National Legislation, Policies & Enforcement for Protection of Migrant Workers (MW) in Fishing Industry

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Outline

- Legal Framework
- Policy to Improve MW Placement and Protection
- Overseas Placement of Worker in Fishing Industry
- Coordinated Efforts
Legal Framework

- 1945 Constitution: Every citizen has the rights to decent employment
- Labor Act of 13/2003 (reflects ILO Core Conventions)
  - General umbrella for vulnerable MW
  - Involvement of Private Recruitment Agency (PRA)
  - Ministerial Decree for specific sectors.
- Act 37/1999: International Relations.

Some Ministerial Provisions concerning placement and protection of Migrant Workers.
**Legal Framework (cont.)**

Some Provisions concerning placement and protection of MW

- **Ministerial Decree 05/2005** Administrative punishment/sanction for PRA

- **Ministerial Decree 07/2005** Standard requirement of boarding facilities (for MW candidates).

- **Ministerial Decree 258/2007** Cost Structure MW placement to Korea

- **Ministerial Decree 10/2009** Licensing of PRA

- **Ministerial Decree 07/2010** Insurance for MW

- **Presidential Decree 64/2011** Medical and Psychological check-up for MW.
Candidate of MW (through Private Recruitment Agency):

a. Minimum 18 years old, for individual employer → 21 years old;
b. Healthy (physical and mental);
c. No pregnant candidate
d. Minimum educational background: Junior high school
e. Registered at local government office.
Private Recruitment Agency:

a. Cooperation with destination country-PRA
b. Ensure employer/job availability in destination country → job order endorsed by Indonesian Mission.
c. Recruitment process
d. Provide vocational training
e. Prepare employment contract
f. Facilitating all MW required documents before departure
g. Report the status of MW to Indonesian Mission
h. Settle MW cases, including repatriation
Policy to Improve MW Placement & Protection

- Bank’s credit scheme for recruitment
- Insurance Scheme for Indonesian MW
- Strict control to PRA (financial, legal compliances, training facilities, report, etc)
- Deployment of Labor Attache
- Legal assistances
- International Cooperations

Protect MW candidate from exploitation
Pre-during-after employment
Better services to MW, avoiding TIP
Recruitement & during employment
Dispute settlement, cases
BILATERAL (G-G MoU)
REGIONAL (ASEAN Instrument, Colombo Process)
MULTILATERAL
Overseas Placement of Indonesian Fishers

Korea: Employment Permit Scheme
- 2010: 1,040 fishers
- 2011: 703 fishers
- 2013: 1,424 fishers (Sept 2013)

Private Recruitment Agencies
- Taiwan: Private Recruitment Agency (under MoMT License)
  - 7,980 fishers (by July 2013)
- P. M: Other Private Recruitment Agency (illegal?, TIP)
  - Improper recruitment, wage payment problems, stranded fishers, violation of human rights, etc.

Training/Internship Program
- Japan (P to P): 1,040 fishers (Sept 2013)
Coordinated Efforts

- “One-gate licensing” for PRA ➔ coordinated regulation:
  - Ministry of Manpower (general labor standard, empl. contract)
  - Ministry of Fishery (capacity building for fishers, empl. contract)
  - Ministry of Transportation (standard requirement of migrant seafarer)

- Stronger and coordinated law enforcement of Trafficking in Person (Labor Inspector, Police, port authority, etc)

- Strengthening Indonesian Mission/Embassy (citizen service for better protection: diplomacy & crisis management)
sad stories........

need coordinated efforts....

Stranded Indonesian fishermen on the way home

Two Indonesian fishermen questioned by Taiwan Police
3 February 2012 14:24 | 1859 Views
thank you