



[TRANSPARENTEM SENT THE FOLLOWING LETTER TO TAIWAN’S MINISTER OF LABOR, MINISTER OF ECONOMIC AFFAIRS, MINISTER OF THE INTERIOR, AND CHAIR OF THE NATIONAL HUMAN RIGHTS COMMISSION]

Minister Ho Pei-shan
Ministry of Labor
No. 207 Song Jiang Rd
Zhongshan District
Taipei City 104472
Taiwan

September 26, 2024

Dear Minister Ho,

We, the undersigned civil society organizations, are writing to express concerns about the treatment of migrant workers in Taiwanese manufacturing and request your support for ethical and sustainable business practices in Taiwan.

Based on our experience on global migrant workers issues, as well as recent reports by the U.S. Department of State, the International Labour Organization, local and international media, and civil society groups, and a forthcoming report from Transparentem – we know that migrant workers can incur significant debt to pay home-country recruiters for jobs in Taiwan and face abusive working and living conditions in Taiwan. These conditions include restricted freedom of movement, retention of identity documents, excessive overtime, and threats of repatriation if they protest labor conditions or attempt to change employers.

These practices undermine the long-term sustainability of Taiwanese businesses and of international businesses sourcing from Taiwan, particularly at a time when more governments worldwide are moving to restrict imports made in whole or in part with forced labour. More governments, businesses and concerned consumers want and demand greater corporate due diligence in support of better human-rights outcomes in global supply chains. Demonstrating that Taiwan can effectively promote business sustainability and workers’ welfare will also help Taiwan to attract and retain investment from global companies and could set Taiwan apart from other economies.

We fully acknowledge efforts already made by the Taiwanese government to protect migrant workers, including establishing a direct hiring service and a telephone hotline for foreign workers to report abuses, and its longstanding recommendation to home countries of migrant workers that recruitment fees should not exceed one month’s pay. We also welcome the commitment by both Taiwan and the US to “adopt or maintain measures to eliminate the charging of recruitment fees and related costs to migrant workers” as part of the first agreement of the Taiwan-US Initiative on 21st-Century Trade, in June 2023.



However, more action is needed. We recommend the following actions to protect the human rights of migrant workers and to provide confidence to globally sourcing companies that migrant workers in Taiwan are protected and do not experience unethical recruitment or poor working conditions. We are asking the government of Taiwan to publicly commit to a timeline of actions and achieve the following:

1. Change laws to prohibit all worker-borne fees, paid in Taiwan or in a worker's home country, including monthly service fees paid to Taiwanese brokers, which are currently permitted under Taiwanese law.
2. Protect and promote workers' freedom of association, including migrant workers' access to unions or independent workers' associations with capacity to represent their interests democratically.
3. In collaboration with worker groups, protect migrant workers via binding agreements with worker-sending countries to promote fair recruitment and the eradication of forced labor.
4. Allow migrant workers to change employers more easily, whether during or at the end of their contract.
5. Ensure that enforcement agencies investigate and impose accountability for labor abuses and recruitment problems, including by providing adequate resources and authority.
6. Revoke the approval of Taiwanese and foreign recruitment and employment services agencies that violate Taiwanese laws and regulations created under the Employment Services Act pertaining to charging prohibited fees to workers.
7. Guarantee access to effective, responsive arbitration channels for all workers with grievances, including migrant workers.
8. Expand, improve, and prioritize the use, when possible, of the government's Direct Hiring Service Center (DHSC) to make it faster, more efficient, and easier to use, and mandate its use when hiring foreign workers.
9. Take effective measures to review national and local policies to ensure that migrant workers enjoy the same treatment and labour conditions as nationals.

We would like to request a meeting with you to discuss these issues. We believe that collaboration is essential to promoting and expanding ethical and sustainable business practices in Taiwan. This will not only benefit workers, but also strengthen Taiwan's economy to meet the challenges of business sustainability and make it more competitive in today's climate of growing expectations on human rights due diligence.

We appreciate your attention to this important issue and look forward to hearing from you soon.

Sincerely,

Above Ground, a project of MakeWay
African Law Foundation (AFRILAW)
Amnesty International Taiwan
Peter Bengtsen, Migrant Worker Investigative Reporter
Corporate Accountability Lab
Dignity In Work For All



Empower

Andy Hall, Migrant Worker Rights Specialist

Interfaith Center on Corporate Responsibility

Just Ground

Dr Bonny Ling, Senior Nonresident Fellow, University of Nottingham,
Taiwan Research Hub

Migrant Worker Rights Network (M.W.R.N)

Migration Dristi

Proyecto de Derechos Económicos, Sociales y Culturales (ProDESC)

Serve the People Association

Taiwan Association for Human Rights

Transparentem

Ugnayan Migrant Ministry

Verité

Vietnamese Migrant Workers and Immigrants Office

Work Better Innovations

勞動部長 鈞鑒：

茲代表下列簽署之公民社會團體，謹此致函表達對臺灣製造業移工處境之深切關懷，懇請貴部積極推動符合倫理及永續發展的商業實踐，以期促進更公平與共榮的社會環境。

根據我方長期關注全球移工議題之經驗，並結合美國國務院、國際勞工組織、臺灣及國際媒體、公民社會團體等多方資料及Transparentem即將公布的調查報告，顯見移工為取得在臺工作機會，多必須支付來源國仲介高額費用，進而背負沉重債務。抵臺後，更往往面臨不當對待與惡劣的勞動生活條件，包括行動自由受限、身分證件遭扣押、過度加班等情況。此外，當移工試圖爭取更好的勞動條件或希望更換雇主時，尚可能面臨遣返之風險。

此等情況不僅阻礙臺灣企業長期的永續發展，亦可能影響仰賴臺灣供應鏈的國際企業。在全球日益關注人權保障之趨勢下，許多國家已逐步強化涉及強迫勞動商品的進口管制，無論其強迫勞動成分多少。越來越多政府、企業與具社會責任意識的消費者開始重視全球供應鏈中的人權保障，對企業盡職調查 (corporate due diligence) 的要求也愈加嚴格。若臺灣能積極展現對永續發展與員工福祉的重視，無疑將大幅提升外資吸引力，有助穩固全球企業的投資，並樹立別於其他經濟體的標竿形象。

多年來，臺灣政府為保障移工權益推行的政策，如成立直接聘僱聯合服務中心、設立1955勞工諮詢申訴專線，以及長期建議來源國招聘費用不得超過月薪額度等，均實屬可貴。我們亦欣見臺灣與美國根據2023年6月簽署的「臺美21世紀貿易倡議」，依照協定承諾，「採取或維持相關措施，免除移工承擔招聘費用及其他相關費用」。

惟現行制度尚有改善之空間。為進一步保障移工人權，提升全球供應鏈下游廠商對臺之信心，確保在臺移工獲得適當保護，杜絕不良聘僱與惡劣勞動條件等問題，僅此提出以下建議，並呼籲臺灣政府公開承諾具體的時程表，以期達成下列目標：

- 一、 修法明確禁止移工在臺或來源國承擔任何費用，包括現行法律允許臺灣人力仲介每月收取的服務費。
- 二、 保障勞工結社自由，確保移工參與工會或具民主代表性的獨立工人組織的權利，維護其基本權益。

三、與勞工團體合作，藉由與移工輸出國簽訂具約束力之協議，推動公平僱用機制，徹底杜絕強迫勞動，實質保障移工權益。

四、修訂轉換雇主的相關規定，允許移工在合約期間或合約終止後得輕易轉換雇主。

五、提供執法機構充足且適切的資源與授權，確保其針對不當對待及招聘相關問題深入調查與咎責。

六、違反《就業服務法》收取非法費用之臺灣及外國人力招聘機構，應予以吊銷許可執照。

七、保障所有勞工（包括移工）仲裁管道之近用權，確保其申訴能快速且有效處理。

八、擴大、改善並優先推廣政府直接聘僱服務中心（DHSC）之服務，簡化流程、提升效率及便利性，將其作為外籍移工聘僱的主要管道。

九、檢視並修正國家及地方政策，確保移工享有與本國勞動人口相同的待遇及勞動條件。

此函旨在懇請貴部安排會議，共同討論上述議題。我們深信，多方合作對於在臺推動符合倫理與永續發展的商業實踐至關重要，不僅將改善勞工福祉，亦有助於強化臺灣經濟韌性，協助企業應對永續發展所帶來的挑戰，並在全球日益重視人權盡職調查之趨勢下，提升臺灣的國際競爭力。

敬請貴部惠予審酌，並儘速回覆為盼。

謹此敬呈

簽署團體及個人名單（依字母順序排列）：



Above Ground, a project of MakeWay

African Law Foundation (AFRILAW)

國際特赦組織台灣分會 Amnesty International Taiwan

Peter Bengtsen, Migrant Worker Investigative Reporter

Corporate Accountability Lab

Dignity In Work For All

Empower

Andy Hall, Migrant Worker Rights Specialist

Interfaith Center on Corporate Responsibility

Just Ground

Dr Bonny Ling, Senior Nonresident Fellow, University of Nottingham,

Taiwan Research Hub (凌怡華博士)

Migrant Worker Rights Network (M.W.R.N)

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Proyecto de Derechos Económicos, Sociales y Culturales (ProDESC)

桃園市群眾服務協會 Serve the People Association

台灣人權促進會 Taiwan Association for Human Rights

Transparentem

Ugnayan Migrant Ministry

Verité

越南移工移民辦公室 Vietnamese Migrant Workers and Immigrants Office

Work Better Innovations