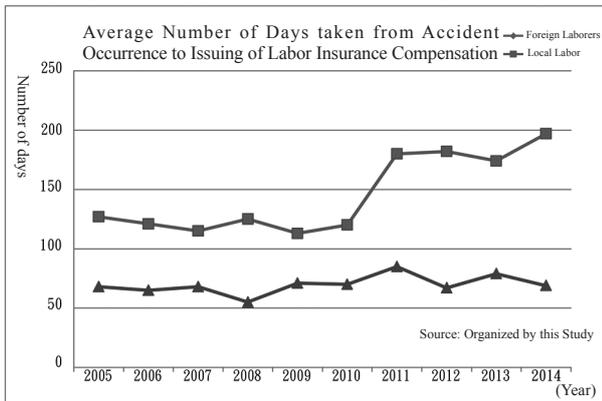


Figure 2 Average Number of Days taken from Accident Occurrence to Issuing of Labor Insurance Compensation for Local Laborers and Foreign Laborers over the Past Ten Years

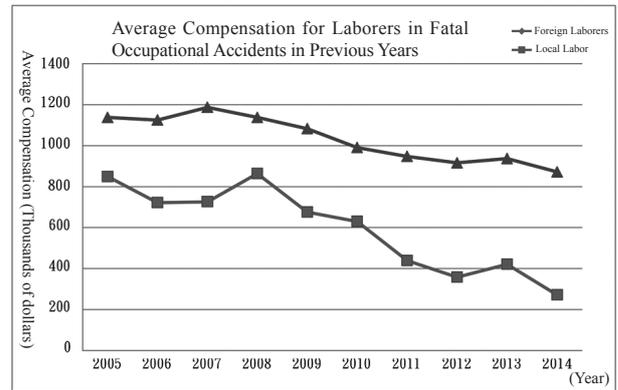


Figure 4 Average Compensation for Local and Foreign Laborers in Fatal Occupational Accidents over the Past Ten Years

(3) Comparison of Average Age and Average Compensation of Occupational Fatality between Local and Foreign Laborers

Using the analysis of the labor insurance cash compensation records, this study can determine the average age and compensation sum for the victims of occupational disasters between 2005 and 2014, as organized in Table 3. In order to better grasp the trend, graphs are computed, as in Figure 3 and Figure 4.

Table 3 Average Age and Average Labor Insurance Compensation for Foreign and Local Laborers in Fatal Occupational Accidents in Taiwan

Year	Foreign Labor			Local Labor		
	Number of Cases	Average Age (Years)	Average Compensation (Thousands)	Number of Cases	Average Age (Years)	Average Compensation (Thousands)
2005	18	35	849	180	42.2	1,138
2006	14	32.5	722	140	42.8	1,125
2007	16	29.4	726	160	43.5	1,187
2008	17	36	864	170	42.6	1,138
2009	11	31.1	676	110	42.4	1,083
2010	15	31.8	630	150	43.1	991
2011	14	31.4	439	140	43.6	947
2012	21	33.2	358	210	44.3	916
2013	14	35.7	421	140	45.1	937
2014	15	32.1	272	150	42.6	872

Source: Organized by this Study



Figure 3 Average Age of Local Laborers and Foreign Laborers in Fatal Occupational Accidents over the Past Ten Years

From the above graph, it can be seen that between 2005 and 2014, the average age of victims of occupational fatalities is lower for foreign laborers than for local laborers. The average age of victims of occupational fatalities for local laborers is 43.22 years old while the average age of victims of occupational fatalities for foreign laborers is 32.82 years old. There is a difference of 11 years and the average age of victims of occupational fatalities for foreign laborers coincides with the time

when the victim is the bread winner and the main source of productivity in their families. Therefore, the occurrence of the accident will have a greater impact on their families as compared to local labor workers.

In addition, Figure 3 shows that the average compensation for foreign laborers in industries is NT\$ 590,000, whereas the average compensation for local laborers is NT\$ 1.03 million, resulting in a difference of NT\$ 500,000.

2. Organization and Analysis of Information Collected in Interviews

This study invited a total of 7 interviewees from the Thailand Trade and Economic Office in Taiwan (A), labor administration departments (B, C and D), human resource agencies (E and F), and supervisors in employment units (G). They have working experience of 26 years (A), 18 years (B), 20 years (C), 8 years (D), 24 years (E), 21 years (F), and 19 years (G). The interview results revealed that most of the officials in charge of foreign labor employment were unaware of the contents of the Occupational Safety and Health Act. In addition, the foreign government offices in Taiwan were similarly unaware of the applicability of the Occupational Safety and Health Act to labor workers from their countries. While many were aware of the compensation regulations provided by Taiwan Labor Insurance in the event of fatal occupational accidents, they were completely unaware of the differential compensation provided by Article 59 of the Labor Standards Act. Only the officials and industries conducting the actual safety and health operations were aware of the applicability of the

Torts Compensation Claim under the Civil Law. In addition, the supervisor from the large enterprise expressed that their company does not provide other forms of pension and compensation. Regarding Also, most officials in charge of recruitment and labor insurance operations were unaware about the Occupational Safety and Health Act stipulation that foreign labor workers who are newcomers or have changed work positions should attend a general safety and health educational training course of at least 3 hours. The supervisor of the large enterprise and the official from the Thailand Trade and Economic Office expressed that they were aware of the policy but that their implementation is far from ideal. In terms of insured amounts for labor insurance, the human resource agency expressed that only the workers who return for more work are entitled to increased amounts and most of the foreign labor workers will only be insured for the basic salary.

Discussions

This study will first explore the history and background of the introduction of immigrant labor in Taiwan. Through the literature reviews, the study discovers the principles of equality and national treatment which have significant relevance for attracting foreign workers to Taiwan. However, as little importance has been attached to the issue of rights in occupational accidents, there is a lack of relevant literature.

In the sample representation of the occupational fatalities of local workers, this study uses approximately 9.92 million sets of records from the labor insurance records of the whole

industry. 2014 labor insurance records showed that among the compensation issued to 582 people, after deducting traffic accidents and other unclassified causes of accidents, the actual number of on-site fatalities was 360 people. The number of fatalities of foreign workers in manufacturing industries, construction industries and fishery industries were 163, 115 and 28 respectively, accounting for 306 workers. As such, the sample representation of occupational fatalities of local workers in the same industry for this study is 0.85.

In addition, the parameter for immigrant worker occupational fatalities (accumulated from 2005-2014) in this study is 155 people. According to the Labor Insurance statistics between 2005 and 2014, social welfare compensation made to immigrant workers for fatal occupational accidents was issued to 19 people. Therefore, the sample representation of immigrant workers in occupational accidents in the industry was 0.88. As both sample representations for local workers and foreign workers have exceeded eighty percent, it can be assumed that the deviations that may arise from sampling errors during the comparison of the data will be limited.

The higher occupational risks for immigrant workers in the industries as compared to local workers may be attributed to the following factors: dangerous machinery in 3D (Dangerous, Dirty, Difficult) work environments, old machinery and inadequate protection, as well as a lack of training for foreign workers in safety protection. This is especially so for employers that can only conduct pre-employment training in Chinese. Immigrant workers will also often face communication

issues in operation safety procedures due to language barriers, thus leading to a lack of proper understanding of safety precautions and unsafe handling [11]. In addition, when foreign workers are working in Taiwan, they face over-exhaustion or psychological and social pressures, such as adaptability issues to new environments, leaving home, debt, and working overtime, which will lead to acute physical discomfort and cerebral or cardiovascular diseases [12].

In terms of the number of days taken to receive compensation starting from the occurrence of the accident, immigrant workers face a longer approval time. This is due to the fact that the documents required by the Bureau of Labor Insurance need to be translated and sent for certification by the Taiwan Representative Offices in the native country of the laborer, so the administrative process will be long and tedious. According to the interviews conducted by this study with family members, local and foreign human resource agencies, employers, the Thailand Trade and Economic Office, the Ministry of Foreign Affairs, and the Ministry of Labor, the time taken to translate and certify the foreign documents required for the application of compensation by family members will be between 4-6 months. While local workers will receive their compensation after 68.5 days on average, foreign workers will need to wait up to 180 days after 2011 as opposed to the original 120 days prior to 2011. One possible reason is the change in labor insurance to the pension scheme in 2009 which has resulted in the deployment of manpower to pension processing and thus lengthening the processing time for compensation to foreign laborers in fatal

occupational accidents. In addition, the application procedure and documents required for the pension scheme is more complicated than a one-off payment, so the approval time is also lengthened. The increase in waiting time for the approval process is relevant to the rights of the family members of the deceased foreign worker. Yu-Hsien Chiang and team has discussed in detail the relevant administrative procedures following the occurrence of the accident to highlight the areas that need to be improved by Taiwan's government [13].

In terms of the comparison of the average age and average compensation for local workers and immigrant workers in fatal occupational accidents, this study discovers that the average compensation for foreign workers is NT\$ 500,000 less than local workers. This can be attributed to the fact that immigrant workers are mostly insured based on their basic salary and their overtime pay is not included in their average salary. In addition, this study uses the relevance between labor insurance records and cash compensation records, so some of the cases that have not yet completed the compensation application are recorded as a NT\$ 0 payment, leading to a result showing a relatively low compensation amount in 2011 due to incomplete records. While the current Labor Standards Act allows an overtime limit of 46 hours, in reality, the interviewed employment units and human resource agencies both indicate that actual overtime hours may reach up to 100 hours. This symptom is a significant cause for the much lower compensation for foreign worker fatalities as compared to local workers.

The interviews conducted by this study also

reveal that many immigrant workers have taken out loans of up to 20% annual interest prior to employment. In the case of an accident, the family members must still pay back the debt. Due to the exploitation of the employers and the loss of rights, the deceased immigrant workers in this study are unable to enjoy compensation similar to local workers, so the loss is not only in terms of financial support for their families but also an issue of life and justice [14]. From the in-depth interviews with competent authorities and employment units, it was revealed that these units are only aware of the compensation and bereavement pay in the event of fatal occupational accidents but are unaware of the differential compensation in Article 59 of the Labor Standards Law and the concepts of damage claims under the Civil Law. Therefore, they are unable to assist the family members of the deceased immigrant workers in protecting their rights.

In addition, from the analysis of the loss of rights in specific cases, this study discovers that the employers can avoid and shirk their legal responsibilities of occupational safety and health regulations. Taking advantage of the workers' lack of understanding the language spoken by the personnel from judicial departments or by claiming difficulty in communication, the employers can turn the occupational accidents into ordinary accidents which will cause the rights of the family of the immigrant worker to be infringed [15]. Despite the unjustness of such incidents and wrongs, Taiwan lacks a mechanism to provide assistance or solutions. Since the introduction of foreign labor over 30 years ago, the industrial, government and academic sectors have failed to address this issue.

Judging from the principles of national treatment, the virtues and vices of the implementation in Taiwan showed that the labor administration departments should strengthen their administration to provide immigrant workers with labor rights in all aspects, including protection of occupational safety and health conditions [13].

Suggestions

Due to the introduction and management of immigrant workers, many enterprises choose to establish a separate division for the education and management of foreign laborers. This study discovers that the occupational safety and health issues of immigrant workers in industries cannot be adequately addressed by the occupational safety and health departments of enterprises or foreign labor management departments. To avoid underestimating the severity of occupational accidents and rights losses which will affect the future introduction of foreign labor, this study proposes the following suggestions:

First, in terms of prevention of occupational accidents of immigrant workers in the industry, this study suggests that education and advertising means be used to strengthen the management of employers and foreign labor and to ensure that immigrant workers will not be assigned work that is not allowed to be conducted by foreign laborers. The labor administration departments and labor inspection organizations should provide a 24-hour consultation and protection hotline for immigrant workers to establish a direct compliant channel. The foreign trade offices in Taiwan should be informed so that they may assist in educating the laborers

from their home countries. At the same time, implementation of safety and health educational training for newcomers and workers who have changed work positions should be strengthened. Besides employing translators to implement educational training, when the number of foreign laborers employed by the employer reaches a certain number, the industry association to which the employment unit belongs should consider targeting the occupational hazards which may arise due to the characteristics of the industry and should cooperate to produce educational material for foreign laborer accident prevention. When required, the employers and the association should co-organize training courses for occupational safety and health.

Second, in terms of protecting the rights of the immigrant workers in fatal occupational accidents, this study suggests that the labor administration departments provide immigrant workers with comprehensive explanations of their rights; for example, issuing labor rights protection cards printed in the laborers' native languages with a supplementary card provided for their family members. The contents of the protection card should at least include labor conditions, wages, extension of working hours, rules for applying for leave, insurance compensation and rights. If family members realize their rights have been infringed, they may seek to contact the authorities through the assistance channels.

In view of the findings that immigrant workers in the industry are indeed suffering from lower compensation, this study suggests that the government should use the Employment Security Fund to provided commercial insurance for

additional compensation, so that the insured amount would be at least NT\$ 1.5 million. According to preliminary estimates, Taiwan currently has approximately 323,000 immigrant workers working in the industries, and insurance for each immigrant worker per year is expected to be less than NT\$ 500. As there are currently fewer than 20 immigrant worker occupational fatalities each year, assuming the employers can avoid a similar amount of cases, a total of 40 cases of NT\$ 1.5 million compensation each would amount to NT\$ 60 million. Taking into consideration reasonable profits and administrative costs of NT\$ 40 million, the scale of immigrant workers in the industries and projected costs, this suggestion should be feasible.

Regarding the loss of rights based on Article 59 of the Labor Standards Act, this study proposes that the labor administration departments should strengthen advocating and inspection to solve the current issues of under-quoting the salary of immigrant workers. In addition, in terms of claiming damage compensation under the Civil Law, the departments should also provide legal assistance [16]. Furthermore, to avoid misjudgment due to lack of communication when issuing the death certificate, for immigrant worker on-site fatalities, this study suggests that the judicial departments should seek the assistance of the Police Foreign Affairs department. When necessary, they should request the labor inspection department personnel to determine the cause of death with the assistance of translators and occupational safety and health experts present.

This study also discovers that the Ministry of Labor officials in charge of immigrant worker

recruitment and labor insurance compensation operations are lacking in awareness of the occupational safety and health regulations. In addition, the administrative personnel in charge of occupational safety and health are often unable to conduct site investigations immediately after receiving the report from their employers. This will lead a certain degree of underestimation of the occupational accident, and the scale can be easily determined through an analysis of the fatality statistics of immigrant workers in Taiwan deducted by the number of occupational fatalities. This study highlights the need for inter-department integration within the Ministry of Labor for the prevention of occupational fatalities of immigrant workers. Only by preventing the occurrence of occupational accidents will there be no rights infringements which might affect the supply of supplementary labor to Taiwan. As such, this study proposes that subsequent research efforts use Big Data technology to directly estimate the actual (number of???) occupational accident cases for immigrant workers and to provide an actual in-depth discussion regarding the truth of rights infringements and prevention of occupational accidents.

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