

Research on the Protection of Labor Rights and Benefits of Taiwanese Working Abroad –Case Study of Working in the Philippines

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Authors' contributions

This work was carried out in collaboration between both authors. Both authors read and approved the final manuscript.

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ABSTRACT

Under the influence of rapid economic development and policy, the tendency of Taiwanese to go overseas for employment has gradually increased. However, in the face of limited foreign legal protection and the inability to extend the application of relevant domestic labor laws, there is currently a lack of protection for nationals working overseas; on the contrary, the Philippines, a major labor force going abroad adjacent to Taiwan (ROC), has plans for regulations, insurance systems, and care after returning to the country. It can be said that the protection of the rights and benefits of overseas workers is relatively sound. This paper reviews the literature and relevant laws and regulations, and cooperates with in-depth interviews to understand the labor rights issues that Taiwanese may face in overseas employment, and compare the differences in the systems of the two countries. We look forward to identifying the experience and methods that Taiwan (ROC) can use as a reference, and putting forward suggestions for policy and system improvements.

Keywords: Overseas employment; protection of labor rights.

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1. INTRODUCTION

With the rapid development of the global economy and the loosening of Taiwan's (ROC) economic policies, since the government opened up indirect investment to the mainland in the 1990s, Taiwanese businessmen began to invest on the other side. In 2015, the "new southward policy" also attracted private enterprises to turn to Southeast Asia investment in setting up factories, and enterprises have offered many excellent salary packages to attract talents. Regarding the trend of Taiwanese going overseas for employment, according to the statistics from the Comptroller's Office of the Executive Yuan, in 2019, there are a total of 739,000 people working overseas, accounting for 6.4% of the total employed population (11.5 million) that year, and the number has been continuous increased for five years since 2015 Fig. 1 below. Among them, mainland China, including Hong Kong and Macau accounted for 395,000 (53.4%), a decrease of 9,000 (2.2%) people from the same period last year, and the number of Southeast Asia was 120,000 people (16.2%), which was increase of 8,000 (6.8%) from the same period last year [1]. Statistics show that more and more Taiwanese choose to work overseas, and the employment opportunities have gradually shifted from the original Chinese mainland market to Southeast Asia.

The Taiwan (ROC) government lacks existing protection for nationals who go to work overseas. Since it is not a labor exporting country and the domestic labor law adopts "territorialism," it only applies to workers employed in Taiwan (ROC)

institutions, and both local and foreign workers are protected by domestic labor laws; on the contrary, if the labor is directly employed by an overseas company, it should abide by the laws of that country, and Taiwan (ROC) laws cannot be extended overseas. In addition, the Taiwan (ROC) government has not signed a bilateral agreement with any country, so currently only the Emergency Contact Center of the Ministry of Foreign Affairs is responsible for contacting and handling emergency relief incidents for foreigners in the country. Communicating with government agencies in the country, however, if the labor issues of both parties involve the judicial proceedings of the country, or if they are fighting for more than what the nationals of the country can enjoy, assistance will be excluded. Due to the interaction of various reasons, the protection of the rights and benefits of Taiwanese working overseas is very fragile. This phenomenon is very concerning.

It is observed that among the ASEAN countries adjacent to Taiwan (ROC), Cambodia, Indonesia, Laos, Myanmar, the Philippines, Vietnam and Thailand all have foreign labor exports, among which the Philippines has long been the largest source of labor in Asia [2]. These overseas Filipino Workers (OFWs) bring back large overseas remittances every year, which is the source of foreign exchange income of the Philippines. It is considered to have a key role in the country's economic development and social stability. The rights and benefits of overseas workers also provide voluntary social insurance to cover their retirement care needs after returning to the country. The protection of overseas workers can be said to be in an internationally leading position [3].

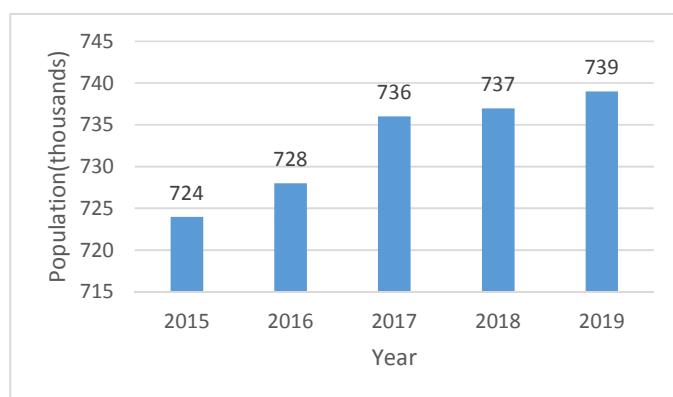


Fig. 1. The population of overseas employment

In the face of Taiwan's (ROC) industrial structure changes, job opportunities liberalization and globalization, the trend of Taiwan nationals going overseas for employment is bound to grow more vigorously. It is indeed necessary to think about how to protect the rights and benefits of these people. What kind of labor rights issues might this group of Taiwanese who go abroad to be employed in overseas businesses face? When encountering related labor disputes (such as welfare, seniority calculation, pension), does the home country have relevant laws and regulations to protect rights? In summary, the research purposes and questions of this study are as follows:

1. Discuss Taiwan's (ROC) and the Philippines' protections of the rights and benefits of nationals who work overseas.
2. Discuss the labor rights issues actually faced by Taiwanese who go to work overseas and their views and expectations on the protection of their labor rights.
3. Comparing Taiwan's (ROC) laws and regulations with the labor rights issues faced by Taiwanese who go to work overseas, based on the experience and practices of the Philippines, and put forward suggestions for improvement in Taiwan's (ROC) system.

1.1 Research Methodology

In order to understand Taiwan's (ROC) protection of the rights and benefits of nationals who are going to work overseas, and taking the Philippines as a reference, this paper adopts the case study and comparative study as the research method and collects and reviews the domestic Ministry of Labor, Ministry of Foreign Affairs, Legislative Yuan and other relevant unit

policies and the research done by scholars in the past to analyze and summarize the literature. In addition, in order to explore the labor rights issues faced by Taiwan nationals who are going to work overseas and their views and expectations about their own labor rights protection, this study used purposive sampling to invite a chef who was hired to work in the Philippines after working in Taiwan for 4 years to conduct an in-depth interview (please refer to Appendix 1 for the relevant interview outline). In order to maintain the interview flexibility, semi-structured in-depth interviews will be conducted, and the collected data will be analyzed and summarized through discourse analysis. Research process please see Fig. 2.

1.2 Research Limitations

Regarding research limitations, this study only interviewed one white-collar respondent who went to work overseas. Therefore, the sample number is small and it may be under-represented, and cannot show the possible differences in labor conditions among blue-collar and white-collar workers. If there is an opportunity in the future, we shall look forward to finding more nationals who are going to work overseas.

2. LITERATURE REVIEW

2.1 The Current Situation and Labor Rights Protection of Taiwanese (ROC) Nationals Going to Work Overseas

Under the influence of globalization and liberalization, international human mobility is not as restricted as in the past. The Taiwanese (ROC) people go to work overseas in diverse forms and

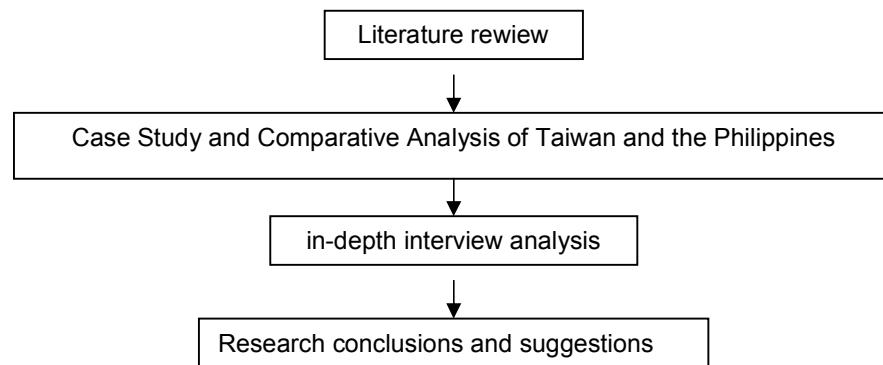


Fig. 2. Research process

for different purposes. In addition to dispatching enterprises and contacting overseas workers on their own, there are also other methods such as private agency intermediaries, international exchanges, and part-time work while on vacation. In 2013, the Ministry of Labor surveyed the employment data of legal private intermediary companies for nationals to go overseas. Among them, there were 28,990 job seekers, 13,379 career seekers, and 1,376 job referrals [4]; since 2004, the Ministry of Foreign Affairs has promoted the youth vacation work program, which has attracted more than 310,000 Taiwanese (ROC) youth to participate [5]; according to the latest statistics of the Comptroller and Accounting Office of the Executive Yuan in 2018, a total of 737,000 people went to work in other countries. It shows that the attitude and feeling of Taiwan nationals towards overseas employment is becoming more and more open.

In the face of the prosperity of overseas employment, the government has always lacked clear statistical information on the employment situation of Taiwan nationals overseas. The current statistical data generated uses the method of transporting user registration files to link the country's entry and exit files and calculating the individual's status in each country (region) based on the number of days of stay. First, select those who stay overseas for 90 days frequently or continuously, and then select the first batch of populations mentioned above, and then link their labor insurance files and national health insurance files based on individual labor insurance status, age, and education to determine whether to work overseas (see Fig. 3 below¹). Even so, this estimation result cannot truly reveal the information of Taiwan nationals working overseas, and the level of difficulty in obtaining real statistical data is still high. The reason is that Taiwan (ROC) is a free employment market country, and the citizens have the absolute right not to be interfered with in the time, place, method, and industry of their employment. The government cannot force Taiwanese citizens to provide data on what kind of work they do when they leave the country. It can only encourage people to go online or register at embassies abroad, but the actual implementation effect is not clear. The people generally believe that if the government is

notified that they are working abroad, it may cause problems such as salary income tax returns, so the willingness to proactively inform is not high.

Regarding the protection of the labor rights of nationals who go to work overseas, there is currently no clear domestic law stipulating the obligations and rights of overseas workers. The "Labor Standards Act" of Taiwan (ROC) is a domestic law, and institutions within the territory of the country shall abide by the labor laws and regulations for the workers they employ. Therefore, when a Taiwanese (ROC) person goes to work overseas, if he signs a labor contract with a domestic company in Taiwan (ROC) and then is sent overseas, his/her labor rights and working conditions are still protected by the Labor Law; however, if a Taiwanese person goes overseas to establish a labor contract with an overseas institution and agrees to provide labor services in the place, the labor rights and labor conditions of the place should be based on the labor laws and contract content in that place.

When domestic laws cannot be extended to foreign countries, the central ministries and committees can only provide information related to overseas work in accordance with their respective functions and powers; for example, the Council of Labor Affairs of the Executive Yuan, the predecessor of the Ministry of Labor, published the "Mainland Labor Laws and Practices and Case Reference Manual" in 2013 which provides the detailed explanations for different national conditions and labor laws on both sides of the strait, in order to enable Taiwan nationals to understand the labor rights and precautions of working on the mainland; it established a "Overseas Employment Resource Center" website to provide the information of wages, working hours, and labor insurance in various countries and the information on the labor environment and labor laws and regulations such as retirement regulations, especially the information of the national archives and labor dispute complaints, consultation or rescue information of countries that have signed a working holiday agreement with Taiwan (ROC), for the reference of young friends who are planning to go abroad for working and holiday; separately listed in detail, a list of legally licensed intermediary agencies (private employment service agencies) to assist job-seekers to use legal job-hunting channels to protect their rights and benefits; finally, it also provides overseas

¹ Manpower Survey Section, Department of Census (2020). Statistics on the number of Chinese people working overseas in 2019. Taipei: Directorate General of Budget, Accounting & Statistics (DGBAS), Executive Yuan.

emergency contact information of the Ministry of Foreign Affairs through the 24-hour emergency hotline for foreigners on duty, print the "Emergency Contact Number and Address Book for Foreign Missions," "Practical Handbook for Traveling Abroad Safety" and "Emergency Relief Card for Foreigners," and develop a smart mobile device "Foreign Rescue Guide" APP for those overseas in need of emergency assistance.

In addition, regarding the issue of whether nationals who go to work overseas can participate in labor insurance, the current domestic labor insurance regulations are on-the-job insurance, and the implementation area is the "Taiwan and Fujian region." The qualification is determined based on whether the worker has an employment relationship with the company established in the Taiwan and Fujian region. Therefore, those dispatched from a domestic business to overseas services can continue to take out labor insurance through the company if they are still under the supervision and management of the original company and paid during the period of going abroad, and the two parties have an employment relationship. However, if the company grants workers with "retention without pay" or the labor relationship has been terminated, the workers will be transferred to an overseas branch or affiliated company workers, and those who work during school vacations and those who are employed in overseas institutions will be excluded from the application of labor insurance. For workers who live and work abroad for a long time, if they are still insured by the professional trade union, they should surrender the insurance as soon as possible. If the Bureau of Labor Insurance finds they are illegally insured, according to Article 24 of the Labor Insurance Regulations, the insured unit is considered to have deliberately violated the provisions of this Regulation. The insurer shall recover the insured person according to the law and cancel the qualification of the insured person who goes through the insurance procedures and receives insurance benefits.

Since October 2008, as long as the nationals of the Republic of China have a household registration in the country, they are over 25 years old and under 65 years old, and those who have not participated in labor insurance, civil servant and teacher insurance, military personnel insurance, or farmer health insurance, they will face a compulsory requirement to join the national pension insurance according to law. So, if they will work overseas, the nationals who do

not participate in the above insurance categories will be covered by the national insurance. If the insurance premiums are paid in accordance with the regulations during the national pension insurance period, in the case of childbirth, severe physical or mental disabilities or fatal accidents, even if the person is abroad, he/she can still apply for the national pension. When they reach the age of 65, they can claim the old-age pension according to the provisions of the National Pension Law; and those who have worked for 15 years with labor insurance can also claim the old-age pension for the labor insurance.

In the past, the domestic academic researches literature on the overseas employment of Taiwan nationals seldom discussed the protection of overseas employment rights and benefits. Most of them focused on the factors of overseas employment. The other literature is about the feasibility and practice of Taiwan (ROC) signing country-to-country social security agreements with other countries, research issues such as cross-border social insurance double payment and seniority totalization [6][7]. Since Taiwan (ROC) still involves sovereignty issues in the international community, there is still no country willing to sign relevant social security agreements with Taiwan (ROC).

2.2 The Current Situation and Labor Rights Protection of Philippine Nationals Going to Work Overseas

Since the 1970s, the Philippines began to encourage Chinese people to work overseas to earn foreign exchange for the country. In 1974, the Philippine government first passed the Labor Code of the Philippines, and then established the Philippines Overseas Employment Administration (POEA), and enacted the "Migrant Workers and Overseas Filipinos Act of 1995" in 1995, officially becoming a major international exporter of migrant workers.

According to official statistics, 43.5 million of the 71.9 million working population over 15 years old in the Philippines in 2018 were employed, and the labor participation rate was 60.6% [8]. In further understanding, there are approximately 2.3 million Overseas Filipino Workers (OFWs) in the employed population, and Overseas Contract Workers (OCWs) who have obtained valid labor contracts account for approximately 96.2% of them. As of September 2018, the total remittances brought back by these overseas Filipino workers to the Philippines totaled 235.9

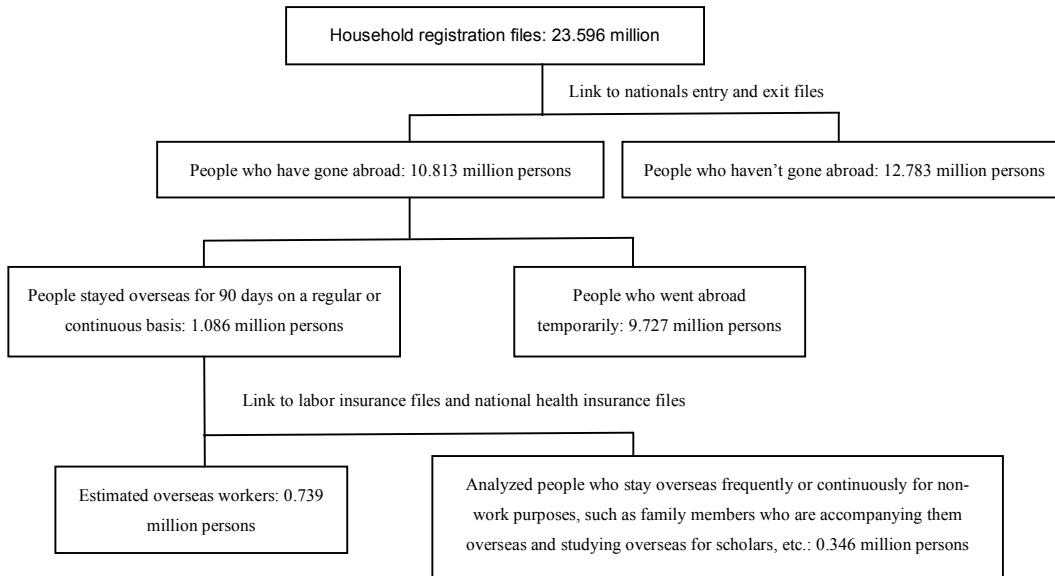


Fig. 3. Flow chart for the compilation of estimates and statistics on the number of Taiwanese working overseas in 2019

Data source: *Statistical results on the number of Chinese working overseas in 2019*

billion pesos (approximately US\$4.65 billion), accounting for 12% of GDP. In terms of the ratio of OFWs in overseas countries, Saudi Arabia has the largest number (22.4%), followed by the United Arab Emirates (13.2%), Hong Kong (7.5%) and Taiwan (ROC) (6.7%) [9].

The Philippine Constitution clearly stipulates that the welfare and rights of overseas Filipinos should be protected from infringement. It is believed that the government must provide a comprehensive mechanism to protect labor rights during the migration process. Therefore, the private employment agencies that intermediary laborers go to work overseas are subject to three major issues. The regulations stipulate that they are the "Overseas Workers and Overseas Filipinos Act 1995," the "Labor Code" (Presidential Decree No. 442) and the "Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers" [10].

The Philippines has also established government departments to strengthen the management of overseas labor export and the protection of labor rights. The relevant units include: 1. The Philippine Overseas Employment Administration (POEA): mainly deals with intermediary industry regulations, employment promotion, labor

protection, general administration and support services. 2. Philippine Overseas Workers Welfare Administration (OWWA): it is the social welfare institution that protects OFWs, including guaranteeing its welfare, fighting for welfare, and the reliability of funds. 3. Commission on Filipinos Overseas (CFO): it provides relevant promotion plans and policies for the Philippine overseas development and immigration communities [11].

The Philippine government is very cautious about nationals working overseas. Filipinos must meet certain qualifications before they can apply for overseas employment.² Through legal intermediaries or applying to the Overseas Employment Administration (POEA), in order to implement a fair recruitment mechanism and combat illegal intermediaries to curb abuses, the following measures are proposed for domestic intermediaries: 1. continue to provide relevant training plans for intermediaries; 2. add a high-quality management system to the recruitment mechanism to assist private intermediaries to establish a good management system; 3. assist

² On-the-road labor: At least 18 years old, graduated from high school, and two years of work experience; (for the first application) offshore labor: No more than one year of offshore work experience, or more than two years of on-road labor experience.

private intermediaries to establish relevant ethics standards to avoid becoming an accomplice in human trafficking [12].

As Filipino workers who go to work overseas are often reported to have been abused or even died, especially low-skilled blue-collar workers who have been illegally recruited abroad, they often face high intermediary fees, delayed or insufficient payment of wages, confiscation of passports, work in response to problems such as poor living conditions, the Philippine government has issued a deployment ban to countries with weak migration protection records to limit their recruitment costs, and actively sign agreements between bilateral governments to establish overseas labor offices, and look forward to negotiating better working conditions with rival countries to protect the labor rights and benefits of migrant workers in the Philippines. For example, the Philippines and Saudi Arabia successfully reached a memorandum in 2012, which stipulated that the monthly minimum wage for migrant workers in the Philippines was US\$400, which is the first case in the region [13]. At present, the Philippines has signed social security agreements with 22 countries. The main content and time of the agreements are as follows in Table 1.

According to Section 37-A of the RA10022 Regulation, Philippine workers are required to participate in compulsory insurance before being assigned to work overseas. The expenses shall be paid by the Philippine intermediary company and cannot be passed on to the workers. The main insurance coverage includes [14]:

- A. In case of accidental death, the beneficiary of the insurance can receive at least USD 15,000 in compensation.
- B. Natural death, at least USD 10,000 can be claimed.
- C. Permanent disability, including loss of vision in both eyes, loss of two limbs or irreversible paralysis, incurable mental illness, or brain injury, at least US\$7,500 can be claimed.
- D. Expenses attributable to the employer's termination of contract and repatriation, as well as the subsequent disposal expenses of the unfortunate death of the worker.
- E. Workers are involved in litigation because they are fighting for their rights. During the litigation period, they have at least US\$100

per month in living allowance and can claim up to 6 months.

- F. The monetary compensation caused by the employer's liability shall be paid to the worker after being determined by the National Labor Relations Commission (National Labor Relations Commission, NLRC). The insurance coverage of the monetary compensation shall be at least equivalent to the amount of the three months specified in the migrant work contract.

In addition, in response to Taiwan's (ROC) "Policy of Not Going Abroad for Renewal of Employment upon Expiration," the Philippines launched the "Re-Hired Voluntary Insurance Program for Filipino Workers" in 2018, the applicable objects include Filipino workers who are renewed by the original employer after the expiration of the term and are renewed by the new employer. The insurance cost is approximately NT\$6,600 (US\$216). The workers need to apply for insurance through three insurance companies approved by the Philippines. The Manila Economic and Cultural Office (MECO) stated that the current plan is in the initial stage of implementation, and the employers are therefore "encouraged" to pay for insurance premiums. If employers are unwilling to pay, the workers can pay [15].

In terms of pensions, the Philippine state-operated Social Security System (Social Security System, SSS) provides seven types of benefits including sickness, childbirth, illness, retirement, funeral, death and unemployment, and three types of loans for salary, education, and business. In the past, overseas Filipino workers could choose whether to join SSS. However, the February 2019 amendment stipulates that it is mandatory to join. Currently, the workers are required to provide 12% of their monthly salary for payment (960~2400 pesos) to ensure the future pension of OFWs, and the government departments are still planning the other related measures. In this regard, some opposition voices stated that mandatory pensions are an additional burden for OFWs. Therefore, as at the end of March 2019, the 325,000 overseas Filipino workers contributed to the SSS fund, which only accounts for 14.13% of the 2.3 million of overseas employees estimated by the Bureau of Statistics of the Philippines in September 2018 [16].

Table 1. The main agreement content and time of the signing of social security agreements between the Philippines and other countries

Country	Social security agreement English name/key points of agreement	Date of signature
Bahrain	Memorandum of Agreement Between the Republic of the Philippines and the Kingdom of Bahrain on Health Services Cooperation	2007.4.24
Canada Alberta	Memorandum of Agreement Between the Republic of the Philippines (DOLE) and The Ministry of Employment and Immigration of Alberta (E&I) Concerning Cooperation in Human Resource Deployment and Development Draft of Implementing Guidelines for the Memorandum of Understanding with British Columbia and Alberta	2008.10.1
Canada British Columbia	Memorandum of Understanding Between the Department of Labour and Employment of the Government of the Republic of the Philippines (DOLE) and The Ministry of Economic Development of the Government of British Columbia, Canada (ECDV) Concerning Co-Operation in Human Resource Deployment and Development	2008.1.29
Canada Manitoba	Memorandum of Understanding Between The Department of Labour and Employment of the Government of the Republic of the Philippines (DOLE) and The Department of Labour and Immigration of the Government of Manitoba, Canada(LIM) Concerning: Co-Operation in Human Resource and Deployment Memorandum of Understanding Between The Department of Labor and Employment of the Republic of the Philippines (DOLE) and The Department of Labour and Immigration of the Government of Manitoba, Canada Concerning: Co-Operation in Human Resource Deployment and Development Guidelines for the Implementation of the Memorandum of Understanding Between The Department of Labor and Employment of the Republic of the Philippines (DOLE) and The Department of Labour and Immigration of the Government of Manitoba, Canada Concerning: Co-Operation in Human Resource Deployment and Development	2008.2.8 2010.9.21 2010.9.21
Canada Saskatchewan	Memorandum of Understanding Between the Republic of the Philippines (DOLE) and Her Majesty The Queen in the Right of the Province of Saskatchewan as represented by the Minister Responsible for Immigration and the Minister of Advanced Education and Employment (AEE) Concerning Cooperation in the Fields of Labour, Employment and Human Resource Development	2006.12.18
Commonwealth of the Northern Mariana Islands (CNMI)	Memorandum of Understanding Between the Republic of the Philippines (DOLE) and The Commonwealth of the Northern Mariana Islands (CNMI)	2000.12.18
Indonesia	Memorandum of Understanding Between the Republic of the Philippines (DOLE) and the Department of Manpower and Transmigration of the Republic of Indonesia Concerning Migrant Workers	2003.1.18
Iraq	Memorandum of Agreement Relating to Mobilization of Manpower Between the Republic of the Philippines and the Republic of Iraq	1982.11.25
Japan	Memorandum of Understanding Between the Philippine Overseas Employment Administration and the Japan International Cooperation of Welfare Services on the Deployment and Acceptance of Filipino Candidates (JPEPA)	2009.1.12
Jordan	Memorandum of Understanding Between the Minister of Labor of the Republic of the Philippines and the Minister of Labor of the Hashemite Kingdom of Jordan Agreement on Manpower Between the Government of the Republic of the Philippines and the Government of the Hashemite Kingdom of	1981.12.5 1988.12.3

Country	Social security agreement English name/key points of agreement	Date of signature
Jordan	Memorandum of Understanding on Labor Cooperation Between the Government of the Hashemite Kingdom of Jordan Represented by the Ministry of Labor and the Government of the Republic of the Philippines Represented by the Department of Labor and Employment	2010.5.27
	Principles and Controls for Regulating Deployment and Employment of Filipino Domestic Workers between the Government of the Hashemite Kingdom of Jordan/ Ministry of Labor and the Government of the Republic of the Philippines/ Department of Labor and Employment	2012.1.29
Korea	Memorandum of Understanding Between the Department of Labor of the Philippines and the Ministry of Labor of the Republic of Korea on the Sending of Workers to the Republic of Korea	2004.4.23
	Memorandum of Agreement Between the Republic of the Philippines and the Republic of Korea	2005.12.15
	Memorandum of Understanding Between the Department of Labor and Employment of the Philippines and the Ministry of Labor of the Republic of Korea on the Sending and Receiving of Workers to the Republic of Korea under the Employment Permit System	2006.10.20
	Memorandum of Understanding between the Ministry of Labor, Republic of Korea and the Department of Labor and Employment, Republic of the Philippines on Cooperation in the Field of Labor and Manpower Development	2009.5.30
	Memorandum of Understanding between the Department of Labor and Employment, Republic of the Philippines and the Ministry of Labor, Republic of Korea on the Sending and Receiving of Workers under the Employment Permit System of Korea	2009.5.30
	Memorandum of Understanding on Labor and Manpower Development Between the Government of the Republic of the Philippines and the Government of the State of Kuwait	1997.9.14
LAO PDR	Memorandum of Understanding Between the Department of Foreign Affairs of the Republic of the Philippines and the Ministry of Foreign Affairs of the State of Kuwait on the Establishment of Bilateral Consultations	2005.7.27
	Memorandum of Understanding on Technical Cooperation on Labor and Employment Between the Government of the Republic of the Philippines and the Government of the Lao People's Democratic Republic	
Lebanon	Memorandum of Understanding on Labor Cooperation Between the Government of the Republic of the Philippines Represented by the Department of Labor and Employment and the Government of the Republic of Lebanon Represented by the Ministry of Labor (Annex A Protocol to the Memorandum) (with Arabic Version)	2012.2.1
Libya	Memorandum of Understanding on Labor Cooperation Between the Government of the Republic of the Philippines Represented by the Department of Labor and Employment and the Government of the Republic of Lebanon Represented by the Ministry of Labor (Annex A Protocol to the Memorandum) (with Arabic Version)	1979.10.18
	Memorandum of Understanding Between the Philippines and Libya (with Arabic Version)	2006.7.17
New Zealand	Memorandum of Agreement on Labour Cooperation Between the Government of the republic of the Philippines and the Government of New Zealand	2008.11.4
Norway	Agreement Between POEA and the Directorate of Labour Norway on Transnational Co-Operation for Recruiting Professionals from the Health Sector to Positions in Norway	2001.6.26

Country	Social security agreement English name/key points of agreement	Date of signature
Papua New Guinea (PNG)	Memorandum of Understanding Between the Philippines and Papua New Guinea	1979.3.14
Quatar	Agreement Between the Government of the Republic of the Philippines and the Government of the State of Qatar Concerning Filipino Manpower Employment in the State of Qatar Additional Protocol to the Agreement between the Government of the Republic of the Philippines and the Government of the State of Qatar Concerning Filipino Manpower Employment in the State of Qatar signed on 10 March 1997	1997.5.10 2008.10.18
Spain	Memorandum of Understanding on Cooperation for the Management of the Migration Flows Between the Ministry of Labor and Social Affairs of the Kingdom of Spain and the Ministry of Labor and Employment of the Republic of the Philippines (English Version & Spanish Version)	2006.6.29
Switzerland	Agreement Between the Government of the Republic of the Philippines and the Swiss Federal Council on Exchange of Professional and Technical Trainees	2002.7.2
Taiwan (ROC)	Memorandum of Understanding between the Manila Economic and Cultural Office (MECO) in Taipei and the Taipei Economic and Cultural Office (TECO) in the Philippines regarding the Special Hiring Workers Memorandum of Understanding on Special Hiring Program for Taiwan Between the Manila Economic and Cultural Office in Taipei (MECO) and the Taipei Economic and Cultural Office (TECO) in the Philippines Memorandum of Understanding on Special Hiring Program for Taiwan Between the Manila Economic and Cultural Office (MECO) in Taipei and the Taipei Economic and Cultural Office (TECO) in the Philippines Joint Implementing Guidelines of the Special Hiring Program for Taiwan (SHPT) for the implementation of the International Direct E-Recruitment System (IDES)	1999.9.3 2001.1.12 2003.3.20 2015.8.3
United Arab Emirates (UAE)	Memorandum of Understanding between the Government of the Republic of the Philippines and the Government of the United Arab Emirates in the Field of Manpower MoU between RP and UAE in the Field of Manpower (Arabic)	2007.4.9
United Kingdom (UK)	Memorandum of Understanding between the Government of the Philippines and the Government of the Kingdom of Great Britain and Northern Ireland on Healthcare Cooperation Recruitment Agreement Between the Government of the Republic of the Philippines and the Government of the United Kingdom of Great Britain and Northern Ireland	2003.7.30 2002.1.8
USA	Agreement Between the Government of the Republic of the Philippines and the Government of the United States of America Relating to the Recruitment and Employment of Philippines Citizens by US Military Forces and Contractors of Military and Civilian Agencies of the US Government in Certain Areas of the Pacific and the Southeast Asia	1968.12.28

Data source: Philippine Overseas Employment Administration [17]. Bilateral Labor Agreements (Land based). Retrieved from <http://www.poea.gov.ph/laborinfo/bLB.html>

For returning Filipino workers, the Department of Labor and Employment (DOLE) established the National Reintegration Center for Overseas Filipino Workers (NRCO) to promote the returning Filipinos back to the local employment, to provide the social and economic support, including solving

family needs, psychological counseling, organizing overseas workers' family circles and youth groups, emergency cash financial assistance, and entrepreneurial business loans, etc.³

³ It is stipulated in Sections 17 and 18 of RA10022.

Combining the above-mentioned policies and regulations of Taiwan (ROC) and the Philippines for Chinese citizens going abroad, they are compiled into the following Table 2.

2.3 Summary

2.3.1 Laws and regulations

Since it is not a labor exporting country, Taiwan (ROC) currently does not have an independent and complete set of administrative systems and regulations to follow for the rights, obligations and protections of those who go to work overseas. At the legal aspect, private employment services institutions are regulated through the Employment Service Act, and the list of legal operators is listed for inquiries; At the institution aspect, the Executive Yuan generates estimates and statistics on the number of people working overseas, the counterparts of the Ministry of Foreign Affairs conduct cross-border contacts and agreements, and the Ministry of Labor provides information about overseas work. In other words, the Taiwan (ROC) government has not yet established an effective management system for the overseas employment of nationals. At present, each ministry still manages and provides relevant information in accordance with its powers. Inter-ministerial integration and division of work are not carried out. As a result, the information acquisition channels may be too fragmented, which will lead to mismatch of information between employers and employees, even various departments may shirk responsibilities each other when people ask for help, which is relatively unfriendly to people who go to work overseas.

Different from the national conditions of Taiwan (ROC), the Philippines has been exporting labor since the 1970s, and has established an independent legal system to facilitate integrated management for a long time. The level of regulations includes three laws, which are "Overseas Workers and Overseas Filipinos Act 1995," the "Labor Code" (Presidential Decree No. 442) and the "Rules and Regulations Governing the Recruitment and Employment of Land-based Overseas Workers". There are also Philippine Overseas Employment Administration (POEA), Philippine Overseas Workers Welfare Administration(OWWA), Commission on Filipinos Overseas (CFO) and other government departments to manage intermediary agencies, apply for overseas employment, and negotiate with counterpart governments. The Philippines

has become protecting overseas labor through direct legislation. According to the law, government departments divide the work and administration, so they can integrate planning-related systems and can also grasp the number and general situation of overseas Filipinos.

2.3.2 Social insurance institutions

On the social insurance level, those who meet the regulations and expatriate by a Taiwan (ROC) company can join the same labor insurance renewal. Those who do not qualify for the legal will be disqualified from the insurer and the insurance benefits they have received will be refunded; For nationals of the ROC that over 25 years old and under 65 years old, those who have not participated in labor insurance, civil servant and teacher insurance, military personnel insurance, or farmer health insurance, have paid the national pension fee in accordance with the regulations during the period of employment in foreign institutions will be included in the national pension. When encountering a related benefit incident, even if the person is abroad, he can still apply for the national pension related benefit. Although Taiwan (ROC) does not provide independent social insurance for nationals who go to work overseas, the National Pension System does provide basic social security. No matter where the incident occurs, people can still claim benefits. This design makes the system more close to the people, it can still take care of the rights and benefits of nationals who go abroad.

The practice in the Philippines is to set up exclusive social insurance to force Philippine workers to join in accordance with the law. This insurance covers accidental injuries or deaths and to compensation for employment contract disputes. It can be said to be quite comprehensive. In addition, in response to individual national policies, the Philippine government has also initiated insurance plans of varying degrees to respond. The social insurance system is relatively flexible. Regarding pensions, the Philippine government requires overseas Filipino workers to join the Social Security System (SSS), and asks workers to pay 12% of their monthly salary as a pension. This has caused a lot of opposition, saying that mandatory pensions have generally caused low monthly wages. Becoming a burden on OFWs

Table 2. Policies and regulations of Taiwan (ROC) and the Philippines for overseas Chinese

		Taiwan (ROC)	Philippines
The mastery method of nationals overseas employment		Encourage the Taiwanese citizens to report to government units on their own, and transport user registration files to link national entry and exit files, labor insurance files, national health insurance documents and other relevant official registration data for estimation	Chinese citizens need to apply through a legal intermediary agency or apply to the Philippine Overseas Employment Authority (POEA) to work overseas
Domestic		<ol style="list-style-type: none"> 1. Application of laws and regulations: the domestic laws and regulations cannot order to stipulate the obligations and rights of overseas employment 2. Intermediary management: The Employment Service Law stipulates that private employment service organizations need to be issued a license by the Ministry of Labor before they can engage in intermediary services for intermediary of their own nationals to areas outside of Taiwan. 3. Government departments: each government department provides relevant overseas work information according to the functions and powers. Establish the "Overseas Employment Resource Center" website 	<ol style="list-style-type: none"> 1. Application of laws and regulations: "Migrant Workers and Overseas Filipinos Act of 1995," "Labor Code (Presidential Decree No. 442)", "Rules and Regulations 73 Governing the Recruitment and Employment of Land-based Overseas Workers" 2. Intermediary management: Through a legal intermediary agency or apply to the Overseas Employment Administration (POEA) 3. Government departments: Philippine Overseas Employment Authority (POEA), Overseas Workers Welfare Administration (OWWA), Commission on Filipinos Overseas (CFO)
Foreign		<ol style="list-style-type: none"> 1. Corresponding units: Information on the emergency service information of foreign units stationed abroad, the emergency contact center of the Ministry of Foreign Affairs, and the Mainland Affairs Council 2. Country-to-country agreement: signing holiday working agreements with 17 countries 	<ol style="list-style-type: none"> 1. Corresponding units: Philippine Overseas Labor Office 2. Country-to-country agreements: signing agreements with governments
Social insurance		<ol style="list-style-type: none"> 1. Renewable labor insurance when dispatching 2. Over 25 years old and under 65 years old, and those who have not participated in labor insurance, civil servant and teacher insurance, military personnel insurance, or farmer health insurance, will face a compulsory requirement to join the national pension insurance according to law 	<ol style="list-style-type: none"> 1. Section 37-A of Regulation RA10022 is mandatory to participate in insurance, and the voluntary insurance plan for Philippine workers to be renewed upon expiry 2. Mandatory participation in the Social Security System (SSS)
Return to one's country		There is no exclusive channel to help nationals return to the home-country labor market. Individuals have to find a job on their own or through the Taiwan Jobs website of the Ministry of Labor. The method is the same as the general public	The National Reintegration Center for Overseas Filipino Workers promotes returning Filipinos to return to local employment and alleviates the impact of forced repatriation due to accidents

Data source: researcher organized

2.3.3 The regulations of turn to the labor market after returning home

Regarding the assistance program for nationals to return to the labor market after returning to the country, the Philippine government has established the National Reintegration Center for Overseas Filipino Workers (NRCO) to provide social and economic support, which is quite significant for nationals who are forced to repatriate due to accidents. The assistance can prevent some social problems. Taiwan (ROC) is indeed quite weak in this part. The government does not provide triage job searching channels or employment counseling for returnees. Individuals must seek jobs on their own or through the Taiwan Jobs website of the Ministry of Labor. The method is no different from the general public.

3. ANALYSIS OF INTERVIEW RESULTS

In this paragraph, based on the interview outline drawn up in the second research question, a chef who was hired to work in the Philippines after working in Taiwan for 4 years was invited through a purposive sampling method, and the results were analyzed and summarized after semi-structured in-depth interviews.

- (1) White-collar workers work overtime, and there doesn't seem to be any regulations by the Philippine government.

The respondent said that because he is a high-level supervisor, he often works overtime and cannot rest. The mental pressure and overwork are the current conditions. Besides that, he does not feel that his labor rights have been violated. The Philippine government should have regulations governing foreign workers, but so far he has not encountered labor inspections and is not familiar with the Philippine system.

- (2) Maintain Taiwan's (ROC) basic social insurance and abandon the Philippine social insurance system

Respondents themselves don't care about the kind of social insurance they have. Taiwan (ROC) has a national pension in accordance with the law, and health insurance is renewed; the Philippines' social insurance is not high because the premium has to be paid in full, so it can choose not to insure.

- (3) You need to be self-reliant when you are abroad, and users must pay for protection

The interviewee said that he didn't care

when he heard some people complain that they are dissatisfied with the national pension system. Being in a foreign country would have some impact on labor rights. Assuming that the government provides more protection but requires taxation, he also thinks it is reasonable. If you want to enjoy protection, the user pays, instead of just enjoying rights without fulfilling obligations.

- (4) Expect the government to establish a backup mechanism in case of emergency In the face of the current wave of epidemic, interviewees expect that the Taiwanese (ROC) government can assist overseas Taiwanese whether they are returning to their country or due to their livelihood issues, and establish a more complete backup mechanism to protect citizens in times of crisis.

4. CONCLUSIONS

Based on the results of in-depth interviews, in contrast to current Taiwan (ROC) regulations and policies, and with reference to the practices of the Philippines, this paragraph puts forward research conclusions and suggestions for improvements in Taiwan (ROC) systems.

- (1) The Philippines is a labor exporting country, so it has forged an independent system, and the protection of rights and benefits is relatively complete; individual departments in Taiwan will implement different policies and operate independently, and the protection of rights and benefits is relatively lacking.

Taiwan (ROC) is not a labor exporting country, so the current number of nationals working abroad is not high. At present, individual ministries implement different policies, each working independently, and the protection of rights and benefits is relatively lacking. Although there is intermediary management and reviews on the domestic side, there are no related laws that regulate the rights and obligations of overseas employees, and social insurance also has different levels of applicable rules. On the foreign side, due to the political situation, Taiwan (ROC) can only set up representative offices in various countries through the Ministry of Foreign Affairs and foreign countries. In order to make contact with citizens, it is

impossible to sign a substantive and effective country-to-country bilateral agreement to protect the labor rights of overseas employees. In contrast, the Philippines has been a labor exporting country since the 1970s. Therefore, individual systems have been established for foreigners working abroad. In addition to legal regulations, the Philippines is also managed by independent institutions and social insurance rules. Various countries negotiate, set up overseas offices, and sign exclusive country-to-country agreements, which guarantee relatively complete protection of the rights and benefits of citizens working overseas.

- (2) In the face of different languages and cultures for overseas employment, there will also be different degrees of labor rights issues. The people expect the Taiwan government to establish a more complete backup mechanism.

Working overseas will inevitably result in some cultural shocks, and there will also be labor rights issues of varying degrees. From working overtime without overtime pay, to the worst as news reports about workers being exploited and abused by employers, plus natural disasters like covid-19, living abroad and how to protect yourself is still a big problem. In addition, it is indeed necessary for the government to establish a more complete backup mechanism, especially for citizens who are forced to repatriate due to accidents. It should also propose specific and appropriate ways to mitigate the impact of a crisis.

- (3) Establish and promote more systematic overseas work guidelines between government departments, reduce information inequity, and promote employment in more specific and appropriate ways upon the return of the Taiwanese.

When Taiwan nationals go to work overseas, government departments should establish and promote more systematic overseas employment guidelines, reduce information inequity, and break the current situation where various ministries are working independently, which makes Taiwan nationals unable to fully understand their own labor rights. The employment promotion of the returnees shall also be improved. Although the Overseas Employment Resource Center has set up a

special area for overseas talents to return to the country, it only refers to the Taiwan Jobs website. You can refer to the Philippines' assistance methods for returnees to establish an organization. Let returnees use what they have learned abroad, and provide socio-economic support during the transition period.

CONSENT

As per international standard or university standard, respondents' written consent has been collected and preserved by the authors0.

COMPETING INTERESTS

Authors have declared that no competing interests exist.

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APPENDIX 1

Interview Outline

Research objective 2: What are the labor rights issues faced by Taiwan nationals who go to work overseas and what are their views and expectations on the protection of their labor rights?

1. Did you encounter any labor rights violations when working abroad? Does the local government have any special legal norms or systems for foreigners?
2. What kind of social insurance do you have in Taiwan (ROC)? Did you join the local social insurance when working abroad? If yes, can you explain what kind of insurance and system it is? If not, can you explain the reason for not joining?
3. What is your opinion on the labor rights protection you currently have? Do you expect the Taiwan (ROC) government to provide any kind of protection for overseas employment?

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