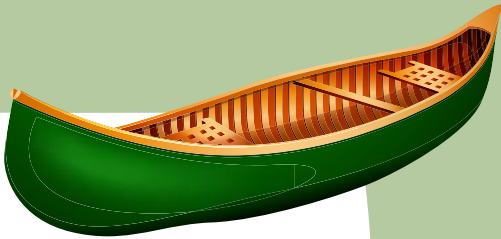
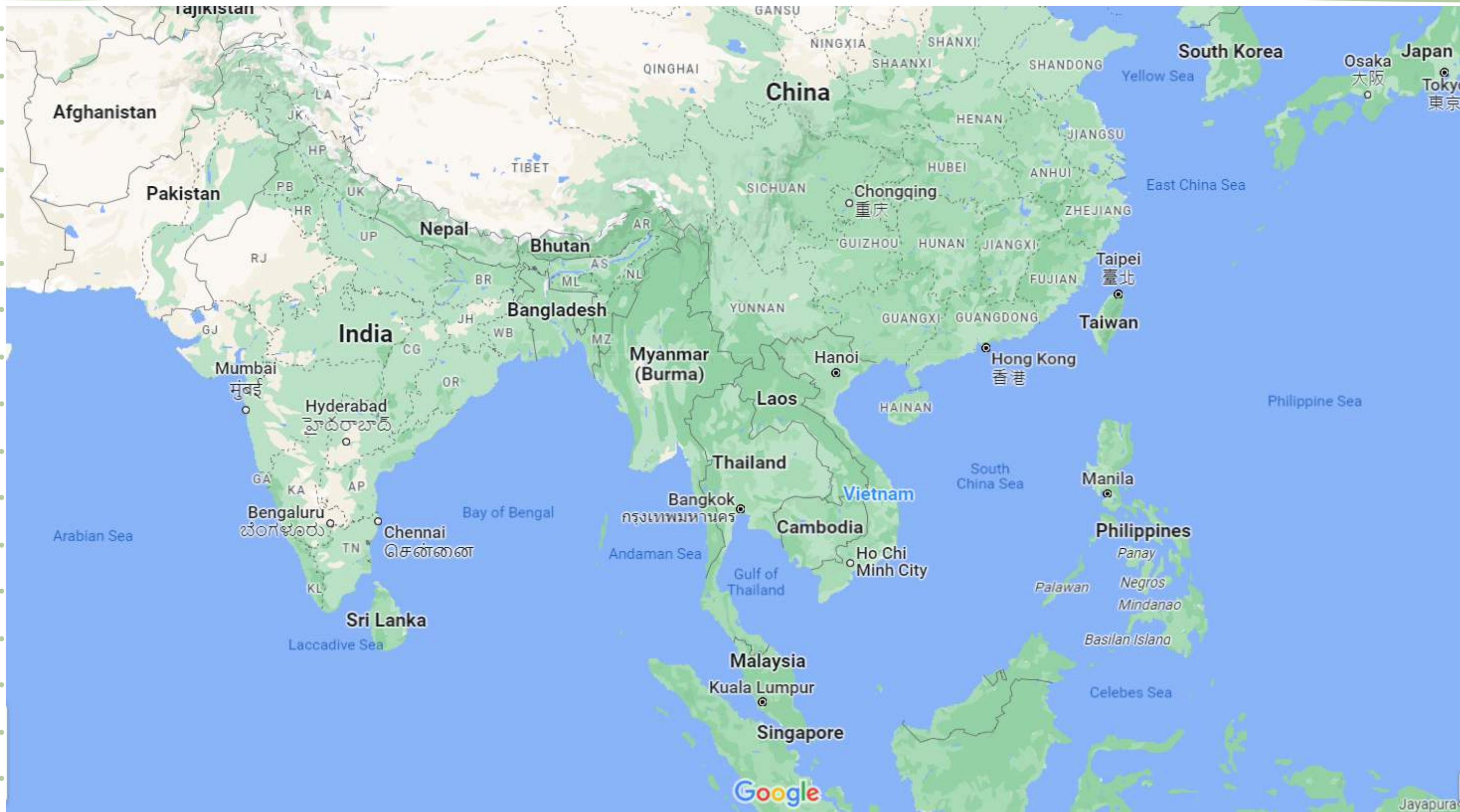




# Migrants as Rights Holders in Taiwan

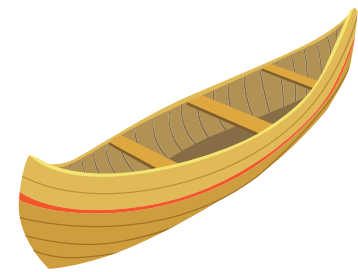
Kaili Lee  
Director at GOH-MIGRANTS  
Garden of Hope

2023. 11. 14





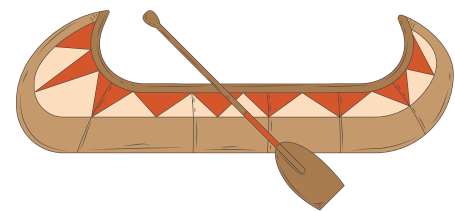
# THE HISTORY OF MIGRATION IN TAIWAN



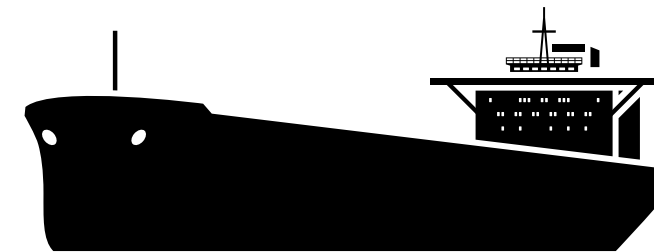
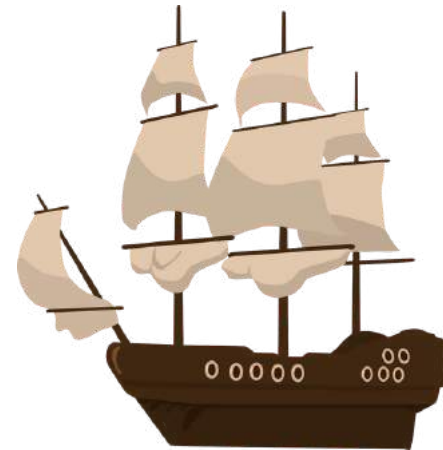
**Southeast China  
Coastal Area  
Residents**

**Army and Government  
Officers from  
Mainland China**

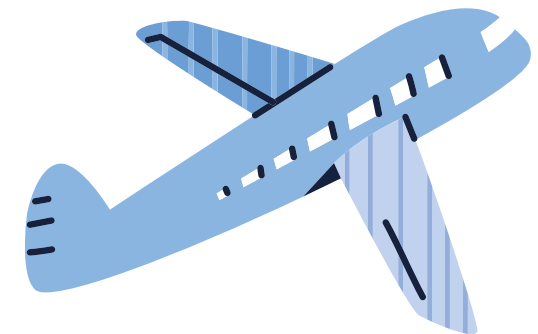
**Austronesian**



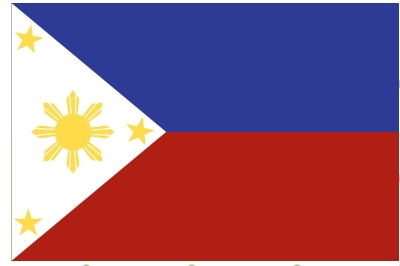
**Colonization**



**New Immigrants,  
Migrant Workers,  
International Students**



# MIGRANT WORKERS IN TAIWAN



The Philippines



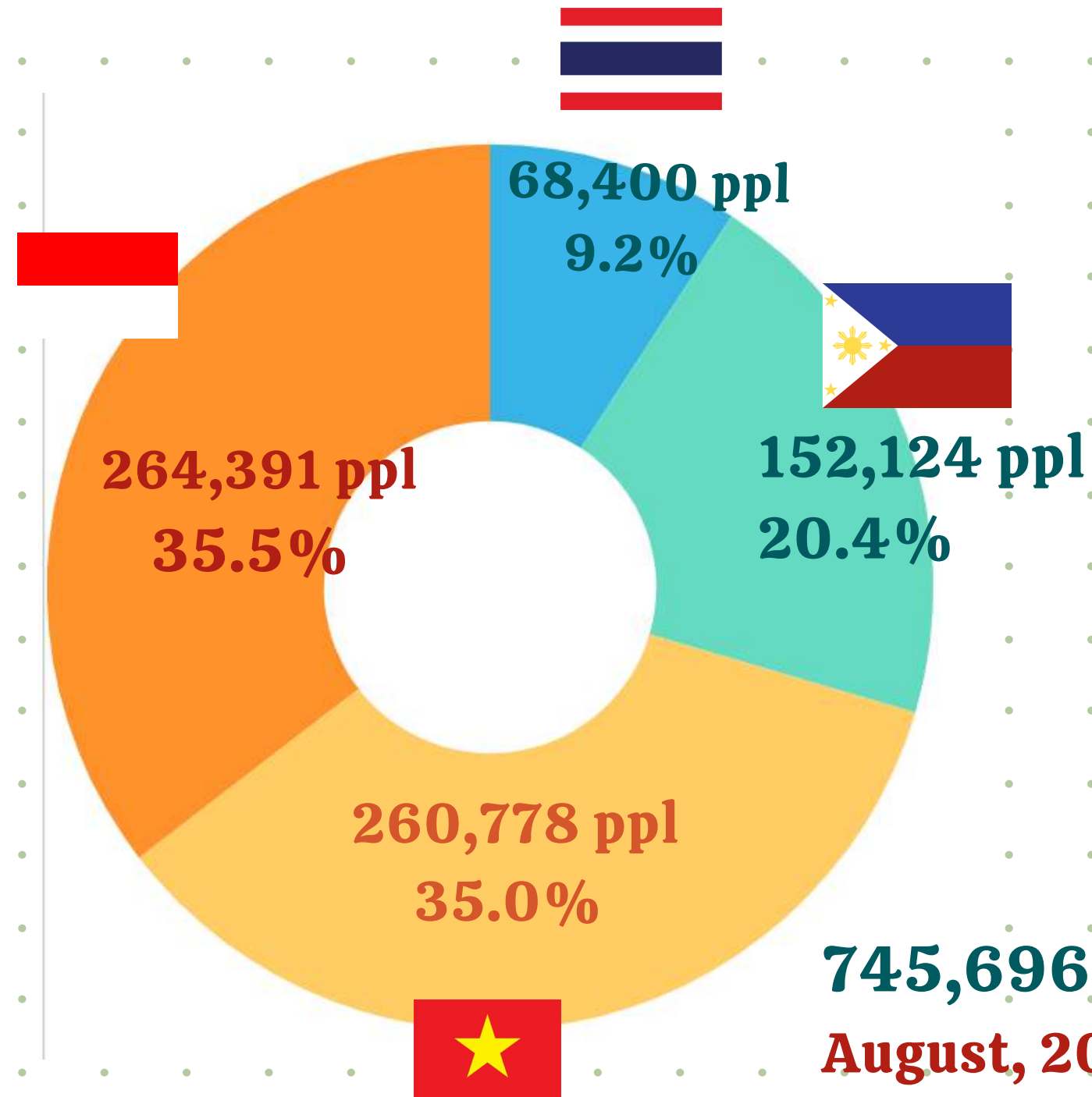
Indonesia



Vietnam



Thailand



Malaysia  
3 ppl

**745,696 ppl in total**  
**August, 2023**  
**Ministry of Labor**

# MIGRANT WORKERS IN TAIWAN

**Migrant Seabase  
Fishers-20,000ppl  
Act of Distant Water  
Fisheries**





# MIGRANT WORKERS IN TAIWAN

## Article Content

**Title :** Employment Service Act ☐ CH

Amended Date : 2018-11-28

**Category :** Ministry of Labor (労働部)

## Chapter I General Provisions

**Article 1** The Act is enacted to promote employment of nationals with a view to enhance social and economic development. Matters not prescribed in the Act shall be governed by other statutes.

Article 2 For the purposes of the Act:

- 1.The term "employment services" means services provided for assisting nationals in seeking employment and employers in employing/recruiting Employee(s).
- 2.The term "employment services institution" means an agency which provides employment services; a public employment services institution is one established by governmental organ(s), while a private employment services institution is one established by private individual(s) or non-governmental organization(s).
- 3.The term "employer" means the person who assigns or hires employees to work.
- 4.The term "Senior or Mid-Aged Persons" means nationals aging from forty-five to sixty-five.
- 5.The term "long-term unemployed" means the insured person who has been unemployed for a year, and his/her accumulated at least 6 months of insurance enrollment within the day of the most recent 3 years before he/she suspended the coverage of the insurance and has registered for job seeking in public employment service agencies within a month.

Article 3 Every national is free to choose his/her occupation unless otherwise is prohibited or restricted by the law.

Article 4 Every national with working capability is equal in terms of the access to Employment Services.

Article 5 For the purpose of ensuring national's equal opportunity in employment, employer is prohibited from discriminating against any job applicant or employee on the basis of race, class, language, thought, religion, political party, place of origin, place of birth, gender, gender orientation, age, marital status, appearance, facial features, disability, horoscope, blood type, or past membership in any labor union; matters stated clearly in

Titel: Undang-undang Layanan Ketenagakerjaan  
 Tanggal Revisi : 28 November 2018  
 Kategori Peraturan : Administrasi > Kementerian Tenaga Kerja > Layanan Ketenagakerjaan

## Bab I Ketentuan Umum

Pasal 1  
Undang-undang ini diberlakukan demi memajukan pengerjaan warga negara, serta memajukan perkembangan sosial dan ekonomi. Hal yang tidak diatur dalam Undang-undang ini, ditentukan dalam undang-undang hukum lain.

Pasal 2

Pengertian istilah dalam Undang-undang ini adalah sebagai berikut:

1. Layanan ketenagakerjaan: adalah penyediaan layanan untuk membantu penempatan kerja bagi warga negara nasional dan pencarian bakat bagi pemilik usaha/majikan.
2. Lembaga layanan ketenagakerjaan: adalah institusi penyedia layanan ketenagakerjaan, lembaga layanan ketenagakerjaan publik didirikan oleh pemerintah, sedangkan lembaga layanan ketenagakerjaan swasta didirikan oleh individu pribadi atau organisasi selain pemerintah.
3. Pemilik usaha/majikan: adalah pihak yang menugaskan, mempekerjakan tenaga kerja untuk bekerja.
4. Senior dan paruh baya: adalah warga negara berumur empat puluh lima sampai enam puluh lima.
5. Pengangguran jangka panjang: adalah penerima asuransi dengan masa pengangguran berkelanjutan lebih dari satu tahun, serta telah terdaftar dalam asuransi lebih dari enam bulan dalam waktu tiga tahun terakhir terhitung dari hari ia menanggukkan asuransi tenaga kerja, serta mendaftarkan dalam pencarian pekerjaan lembaga layanan ketenagakerjaan publik dan swasta dalam satu bulan terakhir.

Pasal 3  
Warga negara memiliki kebebasan untuk memilih pekerjaan, kecuali dilarang atau dibatasi oleh hukum.

Pasal 4  
Warga negara yang memiliki kemampuan bekerja, memiliki kesetaraan sama dalam penerimaan layanan ketenagakerjaan.

## Pasal 5

Demikian menjamin kesetaraan peluang kerja warga negara, pemilik usaha/majikan dilarang mendiskriminasi pelamar kerja atau pekerja berdasarkan ras, kelas, bahasa, pemikiran, agama, partai politik, asal, tempat lahir, jenis kelamin, orientasi seksual, umur, status perkawinan, penampilan, fitur wajah, cacat fisik atau mental, zodiak, golongan darah, atau keanggotaan masa lalu di serikat buruh. Jika hal tersebut diatur dan dinyatakan jelas dalam hukum lain, maka ditentukan oleh hukum tersebut.

Pemilik usaha/majikan merekrut atau mempekerjakan pekerja, tidak diperbolehkan terdapat kondisi sebagai berikut:

1. Memberi iklan atau pemberitahuan yang salah.
2. Melanggar kehendak pelamar kerja atau pekerja, dengan menahan kartu identifikasi penduduk, sertifikat kerja, atau bukti dokumen lainnya, atau meminta menyediakan data pribadi yang tidak berkaitan dengan pekerjaan.
3. Menahan harta benda pelamar kerja atau pekerja atau mengumpulkan uang jaminan.
4. Mengutus pelamar kerja atau pekerja melaksanakan pekerjaan yang melanggar aturan umum atau moral baik.
5. Menyediakan informasi atau pemeriksaan kesehatan yang tidak benar dalam

- **Since 1992**
- **Employment Service Act**
- **Permission Required**
- **Designated Industries Only: care, domestic helper, factory, construction, fishery, agriculture etc.**
- **Designated Tasks Only: caretaker, production operator, construction, fishermen etc.**
- **Blue Collar Jobs**
- **Maximum years in Taiwan**

# MIGRANT WORKERS IN TAIWAN

Title : Labor Standards Act

Amended Date : 2018.01.31

Category : Ministry of Labor ( 勞動部 )

## Chapter I General Provisions

Article 1 The Act is enacted to provide minimum standards for working conditions, protect workers' rights and interests, strengthen employee-employer relationships and promote social and economic development. Matters not provided for herein shall be governed by other applicable statutes. The terms and conditions of any agreement between an employer and a worker shall not be below the minimum standards provided herein.

Article 2 The terms used in the Act shall be defined as follows:

1. Worker means a person who is hired by an employer to work for wages.
2. Employer means a business entity which hires workers, the responsible person of business operations, or the person who represents the business owner in handling labor matters.
3. Wage means the remuneration which a worker receives for his/her services rendered, including wages, salaries and bonuses, allowances and any other regular payments regardless of the name which may be computed on an hourly, daily, monthly and piecework basis, whether payable in cash or in kind.
4. Average wage means the figure reached by taking the total wages for the six months preceding the day on which an event requiring that a computation be made occurs, divided by the total number of days in that period. In the case of a period of service not exceeding six months, the term "average wage" means the figure reached by taking the total wages for the service period divided by the total number of days of that period. In the case of wages which are computed on a daily, hourly, or piecework basis, if the "average wage" figure reached



名稱：勞動基準法

修正日期：民國 107 年 01 月 31 日

法規類別：行政 > 勞動部 > 勞動條件及就業平等目

## 第一章 總則

### 第 1 條

為規定勞動條件最低標準，保障勞工權益，加強勞雇關係，促進社會與經濟發展，特制定本法；本法未規定者，適用其他法律之規定。  
雇主與勞工所訂勞動條件，不得低於本法所定之最低標準。

### 第 2 條

本法用辭定義如左：

一、勞工：謂受雇主僱用從事工作獲致工資者。

二、雇主：謂僱用勞工之事業主、事業經營之負責人或代表事業主處理有關勞工事務之人。

三、工資：謂勞工因工作而獲得之報酬；包括工資、薪金及按計時、計日、計月、計件以現金或實物等方式給付之獎金、津貼及其他任何名義之經常性給與均屬之。

四、平均工資：謂計算事由發生之當日前六個月內所得工資總額除以該期間之總日數所得之金額。工作未滿六個月者，謂工作期間所得工資總額除以工作期間之總日數所得之金額。工資按工作日數、時數或論件計算者，其依上述方式計算之平均工資，如少於該期內工資總額除以實際工作日數所得金額百分之六十者，以百分之六十計。

五、事業單位：謂適用本法各業僱用勞工從事工作之機構。

六、勞動契約：謂約定勞雇關係之契約。

- Some Workers Included in, Some Workers Excluded from Labor Standard Act
- Act of Gender Equality in Employment
- Sexual Assault Crime Prevention Act
- Sexual Harrasment Prevention Act



# INTERNATIONAL STUDENTS IN TAIWAN



103,658 in total  
by Ministry of Education, 2022



# INTERNATIONAL STUDENTS IN TAIWAN



- Number Increasing by New Southbound Policy
- Work Permit Required
- Maximum 20 hours/week in semester
- Labor Standard Act
- Internship / Overload / Labor Exploitation

# GOH-MIGRANTS SERVICES

## SHELTERING

2 Shelters only for women:

- New Taipei City est. 2011: Migrant workers,
- Taoyuan City est. 2022: Pregnant migrant workers and babies

## RESEARCH & ADVOCACY

- Labor rights in Taiwan (gender equality and decent work)
- Diverse and sustainable migrant Society (benefit and friendly living environment)

## COMMUNITY OUTREACH

- Advice Helpline for pregnancy, direct hiring or any inquiries relating to non-citizens. 20-30 new cases per month.
- Migrant Workers Empowerment Program (Legal rights, career exploring, skill learning, gender equality, and self-awareness)
- Migrants in High-risk Workplace Care Program
- Social Media Awareness Campaign/Facebook Page in multiple languages

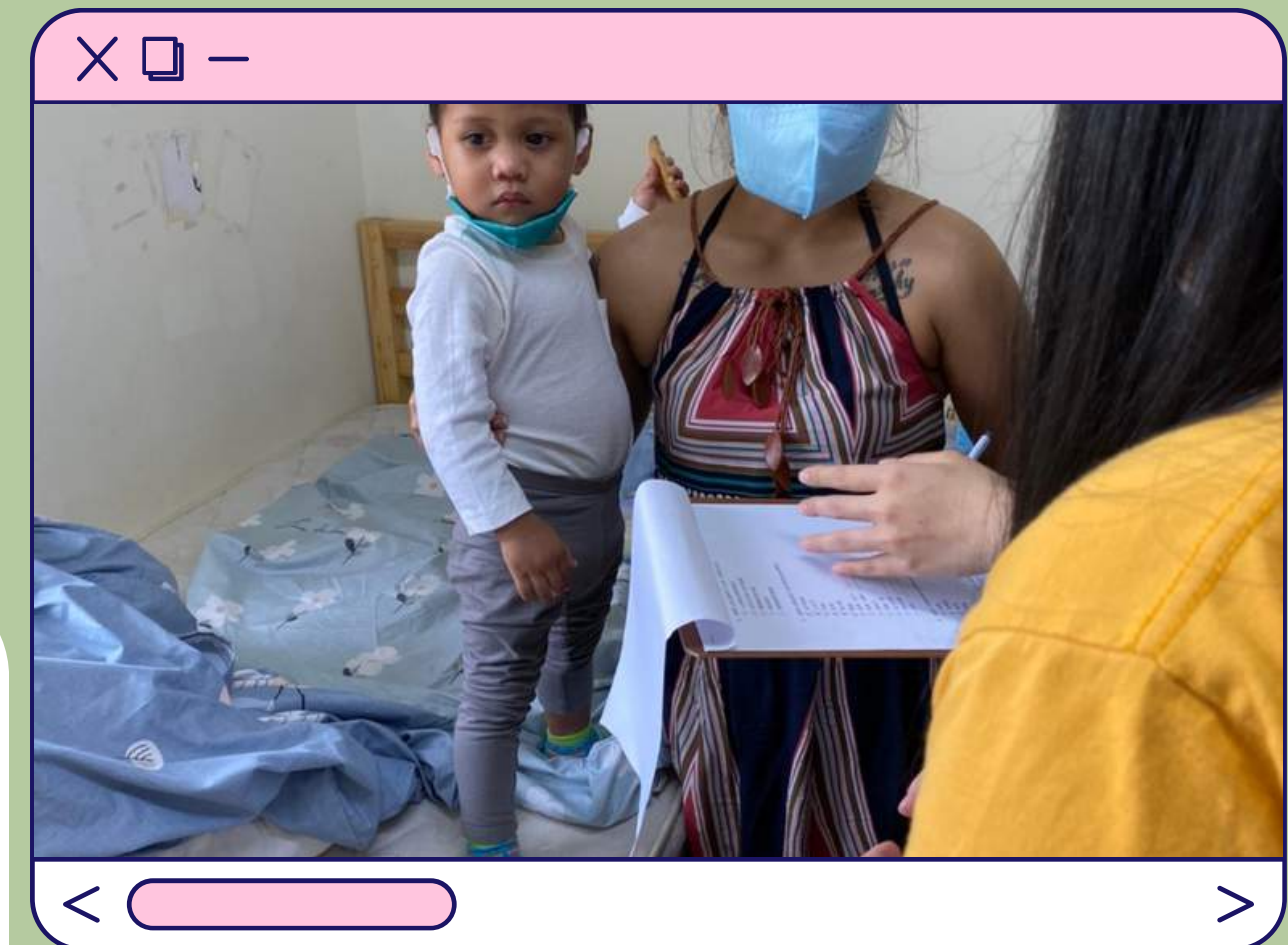


# WHY STAY IN OUR SHELTERS?

- Physically, Mentally or Sexually Mistreated or abused by employers, care receivers or other family members
- Human Trafficking Victims: Sex Trafficking, Labor Trafficking
- Illness: Leukemia, Schizophrenia...
- Labor disputes
  1. Forced or compulsory Labour
  2. work outside of work permit
- Pregnancy: unfriendly enviroments for pregnant migrant workers
  1. Terminate the contract
  2. Threaten

# SHELTERING

1. Life arrangement: food, activities and classes (skill learning and work adaptation empowerment)
2. Medical support: physical and mental health care
3. Legal Assistance: clarify and analyze the impact of litigation, help apply for legal aids and in collaboration with attorneys and enforcement during the litigation process.
4. Victim Recovery Service
5. Child delivery and childcare planning
6. Social Reintegration: employment or return home





# HELPLINE

**Service objectives:** Foreigner who works in Taiwan and those in need.

**Service content:** Provide legal consultation on pregnancy, childbirth, and work rights, maternity resources, referral services, individual needs assessment, and shelter services.

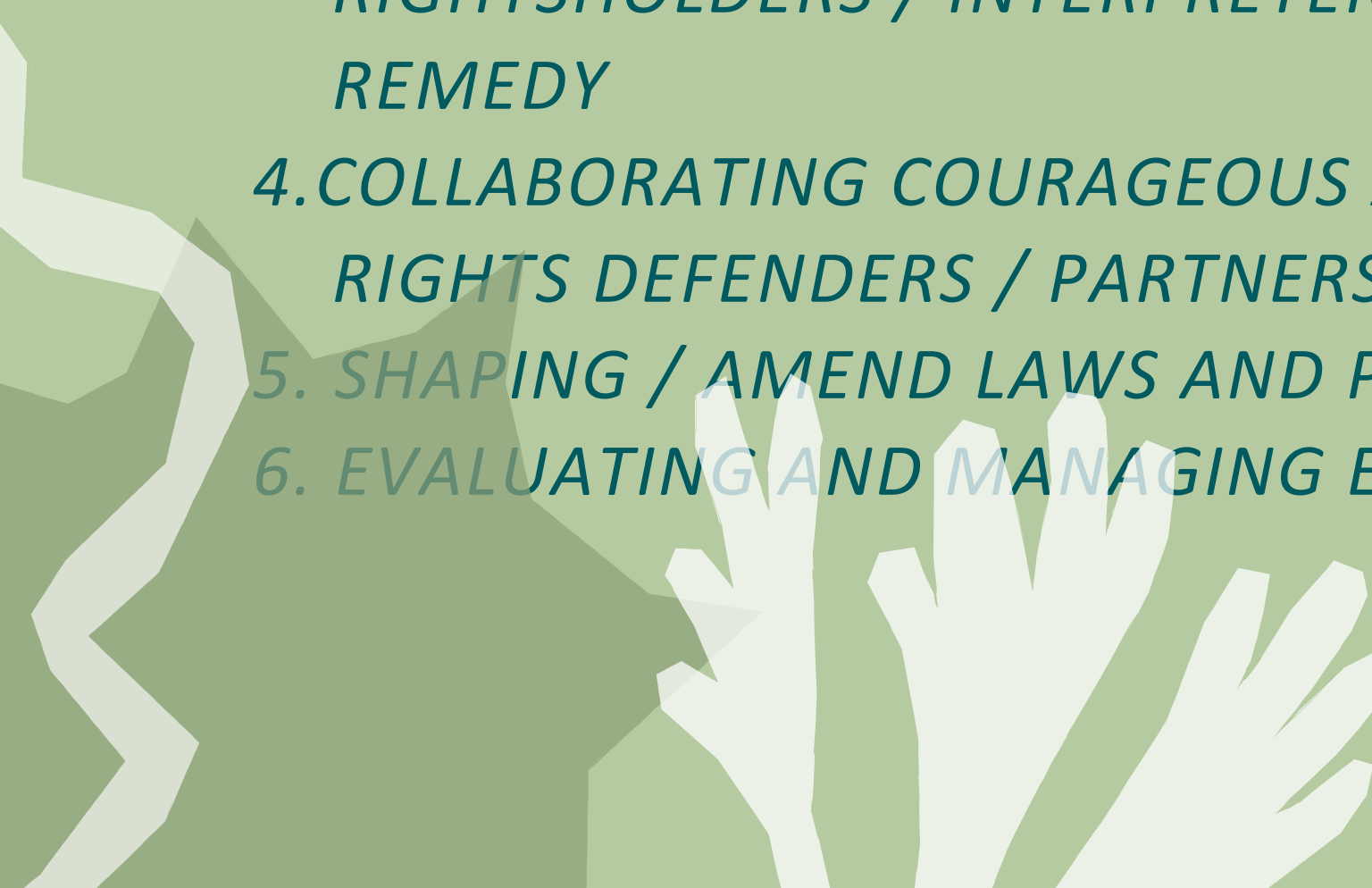
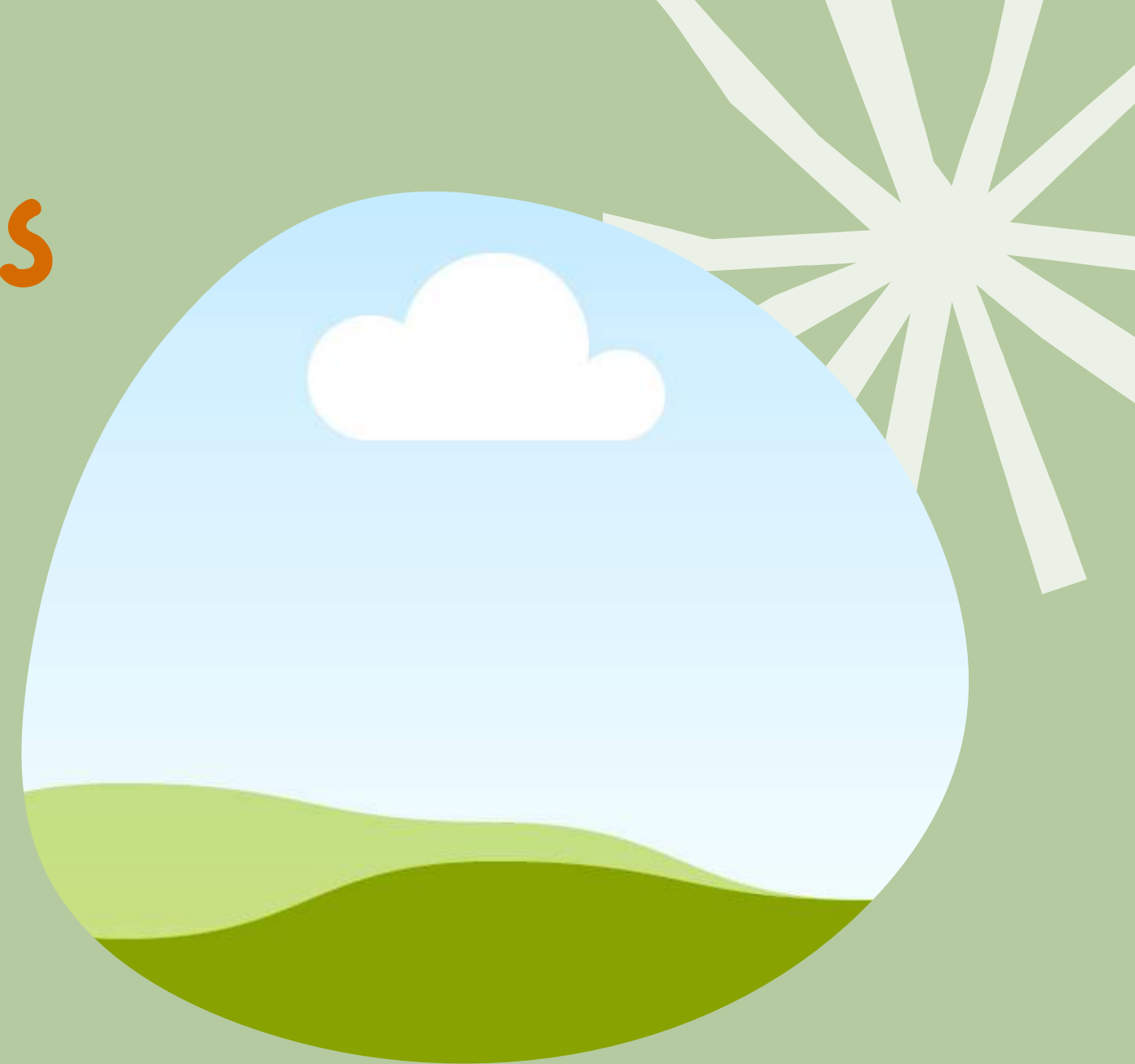
If you have any questions, please feel free to contact us or make an appointment: [wo\\_space@goh.org.tw](mailto:wo_space@goh.org.tw) or feel free to call #Wo\_Space: 03-2522522 Monday to Sunday 09:00-18:00, closed for public holiday.

主辦單位：勵馨基金會 | 委辦單位：桃園市政府勞動局 由就業安定基金補助 廣告



# MIGRANTS AS RIGHTS-HOLDERS

1. AWARENESS: MIGRANTS ARE RIGHTS-HOLDERS THAT CAN MAKE LEGITIMATE CLAIMS
2. CHANGING SOCIAL ATTITUDE AND CORPORATE CULTURE
3. ENCOURAGING MEANINGFUL ENGAGEMENT WITH RIGHTSHOLDERS / INTERPRETERS AND PROVIDING REMEDY
4. COLLABORATING COURAGEOUS AND RELIABLE HUMAN RIGHTS DEFENDERS / PARTNERS
5. SHAPING / AMEND LAWS AND POLICIES
6. EVALUATING AND MANAGING EXPECTATIONS







THANK YOU