

Workers need power to negotiate

Written by Taipei Times Editorial
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The government's controversial amendments to the Labor Standards Act (勞基法) yesterday passed their third reading. It is a victory of sorts for the government, but the process has left many casualties, not least the Democratic Progressive Party's (DPP) credibility, employer-employee relations and workers' rights.

After employers complained about a lack of flexibility in arranging work schedules, Premier William Lai (賴清德) decided to revisit changes made to the law only one year ago under his predecessor, then-premier Lin Chuan (林錫山). There are legitimate questions about whether employers' issues with working hours impacting on costs were justified and whether the new amendments shifted the rules too much in their favor, at the expense of workers.

Regardless, this has left the DPP open to accusations that it has let its legislative majority and control of the presidency go to its head. It should not have rushed through legislation as important as this, in December 2016 or a second time. It should have taken the time to get it right the first time.

The process has caused a considerable loss of trust between employers and employees. Workers and legislators opposed to the latest changes have voiced concerns that there could be more deaths from overwork. Even though the record shows that such a risk does exist, the long work hours that many Taiwanese are expected to work, across the board, are sufficient to warrant concern simply in terms of how they impact workers' rights and lives.

Taiwan accounts for the fourth-most work hours in the world, Ministry of Labor data showed. Why do employers need their workers to do even more? Are there not other ways in which they can improve efficiency?

Salaries consistent with responsibilities, improved work conditions, greater levels of encouragement, respect and mutual trust in the workplace to increase morale levels would be a start.

However, the new amendments will do little to fix these problems.

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Another risk is that employers will seek to normalize the increased flexibility allowed by the law after these changes have been implemented. This is especially problematic if workers are made to believe that they are taking advantage of the system by extending their work hours through overtime and the increased number of consecutive days worked without a break, converting them into increased pay and complementary days off to take as they choose.

This leaves them open to being willing accomplices, indeed agents, of their own exploitation. This is not good for their health or their productivity.

The increased overtime, additional consecutive days without a break and shrinking times between shifts are particularly problematic for those working in the healthcare, construction and transport industries, where the ability to concentrate and make important decisions is crucial. The government has said special provisions would be made for such industries. It remains to be seen how that will work out.

Hopefully, employers will take the regulations in this revision of the act in the spirit in which they were meant: as the maximum amount a company can expect its employees to work, for a limited amount of time, should circumstances demand it.

Unfortunately, the likelihood is that they will see it as a standard that they can legitimately get away with.

Now that the government has given in to employers' demands, and as it seems to have put the issue of just how much flexibility is appropriate into the hands of businesses and workers, it is time to prioritize the workers' ability to negotiate terms beneficial to them and guarantee the rights the law professes to protect are carried through.

Only 7 percent of Taiwanese workers belong to a union, and there are no fines for companies that refuse to convene talks between workers and management. It is time to change that.

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