

【附件一：國際連署書中英文版】

日月光(ASE)供應鏈應善盡企業社會責任

產能超過全球兩成、國際最大半導體封裝測試廠日月光，其位於台灣高雄楠梓加工出口區的 15 間廠房之一 K7 廠，2013 年 10 月 1 日因偷排含鎳有毒廢水進入高雄後勁溪，汙染下游 1390 公頃農田與漁塭，遭地方政府裁罰。高雄與桃園縣政府陸續調查發現，高雄日月光 K5、K11 廠及位於北台灣的中壢廠房，也有非法排放廢水的情形。高雄市政府隨後在 12 月 20 日勒令日月光 K7 廠涉及廢水部分的製程停工。

日月光年營收超過 2000 億新台幣(約 67 億美金)，多年來標榜其生產製造符合國際間綠色供應鏈的各項要求，且持續獲得台灣政府各項租稅減免與優惠(近五年即獲新台幣 30 億補貼)，其惡性汙染台灣環境不僅在台灣社會造成震撼，也已經引起我們這些長期關注電子業環境、勞工與社會責任的國際組織的高度關切。

根據高雄市政府，日月光遭停工罪證有：

1. 2011~2012 年多次違反水污染防治法，裁罰六次仍未改善。
2. 10 月 1 日排放廢水異常，未依規定緊急停產，蓄意將廢水排至後勁溪。
3. 引自來水稀釋採樣槽之廢水，供主管機關人員採樣以規避稽查。
4. 10 月 1 日後未積極改善，自動水質監測資料仍發現多次水質異常記錄。
5. 10 月 5 日至 10 月 7 日未經許可，將廢水排入海洋放流下水道。
6. 環保局駐廠查核，發現 K7 廠廢水處理設備未正常操作、多處儀器故障，有停工改善之必要。
7. 所提供之申報資料經查涉有申報不實。
8. 排放重金屬鎳為 4.38mg/L，超出上游對照值 1000 多倍，排放對人體有害物質明確，影響後勁溪下游農田水體品質。

作為長期監督電子業汙染與勞動問題的國際團體，我們對於高雄市政府的裁罰表示肯定，並且也要表達我們對於台灣致力於改善電子業環境與勞動問題各團體的支持。但根據我們的觀察與了解，台灣中央政府持續發出偏袒日月光的言論，日月光則至今仍強調相關汙染是意外事件，甚至在華爾街日報購買廣告，否認汙染、宣傳其早已信用破產、用來進行企業"漂綠"的文書與認證。再者，我們也譴責日月光在高雄市政府做出部分停工之裁罰的三天後，竟草率地立即提出復工申請。

日月光的產品與收益都是用台灣的河川土地、糧食安全、用政府不當補貼、用台灣勞工的低薪水、過度剝削、高失業風險所換來的。在此

1. 我們呼應台灣友團地球公民基金會、台灣電子電機資訊工會、大高雄總工會、高雄市產業總工會所提出的訴求：

- 日月光停工直至廢水問題徹底改善:日月光排入後勁溪的水體應符合灌溉水及台灣 2011 年新公告的晶圓製造及半導體製造業放流水標準。日月光廢水不得採用標準相對寬鬆許多的海洋放流標準，汙染海洋生態及台灣近海漁

業。

- 日月光應公開化學物質使用及排放資訊，以維護民眾與社區知情權。
- 停工期間不得損害勞工薪水與工作權：日月光曾在 2008 年金融海嘯時強迫勞工放無薪假，景氣回升後又違法要求勞工超時加班，並雇用派遣工，其平日壓榨勞工的惡行，令人擔心其將停工成本轉嫁於勞工身上。

2. 我們呼籲台灣政府：

(1)完善的環境治理，才能確保台灣環境永續、勞動正義與台灣企業在全球競爭力。台灣政府不應該持續縱容以犧牲環境、剝削勞工大賺其錢的惡質企業，環境與壓迫勞工的醜聞，只會讓台灣產業在全球生產鏈中日益失去競爭力。

(2)台灣政府已於 2009 年正式批准「聯合國經濟、社會、文化權利公約」，就應透過有拘束力的法規來規定監督與管制，以踐行公約對勞動條件及環境權的保障，並落實國際專家在審查會議所提出關於「企業責任」的結論性意見¹。

3. 我們警告日月光：

- 停止搞一年一億捐之 30 年環境公關(捐款還能抵稅!)
- 停止各種企業漂綠
- 徹底提升環境汙染的處理量與處理能力
- 停止汙染台灣環境，負起汙染整治責任
- 確保工人工作權與職業安全健康

4.最後，我們也呼籲日月光採購商 Intel(英特爾)、Apple(蘋果)、MediaTek(聯發科)、TSMC(台積電)、SONY(索尼)、Qualcomm(高通)、Broadcom(博通)、Infineon(英飛凌)、Marvell(美滿電子)..等廠商，及頒獎、認證日月光採購商 Texas Instruments(德州儀器)、Lantiq(德商領特) Alchip(世芯電子)、CSR(劍橋無限科技)、Maxim(美信)、Silicon Image(美商晶錄)、SMIC(中芯國際)、SMSC(史恩希)、VITESSE、NXP(恩智浦半導體)，倘持續向靠著剝削環境與壓榨勞工賺錢的企業採購，就是與環境、與勞工、與企業應有的社會責任為敵。我們呼籲，在日月光未能達到應有的環境與勞動改善前，中止與日月光的訂單。

¹聯合國經濟、社會、文化權利公約之「企業責任」審查意見 22、23
(<http://www.humanrights.moj.gov.tw/public/Attachment/33516305719.pdf>)

International Joint Statement on ASE's Corporate Misconduct

The world's leading provider of semiconductor packaging and testing services, Advanced Semiconductor Engineering Inc (ASE) was found illegally discharging large amounts of toxic wastewater into the nearby Houjin River in Kaohsiung City Taiwan on Dec 2013. The investigations conducted by the Kaohsiung City government indicated that the toxic wastewater discharged into Houjin River was containing nickel and highly acidic toxic substances, which has polluted 1390 hectares of farmland downstream. In following-up investigations, the local governments also found that the K5 and K11 Plant of the ASE in Kaohsiung and Chungli Plant in Taoyuan County illegally discharged untreated wastewater. After the investigations, the Kaohsiung City government ordered the K7 plant of ASE to suspend some production lines related to the discharge of toxic wastewater. (see attachment I for the reasons)

Occupying 20% of world market in the chip packing and testing of semiconductor industry, ASE generates annual revenues of \$6.7 billion. In order to compete in the market, ASE has consistently claimed to meet international green standards at each step of its supply chain. In contrast to its carefully crafted green image, ASE's actions consist of a sequence of unethical, dangerous, and polluting behaviors that reflect that of self-interest and profit over the health of the public and the environment in Taiwan. Their misbehaviors are particularly unacceptable since the ASE has long enjoyed extensive tax benefits from Taiwan's government –3 billion NTD (\$100 million) in the past 5 years. Not only have their actions shocked Taiwanese society, but they have also caught the attention of those who have long been working to advance environmental protection, worker's rights, and corporate social responsibility.

We, as international NGOs monitoring the pollution problem produced by the electronics industry and the workers' rights, recognize the actions taken by the Kaohsiung government to fine ASE, and support the Taiwanese NGOs that also endeavor to address environmental issues and improve workers' rights. Additionally, we are calling on the central government in Taiwan to end its preferential treatment of ASE. While ASE consistently claims that the event was merely an accident, three days after the shutdown order, they have already applied to restart their production line without careful inspection. These actions taken by ASE reflect attitudes of indifference towards public health and the environment. For this reason, we not only firmly condemn ASE's behavior and attitude, but also its attempt to misrepresent itself as a green business in *The Wall Street Journal* through the

publication of its green certificates that have already lost all credibility. These certificates merely act as facade so that they can appear to be an environmentally responsible company.

The products created by ASE and the immense profits earned by their executives are generated at the expense of the rivers, the land, food safety and the health of the people, the taxpayers' money, and the workers' rights in Taiwan. Thus,

1. We support the statements and demands of our friends, Citizen of the Earth, Taiwan Trade Union of electrical, Electronic and information in Taiwan, Kaohsiung Federation of Labor Unions, Kaohsiung City Confederation of Trade Union in Taiwan, Environmental Jurist Association, Houjing Social Welfare Foundation and Taiwan Watch Institute, and stand in solidarity with them.
 - The shutdown order for ASE must remain in place until the problems of wastewater contamination has been completely resolved: The wastewater discharged by ASE into Houjin River must meet the irrigation water quality standards as well as the 2011 wafer and semiconductor manufacturing industry effluent standards. ASE should not be allowed to apply for lower marine discharge standards, which would pollute the marine ecosystems and damage the fishing industry in coastal waters of Taiwan.
 - ASE needs to disclose its data on toxic chemical usage and wastewater discharge to provide full transparency for the public.
 - During the period of shutdown, the rights of the workers must be protected. ASE cannot transfer the cost of shutdown onto its workers.
2. We appeal to the Taiwanese government:
 - Only well-thought-out environmental governance can ensure a sustainable environment, protect workers' rights and promote social justice and competitiveness of Taiwanese companies in the global market. The Taiwanese government must stop being lenient with the companies that make profits at the expense of the environment and through the exploitation of workers otherwise, Taiwanese businesses will lose all the competitive edge in the world production chain.
 - The Taiwanese government officially signed and ratified the International Covenant on Social Economic and Cultural Rights in 2009 and therefore must take up necessary actions to implement the covenant, and truly realize the protection of workers' rights, and the improvement of environmental and workplace health. They should also adopt the Concluding Observations and

Recommendations² on “corporate social responsibility” suggested by the independent experts in review of the International Human Rights Covenants early this year.

3. We urge ASE to:

- Stop using charitable donations as a means of tax avoidance and shifting environmental responsibility to others.
- Stop falsely representing itself as a green company
- Thoroughly improve its ability to manage its waste and reduce its pollution - they must stop polluting Taiwan.
- Take responsibility and pay for all costs associated with the environmental contamination produced by their company.
- Ensure workers’ rights and job safety

4. Finally, we are calling for the upstream and downstream in the supply chain, such as Intel, Apple, Media Tek, TSMC, SONY, Qualcomm, Broadcom, Infineon, Marvell, Texas Instruments, Lantiq, Alchip, CSR, Maxim, Silicon Image, SMIC, SMSC, VITESSE, NXP, and so forth, to end their cooperation with ASE until ASE has undertaken due diligence in corporate responsibility, environment protection, and workers’ rights.

Attachment I

According to the investigation by the Kaohsiung city government, ASE was ordered to shut down for the following reasons:

(1) ASE violated the Water Pollution Control Act multiple times throughout 2011 and 2012, and still continues to violate it despite having been fined six times.

(2) On 1st Oct 2013, when noticing issues during wastewater disposal, ASE didn’t take the emergent shutdown according to the regulation but instead deliberately continued discharging the contaminated wastewater into Houjin River.

(3) ASE submitted diluted wastewater samples to official environmental inspectors in order to avoid regular inspection.

(4) ASE didn’t take any actions to improve the wastewater disposal process after noticing the wastewater was below standards on 1st Oct 2013. There were still several records of ongoing discharge of the contaminated wastewater.

(5) Without any permission, ASE discharged wastewater through marine discharge

² Review of the Initial Reports of the Government of Taiwan on the Implementation of the International Human Rights Covenants

<http://www.humanrights.moj.gov.tw/public/Attachment/33516305719.pdf>

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sewage pipe into the sea.

(6)Environmental Protection Bureau discovered damaged wastewater treatment equipment in the K7 facility of ASE with broken or worn down parts not operating properly. For this reason, ASE was required to shut down its production line until they resolved the problem.

(7)ASE provided fabricated reports with inaccurate and misleading information to the government.

(8)ASE discharged contaminated wastewater containing significant concentrations of nickel, 4.38mg/L, which is 1000 times higher than the levels found in normal water. The toxic wastewater has been proven to be harmful for human health, as well as immensely damaging for the affected farmland.

Attachment II

The related news link:

[20131215 Taipei Times--Take more action on ASE: groups](#)

[20131215 The China Post--Farmers demand that ASE receive severe punishment](#)

[20131221 Taipei Times-- Bureau orders ASE plant to shut down](#)

[20131222 Taipei Times-- Safeguards needed for nation's land](#)

[20140104 Taipei Times—ASE, five staffers indicted over illegal wastewater dumps](#)