

國立政治大學亞太研究英語碩士學位學程
College of Social Sciences
National Chengchi University

碩士論文

Master's Thesis

I Have it “Maid” in Taiwan: Runaway Filipino Domestic
Household Workers and Taiwan's Foreign Labor Policy



Student: Alex Wolfgram

Advisor: Hsiao-hung Nancy Chen

中華民國 2012 年 3 月

March, 2012

I Have it “Maid” in Taiwan: Runaway Filipino Domestic Household Workers and Taiwan’s Foreign Labor Policy

研究生：沃爾夫

Student: Alex Wolfgram

指導教授：陳小紅

Advisor: Hsiao-hung Nancy Chen

國立政治大學

亞太研究英語碩士學位學程

碩士論文

A Thesis

Submitted to International Master’s Program in Asia-Pacific Studies

National Chengchi University

In partial fulfillment of the Requirement

For the degree of Master in China Studies

中華民國 2012 年 3 月

March, 2012

TABLE OF CONTENTS

ACKNOWLEDGEMENTS

ABSTRACT

PREFACE

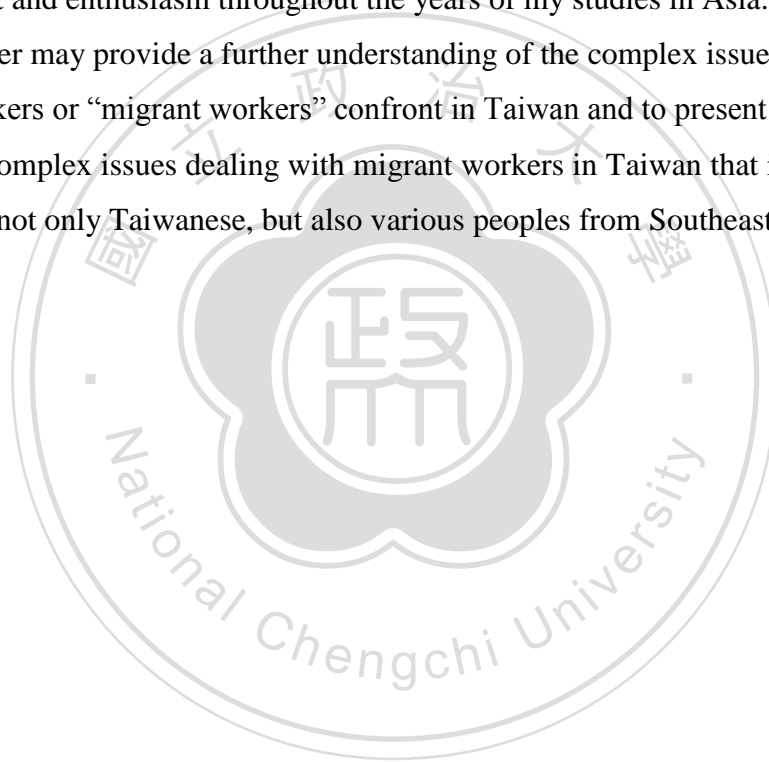
1. INTRODUCTION.....	9
1.1 Research Questions	
1.2 Methodology	
1.3 Challenges	
1.4 Background of Foreign Migrant Workers into Taiwan	
1.5 Why do Taiwanese Want Maids?	
2. MAID IN TAIWAN.....	18
3.1 Tasks Performed by Domestic Care Workers	
3.1.1 Viki's Story	
3.1.2 Josephine's Story	
3.2 Employer's Point of View	
3.2.1 Mr. Wang's Story	
3.2.2 Mrs. Wu's Story	
3.3 MECO's Perception of Why DHWs Run Away	
3.4 DHWs Brought to Other Countries by Taiwanese Employers	
3.5 What Happens if Workers Flee and Are Caught?	
3.6 How Are Migrant Workers Making Their Voices Known?	
3. I HAVE IT MADE IN TAIWAN.....	26
2.1 Why Workers Run Away	
2.2 Taiwan's Policies Towards Migrant Workers	
2.3 Brokers	
2.4 Placement Fees	
2.5 Quota System	
2.6 Job Description	
4. DHWs AND THEIR RELATIONSHIPS WITH TAIWANESE EMPLOYERS..	34
4.1 Chinese Characteristics and Work	
4.2 Boundaries Between Taiwanese Families and DHWs	
4.3 Restrictions on DHWs and How They Effect Worker's Interactions With Employers	

5. COPING MECHANISM.....	45
5.1 Actions Taken by The Philippine’s Representative(s) in Taiwan	
5.2 Actions Taken by Taiwanese Organizations	
6. CONCLUSION.....	46
6.1 World Reactions and The Importance of Migrant Workers	
TABLES.....	53
PICTURES.....	59
REFERENCES.....	78



ACKNOWLEDGEMENTS

I would like to thank my thesis advisor, Hsiao-hung Nancy Chen, for all her help, guidance and insight on this project as well my thesis committee for all their excellent input and efforts. I would also like to thank Nick Vaky for helping me film all of my interviews in hope that we may turn them into a documentary. Thank you to John McKiel for all those late nights we spent talking endlessly about issues in Taiwan and China, for your input helped me gain direction and inspiration for this project. And thank you especially to my parents, family members and friends who have shown their support and enthusiasm throughout the years of my studies in Asia. It is my hope that this paper may provide a further understanding of the complex issues blue-collar foreign workers or “migrant workers” confront in Taiwan and to present resolutions for certain complex issues dealing with migrant workers in Taiwan that in my opinion, will benefit not only Taiwanese, but also various peoples from Southeast Asia.



ABSTRACT

Migrant workers in Taiwan have been running away for 20 years since the Taiwanese government opened its doors to Filipinos, Thai, Vietnamese and Indonesians back in 1992. Taiwan opened its doors to migrant workers as a way to compete in the global market but did so without taking the proper actions for dealing with migrant worker's rights. Since then, numerous amounts of cases of human rights violations have been reported in Taiwan and the number of runaways has been increasing. Numerous NGOs in Taiwan are calling on the Taiwanese government to revise its policies towards the workers and claim that the situation of runaways will not improve unless the government steps in and takes further action to protect and liberalize workers. This paper will observe how policies are affecting migrant workers, specifically caregivers or Domestic Household Workers (DHWs), as well as whether the cultural context of Taiwanese and their attitudes towards work ethics and morality affect the outcome of runaways and their disposition in Taiwan.

Key Words : Runaway; Domestic Household Worker (DHW); migrant worker; foreign labor policies; cultural psychology; coping mechanism;

PREFACE

When I first arrived in Taiwan back in May 2008, I was surprised by the amount of Filipinos, Indonesians and Vietnamese I saw at various places taking care of Taiwan's elderly and young kids. I wasn't aware that Taiwan's elderly percentage was around 10% and that it was common for families to have a DHW take care of their children while at work. It wasn't long after my arrival that I discovered that migrant workers play a major role in Taiwan's economy. I became interested in understanding these workers' lives and their interactions with their employers, for I too was a foreigner in Taiwan and felt that it was important to converse with other foreigners to see how they were adapting.

It was difficult to meet with many migrant workers unless it was on a Sunday (their primary day off) due to their rigorous work schedule. If I was able to meet with one, it generally meant they were happy in Taiwan and got along with their employers. However, for every migrant worker I met, they seemed to know 3 others who were not doing so great since they rarely had a day off. Quite often the workers I met told me of stories that dealt with, what I would call "unfortunate incidents" with their past employers or about their friends' situations. After hearing a lot of their stories, the details stayed clear in my mind in the passing years and I felt compelled to research migrant workers from the Philippines in Taiwan.

My research has brought a filmmaker friend of mine and myself all over Taipei to various NGOs, research centers, churches, clubs and care centers for migrant workers. It has also brought us to the Philippines to interview broker agencies and the processes they do to prepare workers for coming to Taiwan. I made a point to investigate agencies because the workers I met with in Taiwan said the brokers in the Philippines communicated things much differently than ones in Taiwan in terms of workloads and responsibilities, which later lead to confusion and misunderstandings between workers and their employers. By understanding these contrasts, the reader may have a more comprehensible view as to why the workers are choosing to go abroad, what their expectations are, as well as what training and information is given to them before they reach Taiwan and if there are conflicts of interests between employers and employees.

It is my hope that this paper will reveal the loopholes in the systems and rules governing migrant workers, particularly in Taiwan, in order to show how they affect

workers' lives. I also hope this paper will inspire methods for the safety and protection of migrant workers in their working environments as well as the drastic change and reforms that needs to occur. By doing so, it is my personal hope that by eliminating the core reasons why workers runaway, Taiwan can further stabilize its economy and society, build a better international image as well as let migrant workers have a more positive experience in Taiwan.

I give you my sincere gratitude for reading this paper and hope that one day peoples of different races will be able to understand and cooperate with each other more efficiently within this interdependent, ever-changing, diverse world.



CHAPTER I

INTRODUCTION

Migrant workers originating from the Philippines play a major role in Taiwan's society. In Taiwan, they earn their living by working mostly as factory workers and DHWs. DHWs give treatment to Taiwan's increasingly elderly population, take care of employer's children and perform many other tasks such as cooking and cleaning.

Since the Taiwanese government opened its doors to migrant workers from abroad back in 1992, there have been many reported cases of runaway workers in the DHW sector. The number of foreign workers who are missing, performing undocumented work or are on the run has been rising for the most part in recent years. A report by the Control Yuan showed that as of August 2011, the whereabouts of 31,170 foreign workers, from a total of 412,933, were unknown. Within that number, Filipinos make up the third largest number of around 2,000.¹

While the number of runaways has been increasing over the years, the core issues causing these workers to flee haven't been addressed thoroughly. The ramifications of this is causing Taiwan's society to be less stable than it could be and is putting migrant workers in unfortunate positions amongst an environment that is ever so reliant on them.

While at present Filipinos have the third highest rate of runaway workers, the author has chosen to examine runaway cases with them specifically since they have the longest history of working in Taiwan compared to Vietnamese, Thai and Indonesian migrant workers. Policies towards these blue-collar foreign workers in Taiwan stretch back to 1992 when Filipinos started entering the island and have been largely associated to runaway cases as well as Taiwanese understanding of the phenomenon of migrant workers. Understanding the history of policies in connection with runaway Filipinos can help understand not only why Filipinos runaway, but also why other foreign DHWs flee as well.

This paper will examine the reasons why Filipino DHMs run away from their employers. It proposes the phenomenon of runaway migrant workers is due to lack of government policy towards foreigners in the blue-collar sector, which is augmenting cultural misunderstandings between Taiwanese employers and their DHWs. More so, understanding the cultural psychology behind work ethics, human rights issues and

the expectations Taiwanese have for nationalities such as Filipinos is important and communication issues between employers and employees will be addressed as well. The paper will also display a comparison of the demographics and backgrounds of employers and employees as well as morality and education from the Taiwanese point of view in order to give the reader a comprehensive view on the subject matter.

Research Questions

The research questions for this thesis are as follows: Has Taiwan's government created policies toward foreign workers in the blue-collar sector ensured to protect their basic rights and freedoms? Is there a connection between government policy and Taiwanese citizen's behavior towards foreign workers? What are the expectations that Taiwanese have for their DHWs and what are Taiwanese work values? Also, how can both Taiwan and the Philippines' governments help improve migrant workers situations?

Methodology

My research methods include participatory observation and open-ended interviews with workers; in-depth interviews with employers, recruitment agencies (manpower agencies) from the Philippines, and migrant-oriented activists; meetings with NGOs such as Holy Spirit Church, Saint Christopher Church, Center of Foreign Workers under the Bureau of Vocational Training, Migrant Workers Concern Desk, government institutions such as the Council of Labor Affairs (CLA), and the Manila Economic and Culture Office in Taipei (MECO).

So far I have made a trip to the Philippines and have interviewed two broker agencies. I have also met with eight different runaways in Taiwan, three Taiwanese employers and various representatives at MECO, including the director at the time, Reydeluz D. Conferido. I have also met with several Taiwanese NGOs that promote migrant workers rights in Taiwan, a pastor at St. Christopher's Church in Taipei City as well as 10 other Filipino DHWs that haven't ran away in order to share their perception of runaway workers, and I have interviewed 10 other Taiwanese who don't have DHWs to understand their perceptions and attitudes towards the workers. I feel

that this paper is in need of one-on-one interviews in order to concretely understand the thoughts and perceptions of migrant workers, Taiwanese employers and citizens.

Challenges

Cost factor was an issue to get to the Philippines, for if I hadn't spent my own money on a plane ticket, lodging and transportation, I could have stayed longer and done more in depth research. The rest of my interviews with Taiwanese employees, employers, manpower agencies, and citizens have taken up a lot of time and money, for arranging interviews through telephone calls and taking different modes of transportation to and from various locations has been cash all out of my own pocket. More so, I have been conducting about half of the interviews in Chinese Mandarin and while I do feel competent in the language, it has been tiring translating Taiwanese concepts and ideas thoroughly into English.

Finding employers to talk about this topic is difficult largely due to privacy issues. Contacting past employers of runaway workers to compare the worker and employer's story of why the worker ran away was not conducted, for some of the workers are of illegal status and this would put both me and the worker in a legal bind if I were to reveal that I know the whereabouts of a run away.

In addition, while there are runaway Filipinos who work in factories, I have chosen to focus on DHWs due to the nature of the relationship between them and their employers as well as the unique roles DHWs play in Taiwanese households. In the future I would like to do more comprehensive research that involves factory workers but that would require more funding and time. However, I do feel that observing the Taiwanese employer/migrant worker employee relationship in the DHW setting can allow people to sufficiently understand the challenges both sides face with each other within Taiwan's work setting.

Background of foreign migrant workers into Taiwan

To understand why Filipinos started coming to Taiwan for work, understanding some brief history of both the Philippine's and Taiwan's economic and political history is a must. The Philippines had a growth period from 1952 to 1969 and had a much stronger economy than other nations in the Asia Pacific during that

time. However, the country's industrialization slowed down due to political corruption and internal conflicts. The Marcos government implemented an economic plan that depended heavily on U.S. War efforts in Vietnam in the 1960s, and left an ill-suited to local needs (Espiritu 1995). The economic situation continued to deteriorate and augmented a gigantic foreign debt. The Philippines started to systematically deploy Filipinos for work overseas during the time of then President Marcos in the mid-70s. This new wave of labor migration came at a time when there was a huge unemployment and underemployment crisis in the country. While the Marcos regime said that exporting Filipino labor was only a "stop-gap measure", poverty as a result of chronic economic crisis continued. And so successive regimes not only continued what Marcos started but institutionalized and intensified the export of labor.

By the early 1980s, inflation had reached an average of 32 percent, and about two-thirds of the population lived below the poverty line (Constable 1997). In 1986, during the depth of the economic crisis, the unemployed population included 277,000 college graduates, together with another 284,000 who had some college education. The number of college graduates in the 1990s is estimated to be similar (Abella 1994). More so, real wages have deteriorated since the mid-1980s with the further devaluation of the peso after the implementation of economic liberalization (Basch et al. 1994). The deepening economic crisis in the Philippines has aggravated the migration of Filipinos abroad to the point where 8 million people, more than 10% of the population, now work abroad as migrant labor in 186 countries.

Filipino migrant workers are from four relatively developed regions (out of 16 regions in the whole country) - Metropolitan Manila (17%), Southern Tagalong (17%), Central Luzon (17%) and Icos (12%).¹ Out of all the workers I interviewed, income maximization was their main purpose for coming to Taiwan. In the Philippines, the unemployment rate since the early 1990s has been around 10%. As of 2011, the unemployment rate was estimated at 7.2 percent, while the employment rate was recorded at 92.4 percent (see table 1). The National Statistics Office (NSO) reported saying that there were more unemployed males than females. Almost half (48.9%) of the unemployed were in age group 15 to 24 years. More than one third of the unemployed were high school graduates, and almost two-fifth (39.1%) reached

¹ Statistics from the Migration Information Source

² NSO's annual unemployment report

college education. The regions that posted high employment rates in 2011 were Cagayan Valley and Zamboanga Peninsula, each registering a rate of 96.9 percent, SOCCSKSARGEN, 96.8 percent, Autonomous Region in Muslim Mindanao (ARMM), 96.1 percent, and MIMAROPA, 95.7 percent. The National Capital Region (NCR) had the lowest employment rate at 88.0 percent.²

Although the unemployment rate has been decreasing since 2006, the wages in the Philippines are still far too low for workers to survive on, according to many of the interviewees (see tables 2, 3, and 4). For Filipinos, they see Taiwan as a plus because the average salary offered combined with living costs has allowed Filipinos to save more money compared to working in other Asian countries. Most Filipinos choose to work in South Korea, Japan, Hong Kong, or Taiwan because not only are those places closer to their home country, there is more demand for DHWs there compared to places in the Middle East like Saudi Arabia, where Filipino DHWs are also being sent to.

In Taiwan, its government legally opened the gate for migrant workers in 1992 to work as factory workers and later again in 1995 to allow DHWs as a solution to the growing demands for commoditized care for children, the elderly, and ill family members among expanding nuclear households and aging population. The government was also responding to the urgent needs for low-wage labor claimed by Taiwanese capitalists and to ensure surplus accumulation in the labor-intensive industries that lost their competitive advantage in the global market (Lan 2002). Since Taiwan saw its “economic miracle” from the mid 1980s due to millions of small and medium-sized enterprises (SMEs) that exported labor-intensive manufactured products, Taiwan and the other East Asian tigers have been facing pressure for economic restructuring and industrial upgrading due to a rise of local labor costs. One can see the need for migrant workers in Taiwan based on the large amount who are on the island as of 2011 as identified in Tables 5 and 6.

Since Taiwan is largely composed of small and medium-size enterprises, they needed a way to compete more in the global market and were left with the choice of either relocating to China or Southeast Asian countries, or to replace domestic workers with low-paid foreign migrant workers. While Taiwan's government has often resorted to economic diplomatic policy, which involves consolidating bilateral

relations through increasing international trade and foreign investment grounded on the island's economic power, most Taiwanese decided to employ foreign workers in Taiwan. This was despite that in 1994 Taiwan's former President, Lee Teng-Huei, formally announced a “going south” policy that encouraged direct foreign investment in Southeast Asia and establish political and economic ties with ASEAN countries. It was also considered more easy and convenient for workers to come to Taiwan and have them adapt to local lifestyle instead of having factory owners adjust their lives abroad.

More so, Filipinos were largely sought out in the early 1990s because they have a reputation for doing the “Three D” jobs (dirty, dangerous, and demeaning). They were more educated and could generally speak English better compared to Indonesian and Vietnamese counterparts. This was seen as a plus by employers for communication issues, translation and software manual writing, as well as for helping their businesses expand abroad particularly in the computer sector, where Taiwan was the third largest computer hardware supplier in the world in the early to mid 1990s.

During an interview I had with the director at MECO, he elaborated on the considerations Filipinos make for choosing to go abroad to work and why Taiwan is favorable. He said that Filipinos don't prefer going to work in countries like Japan or South Korea more than in Taiwan. However, generally speaking the main consideration for workers when they go overseas is economics so when they see the best economic opportunities available to them, that's where they go.³

He further said that in the case of Japan, the main market there use to be entertainment or for maritime work so normally the people who go there possess those skills, whereas in Taiwan the most dominant work is factory work, especially in the electronic sector along with caretaking. More so, he said there are more than 54,000 Filipino factory workers and about 23,000 caretakers, so the qualifications of a job is also a consideration of why workers choose to go to a particular country.⁴

Many Filipinos also said that they are family-oriented type and that Taiwan is the nearest place they can work outside of the Philippines, thus making it a favorite destination to work. These reasons show although diverse routes and purposes of migration are also involved, migrant worker's movements across borders have come largely as a result in the era of globalization, multiple layers of uneven development

³ Interview with Reydeluz D. Conferido, Director of MECO in June, 2011

⁴ *Ibid*

within the global economy and the desire to live a life free of destitution. Within this reorganization of social classifications and identities, migration has become a primary narrative of identity formation as well as a means to provide a living for workers and their families back in their native land. Filipinos going to Taiwan as well as other countries is helping them achieve their needs.

Why do Taiwanese want maids?

As mentioned before, Taiwan opened its doors to migrant workers to help compete in the global market, originally in labor-intensive sectors such as manufacturing and construction, and later extended to domestic household workers. But there are also many other reasons aside from benefiting the technology sector that appeal to Taiwanese- that being the need for DHWs.

The monthly salary for a DHW from 1992 until the end of 2007 has been the same- the average monthly wage for a documented migrant live-in worker is NT\$15,840 and undocumented ones receive NT\$22,000-25,000, whereas the price for a live-in Taiwanese worker may cost NT\$35,000.⁵ In 2007, according to the “Employment Service Act” in Taiwan, migrant workers are entitled to rights and welfare stipulated in the Labor Standards Law, including a minimum wage of NT\$17,280 approximately US\$585 per month, working hours (8 hours a day and 48 hours a week), days off (1 day a week plus 7 days of annual leave), and health insurance (the employer is responsible for 60 percent, the government for 10 percent, and the worker for 30 percent). The salary for migrant workers later increased to NT\$17,880 in 2011.⁶

At these rates, most Taiwanese who are of upper-middle to upper class can afford a DHW, although in cases where a family member may be terminally ill and it is more cost effective to hire a DHM instead of hospital care, middle class families will hire one as well. Taiwanese can save much more money hiring a legal migrant worker compared to a local and take advantage of not paying the worker for overtime, even though that is against the law. They also provide an extra room in the house for the DHM, which allows the worker to be within the employer’s presence at all times.

⁵ Statistics according to Taiwan’s Council of Labor Affairs (CLA)

⁶ An annual survey done by Taiwan’s Government Information Office

According to Lan Pei-chia's research (Lan 2003), more privileged women hire domestic help as a means to negotiate their individual career achievement and social responsibilities as a mother and a wife. As women are becoming more independent and achieving more equality within Taiwan's workforce, they are seeking their own potential outside the traditional housewife setting. Homemakers are seeking relief from domestic work and this is causing dual-career couples to be more and more pervasive. In the past, the role of the female was to provide as the caregiver while the father plays a figure of authority; however, that is no longer the case. As a result, Taiwanese women's participation in waged employment has been rising during the last few decades and the idea of being a full-time mother is less appealing to women as they are becoming more concerned with pursuing individual careers and independent lives outside of the traditional household.

As a result, the need for childcare and housework has become higher in demand. Over the last 3 years that I have been in Taiwan, I have seen more and more DHWs assisting children. In Taiwan, most children go to cram schools (buxiban) after their regular schooling in order to keep up with the high competition in Taiwan's schools and jobs. Kids also often go to daycare and are always required to be picked up by a family member/supervisor due to regular school busing having already stopped. While working part-time at various cram schools teaching English, I have seen just as many Filipino DHMs pick up students as Taiwanese parents. However, in other parts of Taipei where kids are going to schools that are considered higher class, cram school teachers report that about 90% of students are picked up from their DHW or "Aunty" (ayi).⁷ Locals say that this is due to a mixture of both parents being very busy at work and also as a way to show one's economic status despite all of these activities performed by DHWs are technically illegal.

Aside from Taiwanese females wanting to be more independent and prominent in the work sector, many Taiwanese who I spoke with who are familiar with DHWs in Taiwanese households or who hire a DHW, say DHWs are important in order for Taiwanese families to pursue the type of life they want and that it is still more lucrative to have the mother go to work and make anywhere from NT\$35,000-50,000 (USD\$1,100-1,700). However, given the cost of the DHW and the amount of money parents need to pay monthly at cram schools in order for their kids to get extra

⁷ Ayi or 阿姨 translates to "aunty", who is the older or younger sister of one's mother as opposed to Gugu or 姑姑, who is the older or younger sister of one's father.

mentoring instead of them doing it themselves, there isn't a large sum of money left over.

However, for Taiwanese not only should the DHW teach their children English and do housework, but also, they are almost always doing another task such as taking care of someone elder in the family, who is either too frail or ill to take care of themselves. Most Taiwanese say that this is useful especially when medical costs at hospitals for daily cures such as feeding, bathing and clothing etc. can easily run NT\$30,000 (USD\$1,000) a month. While in the West it is more common for families to put their loved ones in a nursing home, this is largely considered a taboo in Taiwanese culture. Therefore, DHWs are being hired in order to take care of Taiwan's increasingly elderly population (persons 65 years old and over), which now makes about 10% of Taiwan's overall population and is one of the highest percentages in the world.

More so, for Taiwanese to engage in work that migrant workers primarily do, whether it is as a DHW or a factory worker is seen as low class work and therefore, a loss of face. The demand for maids is getting higher and is met by people of other nationalities who come from less fortunate economic backgrounds, particularly Filipinos. Moreover, family business owners are also looking for assistance in double shifts in order to develop their business. I have seen DHWs in cram schools working all day and then at night preparing food, cleaning, and running errands. The same goes for in restaurants, where all of these activities are illegal. These tasks though are usually illegal work and are often a conscious decision by the employer. Nine out of ten migrant workers that I interviewed are subjected to pretty much any task assigned to them by the employer as long as the act wouldn't be considered illegal if a Taiwanese did it. But this is despite the fact that anything DHWs are doing outside of their written contract *is* technically illegal. In this type of setting, where the employer and employee are almost inseparable due to living with each other, the workers are at the employer's command any time of the day and this is causing distress on the employees. More importantly, the guidelines that are given to employers from broker agencies as to how they can treat their DHWs are ambiguous. The following chapter will explain how this phenomenon of 24 on-call DHWs came about as part of government policy and how it is causing workers to flee from their employers.

CHAPTER II

MAID IN TAIWAN

Many DHWs, both runaway and non-runaway, told me that their jobs were very stressful and that they had to do whatever tasks were assigned to them. Some of the DHWs could cope with their working conditions better than others.

Viki, who is in her late 30s and from Cebu, eastern Philippines, said she came to Taiwan to earn money. She has a baby and couldn't find work in the Philippines. She said she knew there are other countries that follow the 8-hour a day work schedule but the salaries there are lower and she needs more money. She also has seen other opportunities for work both with other employers as well as illegal acts such as working at a massage parlor, but didn't want to change otherwise she would have to pay a lot of much money (referring to the brokerage fees).

Viki use to take care of an 84-year-old woman but she passed away. I met her while she was staying at the Ugnayan Center in central Taipei until she got transferred to another employer. She was there because she had 9 months left on her contract and it was hard to find another employer because no one wanted to hire a worker for such a short time. She was worried that unless she finds another employer she would have to go back to the Philippines or stay in Taiwan and do "other things".

Viki acknowledged that according to law, a caretaker is supposed to take care of only one person, but for her it didn't turn out that way. She said she had to do other work such as clean the house, wash clothes, cook, etc. She also use to work in Hualien taking care of 3 families during the day and then working at one of the family's hot pot restaurants at night preparing food and washing dishes. Viki emphasized that she didn't get off work until 3-4a.m. every night and then had to wake up by 8a.m. the next day to start the process again. She said she always felt very tired and felt like she was going to pass out from exhaustion.

For Viki, she said her employers were kind people but "work wise" not so much. She stayed at their house for seven months and it drained her. She said she thinks the reason why DHWs work so many hours is because of the brokers.

"I think the brokers communicate to the employers that it is okay for us to work long hours. My contract said that there would be 9 members in the family and that I had responsibilities such as cooking and cleaning, but it didn't stipulate the working hours or that I would be working in a restaurant as well. I didn't get any extra pay for any of this. I

asked my employer to give me a day off. If they did that then I would just sleep the whole day, but they wouldn't give it to me.”⁸

Viki later said she called MECO and they told her to contact the labor affairs bureau in Hualien. She said she reported her case and they picked her up and brought her to Taipei. However, she found out that her original employer stated on her contract that they were not the employer she was working for. As a result she couldn't ask the labor affairs bureau to get in contact with the employer because she knew they would deny that she worked for them.

Another time I went to the center, I spoke with a runaway DHW named Cathy, who is in her mid 30s and from just outside of Manila. Her previous employer was located in Chiayi, central Taiwan. She elaborated that her relationship with her employer was one of abuse, more physically than mentally.

“He was a strong man and use to throw things at my head. I always cried and eventually I told my agency that I wanted to transfer to another employer but they said there wasn't a way unless I go back to the Philippines. But I had so many loans to pay so it wasn't an option. My employer was also constantly shouting at me even though I would wash their clothes and sheets so hard. The employer had me working from 6am to 10pm with only a half an hour break in between and I became so thin, so I sought refuge in this center.”⁹

Another woman I met named Josephine who is also from the outskirts of Manila, told me about her struggles as well. Josephine came to Taiwan because she was financially unstable. She used to work as a nurse in the Philippines but the pay was too low. She felt that the situation in the Philippines for her was much worse even though she rarely has free time in Taiwan. She asked the broker ahead of time about her job requirements, time off and pay etc., but when she reached Taiwan they were all different aside from the pay. Her first employer wouldn't let her open her own bank account and she had to control all of Josephine's money. The employer also didn't let her wash her clothes with the family washing machine and was very obsessed with how she hung clothes. The employer only gave her leftovers instead of fresh food for meals, so she began to feel desperate to go back home.

Josephine also said the employer's son used to treat her indifferently. He didn't have to work much and often stayed at home and drank wine. In the employer's house Josephine had to sleep in the living room. One night the son came to her side

⁸ Interview with Viki at the Ugnayan Center, a Filipino cultural and refuge center in Taipei

⁹ Interview with Cathy, also at the Ugnayan Center

and took her blanket off her. She put it back and then he took it off again and lay next to her. She said he later tried to advance on her but she refused him; this happened to Josephine several times. She told the employer and he spoke with his son but she still felt afraid every night. She said she tried to cope with it all but she couldn't take it anymore. The employer told her not to worry about the son and that it was no big deal, but she still saw certain tendencies from him and constantly felt uncomfortable to the point where she couldn't sleep. So, she contacted the CLA hotline for helping foreign workers in Taiwan and made headway for the Ugnayan Center as well.

Josephine later said that she thinks Taiwanese look at migrant workers as if they are very low and that Taiwanese also like to do lots of psychological things to us (such as the washing machine incident etc.). She says she would like to see this improved in Taiwan and that overall, Taiwanese were not bad people, but rather, misinformed as to how to treat migrant workers, especially DHWs. She said she relates these informalities to brokers and their communication with employers.¹⁰

Some employers, who do not want to be mentioned, said they have had issues with their workers and have got into fights because the worker wasn't obedient enough. One employer said that his DHW was lazy and didn't like to work until she was told till. This angered the boss and caused a lot of arguments, some of which were physical. When asked how long the boss worked his employee, he responded "for about 10 hours a day." He also said that because the DHW was often not busy during the day that he made her make up those hours later in the evening.

Another employer said that he didn't deal with runaways but that he had some issues with various workers as well. He said that the relationship between his employee and himself was pretty good. He also said that in the Philippines, it is not easy to find work and so the salary is quite low so he can understand why Filipinos would come to Taiwan for work. However, this employer said perhaps it's because he is a Buddhist that he chooses to treat his employee kindly, just like the way he would want to be treated if he were to work abroad despite there being cultural differences.

"Sometimes there were difficulties between the employee and myself. There were cultural differences such as coping with the employee's need to go to Church on Sundays since most of them are Catholic. There were also language barriers. I think that the younger generations of Filipinos have poorer English than the older ones and it was difficult to communicate with them.

¹⁰ Interview with Josephine, also at the Ugnayan Center

I often asked them if they understood what I was saying and they would nod their head in approval, but in the end they really didn't understand.

I also let my employee take one day off a week, which is on Sunday. I care about their safety and keep track of where they go because I think that is my responsibility as an employer. There are a lot of runaways in Taiwan, so I don't let them take their ID with them, only a photocopy. Also, I pay extra close attention when their contract is about to expire cause that's when workers are known to flee the most."¹¹

The employer also paid attention to the worker's personal habits. He said he worries about his worker not having any money. The employer has met a lot of Filipinos and feels like they don't know how to manage their money well and is concerned about them especially when it's time for them to go back home. During the interview, he posed the question-what would they (Filipino DHWs) do when they go back with no money? The employer said if Filipinos see something and it is expensive, they will only think of having it and not consider the financial consequences, so much that they will even borrow money from other people.

The employer also said that he's heard many cases of abuse in Taiwan. He said as an employer, he doesn't think of his employees as being any less than him. He treats them as if they are his friends and tries to "speak reason" with them. He also lets his worker interact with family members not living in his household. The employer thinks it's good because they can practice their English with the worker. The only surprising thing the family members of the employer feel about the worker is why their skin is so dark. But nonetheless, he thinks it's important to respect the workers like he would want to be respected if he had to go abroad and work. More so, he feels the Taiwanese government along with various brokers has done a pretty good job so far introducing how the employer and employee should treat each other because there is plenty of information related to that online. There are also more rights for workers in Taiwan now compared to before, so he thinks the laws in Taiwan have improved.

What interested me the most about this employer's comments was how he controlled the employee's funds and spending habits. A lot of the runaways interviewed alluded to how they felt they were being controlled too much and didn't have access to basic freedoms such as their own money. Employers feel that they need to take the role of a babysitter with their DHWs to ensure that they won't run

¹¹ Interview with a Taiwanese employer named Charlie at a Buddhist center in central Taipei

away. But what's interesting is that the DHWs who ran away usually came from employers who treated them as such. When I interviewed other DHWs who said they get along with their employers, they almost inevitably talked about the mutual trust and respect they have towards each other. No payments were hidden from the DHWs and the employees said they were comfortable enough to stay with their current employer in order to secure their well being in Taiwan.

Another employer, who is female, aged in her late 50s and runs an art gallery, commented on her experiences with DHWs and how Taiwanese view migrant workers in Taiwan.

"I have been hiring Filipino DHWs for over 10 years. I prefer them over Vietnamese and Indonesians because I feel they are less likely to run away. I also think Filipinos are trained better before they come to Taiwan compared to other nationalities.

In Taiwan, people have good hearts and are not looking to abuse their employees. From what I know, most DHWs runaway as a result of lack of rest but there are also many other reasons as well. But for me, I treat my DHW as a family member because I think there needs to be mutual respect between the employer and employee. If you want good results from your worker and you want them to be honest with you, then you need to treat them the same way.

Also, people shouldn't think of DHWs as being all bad or causing trouble. Sure there are some that do cause trouble but that doesn't mean that all of them do. Think of a family that has several children. With those children there is bound to be at least one that is a troublemaker. But this doesn't mean that we have to treat the rest of the family as being troublemakers. But why do some employers say that you can't be too nice to a DHW? If an employer lets them do whatever DHWs want, then they run the risk of the employee being too willful, so there needs to be discipline with the employee just like any other work setting."

12

The director at MECO also elaborated as to why workers runaway and how the organization arranges for its workers to go back to the Philippines.

"Generally if you compare the situation of Filipino workers with the other sending countries we are having fewer problems with runaway workers. But when you ask people who have been involved with this probably usually the answer is economic in nature, particularly because the opportunity for workers in Taiwan is rather limited. When workers have economic obligations in the home country and they have not saved enough money to meet those obligations, some workers are tempted to overstay so that they can earn much more. Occasionally, when workers face cases of abuse they are tempted to run away from such cruelty, although this is not often the case in Taiwan compared to other places.

¹² Interview with an employer who prefers to be referred to as anonymous at a different Buddhist temple in central Taipei.

Cultural misunderstandings or language barriers can be a source of irritation and are reasons why there are cases of abuse. In Taiwan the national language is Chinese Mandarin and Taiwanese people are usually not English speaking people. And normally in situations where Filipinos are doing care giving, many of the employers are old and sick and can be quite irritable, so sometimes these are the problems that create tension between the employer and the worker.

Workers come to MECO when they want to go home already or when they are already tired of their undocumented or illegal status. Sometimes they are sickly and sometimes the options they meet are not that rewarding, so then they realize that the more rational option for them is to return home. We then go through our assistance rational unit to help them surrender to immigration authorities so that they can go back home as soon as possible.”¹³

The difference in opinion between employers is of course due to each employer’s personal experience and understanding with workers. However, what distinguish the runaways from the non-runaways are the guidelines by which their employers treat them. If a DHW is fortunate to have an employer that treats them fairly, then in most cases she is satisfied with her living conditions and does not choose to run away. However, for the employers that treat their DHWs irrationally, there are almost no consequences other than expire a contract with their worker. For a DHW coming to Taiwan, they gamble on their lives and are not guaranteed they will be treated humanely. Within other work professions, of course not all employees will be satisfied with their boss, but they will be guaranteed rights because there is a standard of law and regulations. Taiwanese employers in other sectors dare not question these rights because they are aware of the judiciary ramifications. Likewise, if there was a standard set by the Taiwanese government as well a means for it to be monitored and implemented efficacy, employers would be less likely to treat their employees by means such as described in the above examples.

Out of all the runaways I visited, 9 out of 10 were working in places outside of Taipei City (see Table 16). Most of the employers who were abusive either physically or verbally came from more rural areas in Taiwan, which are also places that tend to be more traditional like in their value system. Some people in Taipei that I interviewed about this topic say that in Taipei people are more educated and civilized than those in the south or in less developed areas in Taiwan. But as for Taipei, the

¹³ Second interview with the director of MECO in July, 2011

runaway cases all came from instances with elder generations such as the grandma (*a-ma*) and grandpa (*a-gong*) in the family.

There has also been a case of abuse by a Taiwanese official living abroad. Liu Hsien-hsien, director of the Taipei Economic and Cultural Office in Kansas City, Missouri, was arrested for allegedly treating her Filipino housekeeper like a slave, according to newspapers in late 2011. US prosecutors said Liu took away her worker's passport, told her she was not allowed to leave the house without permission, made her work 16 to 18 hour days at a quarter of the agreed wages, monitored her with video surveillance cameras and "restricted when she could sleep." Liu also allegedly told the woman that if she "acted out, she would be deported" because Liu was "friends with local law enforcement and known well in the community".

The woman eventually escaped after seeking help from a Filipino man she met at the grocery store, however. It was said to have been at least the second time Liu had mistreated a housekeeper, prosecutors allege. The previous housekeeper "went into a state of depression and stopped eating" as a result of the physical and verbal abuse, according to a testimony by an unnamed witness who works as a director at the Kansas City office. The affidavit cited cooperating witness two (CW-2), employed as a director at TECO for about one year, as saying that Liu instructed CW-2 to pay her domestic servant US\$225 when "Liu knew that F.V. was supposed to be paid [US]\$1,240 per month." "CW-2 stated that Liu also paid her prior maid before F.V. much less than she was contracted to be paid as well. CW-2 said the discrepancy was very similar to how much F.V. was being shorted on salary.

Liu also acknowledged under oath that her actions related to the housekeepers were not related to her official government position, which may have qualified her for some diplomatic immunity. Because the United States does not recognize Taiwan as a sovereign state, Liu was not granted diplomatic immunity. Liu as a result had to paid \$80,044.62 in restitution to that housekeeper and a former housekeeper, who she also admitted underpaying.

As of late January 2012, a US judge has sentenced a Taiwanese diplomat to deportation and time served for underpaying and overworking two housekeepers. Liu's case sparked a row between Taiwan and the United States. Taiwan argued that Liu should be granted diplomatic immunity, while the US said Liu has immunity only for acts performed within the scope of her authorized

functions. In early 2012, US District Judge David Gregory ordered Liu to repay her incarceration costs and fund her own travel back to Taiwan.¹⁴

Even as a government representative, there are still employers mistreating their DHWs. Liu was able to get the employee overseas on false-pretenses and admits that she was never going to comply with the terms listed in the contract given to the employee. The brokerage fees and other expenses attached to DHWs having to go through brokers still existed and were used against the employee's will. Luckily though, the DHW was able to seek assistance and international law was used to solve the issue.

Within the many discussions I had with Taiwanese about DHWs, a constant question has been raised as to whether DHWs would flee from their employers if they had an opportunity to make more money elsewhere such as within a karaoke lounge or massage parlor. Based on the interviews I conducted, all of the DHWs said they value stability and doing things legally much more than having to flee and risk the safety and instability of their lives; this is especially true with workers who have good relationships with their employers. In general, if a worker within a given sector has an opportunity to make more money elsewhere they will take it and it is their right to do so. But while making more money at other places is inviting, all the DHWs that I interviewed who weren't runaways said that if their employer treats them well then it is not worth the risk to run away. Many migrant workers said they have families back in the Philippines and that they need a steady income in order to send money back either for their child's education or in order to take care of their parents.

What happens if workers flee and are caught?

If workers overstay then they have to pay a NT\$10,000 fine and are also required to show their transportation costs going back home. Normally immigration requires an authority request MECO to facilitate the retrieval of their passports or if they don't have passports then MECO helps the worker obtain the necessary travel documents so they can go back properly documented. The consequences though of doing an illegal act in a host country most likely will result in the prohibition of going back to that country in the future.

¹⁴ Liu was arrested on November 10, 2011 and was found guilty in late January 2012.

CHAPTER III

I HAVE IT MAID IN TAIWAN

The rising number of runaway foreign workers, which is now at around 31,000, could create problems since undocumented workers have no protection when their rights are not respected and they have no health or labor insurance (see tables 7 and 8). Workers are being overworked and there is no protection for them. They are also in the position of getting hired illegally, most likely for a job that they are not qualified for, which may potentially harm their lives as well as drive wages down in Taiwanese labor market.

Workers run away for a number of reasons. First of all, when migrant workers come to Taiwan they have to pay a placement fee ranging from NT\$70,000 to 110,000 (US\$2121 to 3333), which is higher than anywhere else in Asia.¹⁵ While Taiwan has become one of the most attractive destinations for migrant workers due to its relatively high salaries, the opportunity to work in Taiwan is relatively scarce for foreign applicants due to quota controls. Brokers are thus able to appropriate a significant share of “scarcity rent” in the process of recruiting and placing workers. High placement fees come about as a result from a supply-demand imbalance in Taiwan's migrant labor market.

Due to high brokerage fees, Filipinos need to work for at least a year to get out of debt, another year to start to break even and earn income, followed by at least another year to make the overall experience profitable. Up until 2012, Taiwan had a law stating migrant workers can't change employers without going through another broker, which would mean the same brokerage fee would have to be paid again. As of 2012 this law has been changed but most workers are not aware of it according to my interviews with DHWs. Therefore, in order to reduce the risk of being fired and avoid an enormous amount of debt, workers refrain from speaking out if they encounter a problem with their employer and don't dare change employers. If workers protest or argue about their working conditions, they are often at the risk of being repatriated and are still left with their brokerage fees. But since virtually all the DHWs are in Taiwan due to lack of work in the Philippines, they feel helpless. All of the runaway DHWs that I interviewed told me this is why they put up with their employers for as long as they did before they couldn't take it anymore and fled.

¹⁵ According to an interview with a manpower agency in the Philippines

Because of this policy in Taiwan, migrant workers essentially become exchanged as commodities free-floating in the global market but are placed in a socially isolated and legally bonded position in host societies. Migrant workers haven't been able to circulate in the labor market until 2011, whereas foreigners in the white-collar sector have always had that right. The government dictates that a migrant worker can work for only one particular employer during his or her stay in Taiwan. No transfer of employer is allowed except for the following three conditions: First, if the original employer goes bankrupt and cannot pay wages to the worker for two months; second, if the care recipient of a migrant worker dies or migrates to another country; third, if a worker can prove that he or she was physically abused by the original employer (Chao 1992).

Taiwan's government also places migrant workers in their employer's custody as a way of externalizing management costs. Each employer is requested to deposit a sum equivalent to the migrant worker's two month salary as an "assurance bond" and to pay a monthly "employment stabilization fee," which varies from NT\$700 to 2,000 (US\$23-60). The fee is designed to subsidize government expenses in managing migrant workers and retaining local workers. If a migrant worker runs away, his or her employer is still obligated to pay an "employment stabilization fee" every month until the worker is caught or the contract expires. Another more serious punishment to the employer is that the quota associated with the runaway worker is temporarily frozen, so that the employer is not able to hire a replacement during this period. In other words, the employer suffers not only the loss of labor power once provided by the runaway worker, but also the loss of a more precious commodity, the quota, and the capacity of replenishing migrant labor. These policy measures have organizational consequences on the practice of the brokerage market and daily labor control carried out by employers.

Taiwan's government has been very active in allowing recruiting agencies hire migrant workers. The direct involvement of governments in the promotion of international migration is a major feature of the Asian system that distinguishes it from migration systems in North America or Western Europe. Taiwan's government has played an active role channeling the import of migrant labor as a profitable commodity and there has been lack of regard towards the rights of workers. The Taiwanese government has been promoting migrant workers to come to Taiwan, but not active in ensuring that they have basic rights as well as providing incentives such

as increased salary and a reduction of brokerage fees for workers to stay with their employers both legally and faithfully.

During an interview I had with the director at MECO, he told me that the quota system in Taiwan doesn't mean that a particular broker is given a certain number of workers to recruit. The quota refers to the proportion of the workers that a company can hire and that policy is adapted by Taiwan in order to protect the employment of its nationals. He said that the difficulty at MECO, however, is when foreign workers are told that a certain company has exceeded its quota because some local workers have decided to retire or resign from their jobs and the foreign workers are asked to leave Taiwan because the company has already violated the quota prohibition. The director said, however, that the foreign workers are not at fault in that situation and that as of now the Taiwanese government allow those workers to transfer to other employers when they are not the ones at fault.¹⁶

MECO does make a good point on the issue of quotas. However, there are currently up to 600 licensed brokers competing to do business with a limited number of employers possessing quotas. The figure doesn't include unlicensed companies or individuals, which some scholars say account for about 15% of the market. There are more brokerage services than employers want to buy (and so the prices to employers go down), while there are fewer brokerage services than workers want to buy (and so the prices to workers go up).

The reason why a broker is willing to pay the kickback is because he or she can still appropriate significant profits from placement fees charged to migrant workers through the process of "converting the job orders into money." Playing the intermediate role in the migration chain, brokers "buy" job orders from employers at the costs of the "kickback", and then sell these job orders to applicants in sending countries at the price of exorbitant placement fees, through the mediation of foreign agencies. Also, many Taiwanese brokers have bought out Filipino agencies to minimize transaction costs, an economizing strategy of internalizing market into firm hierarchy (Williamson 1981). Due to the fact that the Philippines government still outlaws foreign-own agencies, most Taiwanese brokers only purchased the rights of management while registered under the name of Filipino workers.

¹⁶ *Ibid*

The Taiwanese government should not allow brokers to charge migrant workers placement fees, nor should service fees be deducted from workers' salaries. Foreigners who work in the white-collar sector in Taiwan are allowed to work at organizations based on their qualifications and if those meet Taiwanese companies needs, they do not need to pay any fees in order to try out a job in Taiwan. White-collar workers are assessed based on their education and skills and it is up to the employer whether or not they want to take a risk with hiring a particular employee; such should be the case for blue-collar workers as well.

There needs to be an intermediary for Taiwanese to go through for hiring Filipinos especially since there are language and cultural barriers to deal with. Brokers can play that role, but they should only have the rights to charge Taiwanese for their services in finding them an appropriate foreign worker. This is a more ethical form of consulting and it eliminates the burden migrant workers have to bear when coming to Taiwan. White-collar foreign workers in Taiwan make at least 3 times minimum and usually 5-7 times the amount of money blue-collar ones do and don't have to pay any brokerage fees. Because of this, the government has exacerbated the reason for Filipinos to run away and find illegal work.

In addition to placement fees, some Philippine agencies or Taiwanese brokers also extract profits from workers through mandatory purchases, such as hats or jackets with the company logo (so workers can be easily recognized while being picked up in the airport), books or tapes for Mandarin instruction, or nursing uniforms. Workers usually pay the down payment to their agencies in their home countries, and Taiwan's brokers collect their share through monthly deduction from workers' salaries. These practices undoubtedly violate the Taiwanese government regulation, according to which placement fees collected from workers should not exceed NT\$7,000 (\$US240). Some brokers even requested workers to sign a receipt before their departure to Taiwan, so as to disguise salary deductions as money the worker borrowed. While paying, workers are usually told by agencies or brokers that the job offers in Taiwan would be valid for three years and that they have the possibility of extending their contracts to nine years. Those who fail to extend their contract after one year rarely get refunds from the placement fees they paid (Cheng 2001).

Overall, the quota system only allows migrant workers to be numbers in a system that has too many loopholes and outside factors. The employment of migrant workers reduces costs for employers not only through their lower wages, but also

through their powerlessness in the organization of labor process, associated with their foreigner status and lack of citizenship (Sassen 1988). Migrant domestic workers are marginalized by a series of political and legal regulations based on the principal of territorial sovereignty, as well as by their status of personal subordination to contract employers. In fact, as of 2008 Taiwan's government has changed the law restricting workers to be hired directly by employers. However, it is not known amongst any of the interviewees and the government still holds employers responsible for monitoring the whereabouts of their foreign employees. Such policy has exacerbated distrust and surveillance in private households but offers no solution to the problem.

To improve the human rights of migrant workers as well as the quality of care for the wards, the host state should “de-marginalize” the position of migrant domestic workers. Migrant workers should be allowed to transfer employers on mutual consent, so employment relationships would be based on reciprocal exchanges rather than personal slavery. So far the Labor Standards Law in Taiwan has not yet covered the protection of domestic workers in this regard. As of 2011 the law has stated that workers can find their own employer but only after their contract is finished or if conditions mentioned previously mentioned occur. Such exclusion ignores the facts that private households have become a field of employment and management, and domestic workers are subject to the most intensive surveillance among all migrant workers. Quality care can only be achieved when the quality of life for care workers is a concern.

In Taiwan, the state determines how migrant workers are allocated and incorporated into specific sites in the relations of production and the organization of the labor process. Economic exploitation of migrant workers by private agencies is exacerbated by government regulations; employers are encouraged by the state to carry out personal control over migrants on a daily basis. Migrant workers are not eligible to apply for permanent residence or naturalized citizenship. Luckily though, if workers do get pregnant they will not be required to either leave Taiwan or have an abortion, as was required in past laws.

A quota system has been developed by the CLA with the aim of controlling the quantity of migrant workers and their distribution in selected occupations and industries. Based on investigations into an alleged labor shortage, the CLA determines the size of quotas, selects the industries or occupations that may enjoy quotas, and releases the quotas on an irregular basis. This quota system brings about an interesting

liaison among the state, employers, and brokers. First, the procedures of releasing quotas and granting admissions have provided a breeding ground for bribery and corruption. The American Institute in Taiwan (AIT) has uncovered several scandals where employers mobilized political networks to strive for quotas, or brokers paid off CLA officials to speed up the bureaucratic procedures of granting admission.¹⁷ Second, quotas have become profitable commodities in such a highly regulated market for migrant workers. Trade associations and a small group of employers who possess the privileges of distributing or monopolizing the limited number of quotas, can make extra profits by selling the quotas to other employers.

However, there are no limits, that is, number wise, to the amount of white-collar foreign workers allowed in Taiwan. They are part of supply and demand just like any other worker in the world that is under a “free capitalist society”. If the demand of low cost labor is needed in Taiwan then it should be allowed to flow freely in the hands of the citizens and their entrepreneurships; not by the manipulation of broker agencies. By having the government step in and fix these issues and to promote training centers that effectively train both employers and employees from Taiwan and other Asian nations respectively, Taiwan can increase its human rights record as well as improve its international image; most importantly, many reasons that exacerbate the need for workers to run will be decreased.

Another problem for migrant workers in Taiwan is that the description of their jobs is very blurred. DHWs are hired under the pretense that they will be taking care of a family member, who in most cases an elderly person who is ill, or will act as a maid doing household chores such as cleaning and cooking. However, out of every runaway that I interviewed, all of them had to do all of those responsibilities and in a lot of cases, even more. Within half of that number, some had to also act as an English teacher for the kid(s) of the employer’s family as well as run any errands or side businesses that the family may have on top of taking care of an elderly family member. On average, this caused workers to be working from 7-8:00a.m. until 10:00p.m. while some even had to work well past midnight. To me, this sounded absurd so I decided to look into it more. This caused me to want to go to Manila, the capital of the Philippines in early 2011. I went to two recruitment sites that work with

¹⁷ Several scandals in all of AIT’s annual human rights report

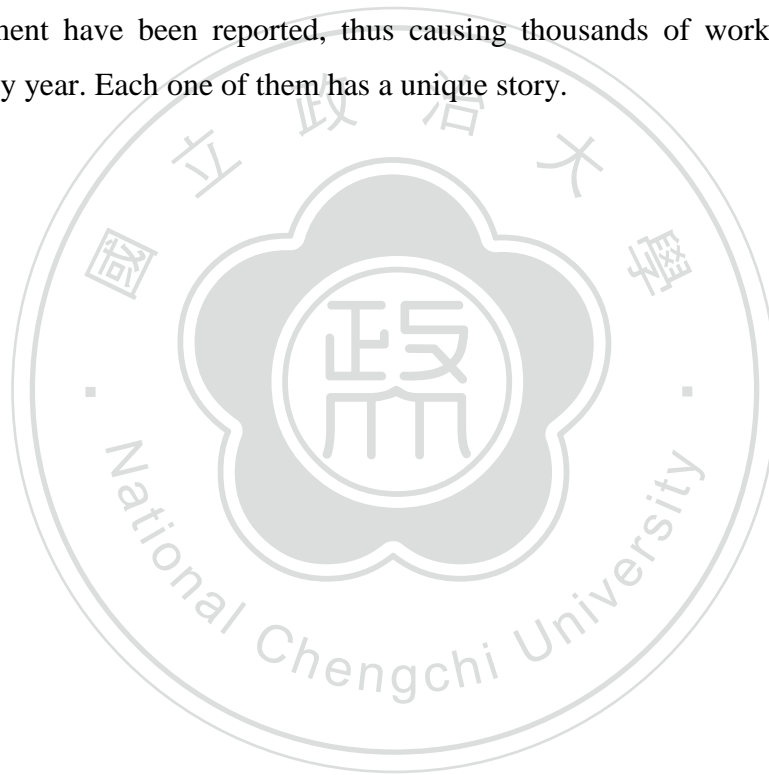
Taiwanese brokers to set up Filipino workers with Taiwanese employers to find out what the brokers tell the people they hire and how they prepare the workers.

Both of the places I went to were really difficult to find, almost as if they didn't want anyone to find them. Upon arrival to both sites, I was stared at in bewilderment. As I explained who I was and why I was there, there was a deep sense of suspicion. My identification documents were checked over several times and I had to convince the staff members to let me interview them before they felt comfortable enough to let me stay despite them claiming that their organizations were legal. Both sites did divulge to me that I was the first Caucasian to have visited their centers though, so perhaps they were just not use to such an occurrence.

I told them that from my interviews I had conducted with Filipino DHWs that 9 out of 10 had complained about having to do heavy workloads as well as many assigned chores outside of their contracts. After hearing this, brokers at both agencies stared at me for a while and were hesitant to reveal information. As I explained to them that I wasn't some undercover spy looking to bankrupt their company, they later gained confidence in me and began talking. At one of the brokerages, one person gave me a copy of the contract that a DHW had to sign as well as an outline of the actual responsibilities that DHW were going to have to do. The differences were astounding. The broker gave me an "employer condition requirements outline" (see table 9) that listed all the responsibilities that this particular employer wanted from her DHW. Those included primarily tasks for taking care of an elder person such as assisting with bathing and exercising, but also included teaching English to two kids in the family, food purchase (mistranslated as "marketing"), cleaning, as well as "other tasks". After seeing the document, it became clear to me that the definition of a DHW was a super woman of some sorts and that her tasks were a conglomeration of any task that an employer asked for.

The outline was completely different than an actual full contract that states all responsibilities clearly (see tables 10-15). Within the contract, it is stated very clearly what the worker's obligation are, which should only involve one major task such as taking care of a sick patient, and vacation time as well as salary is listed as well. Unfortunately though, workers who have run away had employers who didn't follow any of those stipulations; even workers who at least had a day off occasionally said that their tasks were always 2-3 times the amount stated in the contract.

Taiwanese employers revealed to me that their brokers said that DHWs were able to perform any household task that was assigned to them and that they had no idea that using the DHW for multiple tasks was considered illegal. Lack of regulation on brokers from the government is a major problem on this issue. The combination of brokers having too much freedom to manipulate the responsibilities of domestic workers as well as a lack of government responsibility to inform citizens on what is legally acceptable for DHWs has resulted in a lack of standard for a good portion of Taiwan's foreign workforce. The government has not stepped in sufficiently to set standards and laws to adequately and fairly treat migrant workers. This has lead many employers to feel that they have absolute power over their employees and many cases of mistreatment have been reported, thus causing thousands of workers to flee in Taiwan every year. Each one of them has a unique story.



CHAPTER IV

DHWs and THEIR RELATIONSHIPS WITH TAIWANESE FAMILIES

I will refer to Taiwan's society having Chinese characteristics based on its historical connection with China. Taiwan is largely composed of people of Chinese descent (華人 *huaren*) and half of those people migrated to Taiwan before the civil war in China, known as *benshengren* while the other half migrated after, known as *waishengren*. It is important to understand the role of having DHWs in Chinese society, for they represent hierarchy and class status, which is considered very important in Chinese society even until this day.

Some scholars (Spence 1990) say that that hierarchy in class and the family didn't really start until the Ming Dynasty when Zhu Yuan Zhang came into power. Hierarchy became imbedded into people's lives when China's feudal system was implemented by Zhu and reverberated into the family structure. Under Zhu, clear distinction between the rulers, Eunuchs, all the way down to the peasants was established in China's class system and people were expected to act in accordance. This continued throughout the Qing Dynasty (the last dynasty in China) until it collapsed in 1911 but still remained prevalent, as China's society was mostly poor peasants governed by landlords throughout most of the 20th century.

The remnants of this hierarchy haven't faded much. During my stay in China and in Taiwan, workers have to work many extra hours past the time they are suppose to get off work as stated on their contract. This is a way to give the boss a better impression in order to make their way up in a particular company. However, in a lot of cases bosses will require their employees to work long hours with no pay and if a worker doesn't do it, then the company will find someone else. In Taiwan and China, the competition for finding jobs is very intense so in order to maintain one's job citizens in both China and Taiwan keep quiet and don't leave until after the boss has left in most cases.

More so, a previous co-worker of mine use to act as an English teacher for one of the most famous actresses in China named Gong Li. He told me that while he was staying with her in China that she only gave her maid RMB\$20 (USD\$3) for a day's work. He speculated that this was because she lived through the Cultural Revolution and experienced a toilsome life and yet was able to make a living for herself afterwards. Therefore, many people of both Taiwan and China's elder generation

don't sympathize as much as those who have grown up in a more stable society and this influences their attitudes towards work.

From my own personal experience working in Taiwan, I can say that Taiwanese expect a lot from their employees and aren't willing to compensate for work outside of written contracts. This is a hard notion to understand from a Western standpoint where rules are followed in detail and little tolerance for extra work with no pay is not tolerated. At the organization I worked at, we were constantly having to come to work earlier and earlier and were given increased workloads that seemed to come about every few months with no extra pay. This led more than one person to leave the organization, which gave it a high turnover rate. For me, it was evident that this was a cultural aspect that I had to accept if I wanted to work in Taiwan.

In East Asian and Southeast Asian culture, long working hours with no extra pay is not a new thing, and is highly attached to value in Asian society. Taiwan's government said in 2011, however, that it is working towards achieving a maximum 40-hour workweek where any time over that will have to be charged (at present employers can technically require their employees to perform 48 hours of work under contract). However, the already required 48-hour workweek is not monitored by the government nor respected by many employers.

Other Taiwanese friends that I have spoken with who work in the white-collar sector said the employers feel cheated if they see an employee resting at any time and that employees pretend as if they are working even though they may have nothing to do at all. When I ask white collar and blue collar employees whether they feel like they need to pretend to be doing work even though they may have already surpassed their scheduled time to get off, they all responded that it was important to do so.

Survival strategy in Taiwan's workforce is important. For Taiwan, it needs to stay competitive not only in the Asian market, but also in the global market. While Taiwanese have a reputation for being diligent workers, it is important to ask whether that cultural tendency is embedded Taiwan's society, if it is a bi-product of Taiwan having to compete in order to keep up, or if it has to do with the amount of domestic competition.

In societies like Taiwan, Japan and Korea, population density versus land mass is much more extreme compared to places like the USA and Canada. This causes cities to be far denser and working options much more competitive compared to other countries where perhaps labor is in shortage. Because of this, Taiwanese also

have to submit themselves to long-working days, usually from 9am-6pm with overtime usually until around 7 or 8. From this standpoint, it is difficult for Taiwanese to see their DHWs sitting around the house even if there is no task to do at a particular moment, according to two employers. Other Taiwanese that I interviewed said that if they had an employee, whether it is in an office setting or within a household, which was working less than them, they would feel like they were not getting their money's worth. "Why should I have to work all day and put in 10-12 hour days when they shouldn't?" said many respondents to whether Filipinos and other DHWs are being overworked. This question was proposed by many interviewees several times throughout my research and is crucial in understanding Taiwanese mentality on work.

This issue of long working hours is excessive in other Asian countries like Japan and South Korea, but takes place in a different manner. For instance, in Japan most Filipinas are entertainers and are often submitted to prostitution. Reports of runaways in Japan often talk about being forced into performing sexual activities that weren't specified in their contract and end up fleeing as a result. It is hard to compare this situation with Taiwan's because the contexts are quite different. However, the issue of performing activities outside of a contract seems to be common spread in East Asia in order to please an employer.

Moreover, the concept of work and whether DHWs do actual work is different in Taiwanese eyes compared to a Westerner's. For a Western employer, if they tell a DHW that her working hours are from 9am-6pm, then any task that is assigned during that time is usually considered work. However, Taiwanese employers feel that if a worker is assigned a task and finishes it early, leaving her with nothing to do until another task is assigned, then that free time in between needs to be added on later in the day. This is one of the biggest discrepancies between Taiwanese employers and their employees and there are no guidelines set up by the government to protect workers in this regard.

Taiwanese employers have said that DHWs will often not work unless they are told to do so and that they often slack off during the day. Employers stress that unless they push their DHWs, nothing will get done which makes employers feel as if their employees are incompetent and unreliable. However, the notion that an employer has to direct its employee and provide some sort of motivation is not something unique in the workforce. Within any given company or organization, if there is not a central figure such as a boss or manager that is providing instruction and

structure for its employees, the company will most likely be unproductive. It's thus unfair to single out DHWs and emphasize that they are more likely not to work harder than any other kind of employee, be it in the blue or white-collar sector.

The problem, however, still lies with the mentality and excessive superiority that employers have over their DHWs, which is inevitably constructed and exacerbated from lack of even higher superiority from the government. Lack of guidelines for employers and their employees as well as lack of labor protection give employers the right to call the shots and this gives employers the freedom to treat their employees and construct their own rules as they see fit. A lack of regard for human rights and equality comes about from this and it is shown within many of the runaway cases I have inspected.

An interview with a Taiwanese woman by the name of Jaclyn says that she knows many people who have gone through numerous Filipino caregivers and that treating Filipinos too nicely is a bad thing. She says that if the employers treated the caregivers too well then they would be very prone to being lazy. She further said that Filipinos like to party and drink too much and that they try to take hold of any opportunity they can to not work. According to Jaclyn, some of the caregiver's personalities and habits aren't good and some employers worry that while they are away that the maid will steal their money or do something bad. She said this isn't necessarily so with Filipinos in Taiwan and it is common throughout the world to have both good and bad people. However, she feels Filipinos often go out and drink and smoke too much and that worries their employers, so it hasn't left the best impression with Taiwanese.¹⁸

More so, the way that Taiwanese have constructed their viewpoints of migrant workers largely come from their home country's economic status. Because countries like the Philippines, Thailand, Indonesia and Vietnam have weaker economies than Taiwan, Taiwanese feel that they are superior. The problem with this viewpoint though is that the Philippines for a long period had a stronger economy than Taiwan's. This changed though due to corruption during the Marcos administration and it caused a major economic decline in the Philippines economy. Unfortunately, this caused the Philippine's standard of living to decrease and Taiwanese began to see Filipinos as "backward". The racial stereotypes Taiwanese have of Southeast Asian

¹⁸ Interview in July 2011 with a pharmacist who teaches foreigners Chinese

countries are a major aspect as to why migrant workers are treated in certain ways. Because they are perceived as coming from “backward” nations, many Taiwanese feel they are less civilized.

The mentality the *huaren* culture in Taiwan has towards employees has largely been constructed based on the ability of employers who have more power over their workers to instruct them as they see fit. While workers’ rights have been improving over the years and the government is starting to initiate plans to promote a less stressful workweek, Taiwanese culture has yet to witness a true worker’s revolution where government is influenced by the people to make great changes in its structure and guidelines towards work. Policies are too loose in Taiwan’s society and this has influenced the behavior of employers’ attitudes towards workers. Workers from both the blue and white-collar sector have told me how much time is wasted during a day because workers purposefully don’t start to get busy until later in the day in order to appear busier later in their shift. There is a cultural aspect to this, but government can outline better means for workers of how to be productive and employers can shift their work requirements and attitudes towards productivity. Even more so, an effective means of implementing overtime payment needs to be done so that employees will be compensated appropriately or in order to avoid employers purposefully overworking their employees.

Boundaries between Taiwanese families and DHWs

After that the workforce culture in Taiwan has been examined, it is now important to address an issue that is unique for DHWs- living conditions. It is hard to measure the amount of domestic work being done in a Taiwanese private household, especially when caretakers live in an extra room in the employer’s house. Job requirements are usually ambiguous and unlimited. Worker's are in s standby condition in response to employer's spontaneous requests. Also, even if the job requirements are specified in a time schedule, most domestic chores are not usually performed in a rigid sequence and are not easy to be quantified or standardized. In addition, much of domestic work is invisible (Daniel 1987). Tasks like vacuuming and laundry do not produce substantial labor output, but maintain routines of the family daily life. Domestic employers thus shift their focus of labor control from

specifying tasks and measuring labor output to the management of “time” by maximizing working hours and requesting non-stop labor efforts.

I had an interview with the director of MECO who helped further explain this phenomenon where he discussed labor standard enforcement issues.

“Firstly the homes are not considered traditional workplaces so inspectors or labor standard enforcement officers do not normally access them. The working hours are regulated by contracts but in reality they are difficult to regulate. Normally service type workers, relationship between employers and those kinds of workers are very important where loyalty, confidence and trust are an essential ingredient to a successful relationship and therefore, many household workers are not prone to complaining but to forbearing some abuses that sometimes happen, so this is the special situation that we are facing. Right now the common complaints of the workers are in respect to the salaries that they receive. There is a recent study done by the Council of Labor Affairs (CLA) that shows that the normal working hours of the household based workers are longer than the industrial based workers and yet the average pay is lower, so there are efforts being made to solve this issue. I was pleasantly surprised by the survey thought that most employers would be amendable to allowing their household workers to be covered by the minimum wage law. This is something unusual but something good we can say about Taiwanese employers.”¹⁹

Fortunately for workers, they have the option as of 2012 to live outside of employer’s households but this is not commonly known amongst workers. More so, living outside in an apartment would take up to a third or most likely half of the worker’s salary. The government has allowed the workers more freedom, but it is not practical due to the ratio of high living costs and a worker’s salary. There has to be more protection under a labor standards law, otherwise workers are further subjected to mistreatment.

Restrictions on DHWs and how they effect workers’ interactions with employers

Why are laws that are geared towards ensuring migrant workers don’t exceed 48 hours of work a week hard to implement in households? Domestic helpers for example don’t have much access to a phone. Most of them are forbidden from using their employer’s telephones and none of the people I interviewed obtained cell phones. One reason for that is actually due to strict laws that the government puts on all foreigners in Taiwan, which requires all non-citizens to have a Taiwanese sponsor to co-sign on a phone contract. Domestic helpers are also under heavy supervision throughout a given day and are usually restricted from making any outside phone calls while on duty. Most helpers don’t get time off until Sunday, assuming that they get

¹⁹ Ibid

time off at all, and can't access government institutions on the weekend. Therefore, if there are any problems that arise or concerns the worker may want to express, it is very difficult for the worker to communicate it to the government.

More so, as of January 2011, the increase in minimum wage adjusted the monthly minimum salary to NT\$17,880.00 or an hourly minimum rate of NT\$98. Joram Calimutan, program coordinator, of the Asia Pacific Mission for Migrants (APMM), says "the exclusion of household service workers (HSWs) who are mostly women from the Philippines and Indonesia reflects that the government of Taiwan merely views them as cheap labor. It is no different from other governments, like in Hong Kong, that do not recognize domestic workers as doing decent work. The Taiwan government does not even include the HSWs and house-based caregivers/caretakers to its Labor Standards Law."²⁰

Migrant contract workers are not permanent residents but temporary visitors/consumers. Taiwan's government needs to give further consideration for allowing foreign workers to be more involved with Taiwan's society. Migrant workers in Taiwan were requested to sign an agreement with their employer that stipulates the prohibition of partaking in activities like protests and rallies despite many of them showing up to rallies anyways.

During an interview I had with Lorna Kung, she put into perspective some major regulations set by the government that NGOs in Taiwan are fighting for and why.

"There are 180,000 caregivers working in Taiwanese households without any law protection. We've been working on the household service act to protect them and we've been lobbying for a long time. It specifies the working schedule and who is their boss, which is important because in Taiwan all of the family members can be their boss and it confuses the worker.

It also covers their working hours, which is important since the workers are on call 24-7 as well as their benefits, specifically health insurance. Health insurance is particularly important because if an employee has an accident at work then their health expenses won't be covered. We have been working on these issues for a long time. The CLA has already had a long proposal for a household service act, but their version is quite different from ours. Their version only covers psychiatric support and states that the employee can only have one day off a week, but it doesn't mention the number of working hours workers need to fulfill in a given day nor about labor issues, so for us we feel it is useless. This

²⁰ Article written by the Asia Pacific Mission for Migrants (APMM) on January 24, 2011

law has been sent from CLA to the Executive Yuan, then to the legislative Yuan and later to legislators. But our act has already been sent to the Legislative Yuan and we have been trying to gain support from legislators but it's not easy. Also, foreign workers don't have the right to vote in Taiwan, whereas they do in places like Italy, so they don't have political influence here.

I also think that foreigners should be able to vote. I use to stay in Rome for 2 ½ years and after 6 months of being there I could vote for the migrant consoler. This is regarded as lawful citizenship in Rome. I really do think that both migrant workers and foreigners in general should be able to vote after a period of time. Unless you give them such voting rights, you won't be able to see change in policies; otherwise this kind of isolation always exists. You need to let foreigners participate both politically and socially because participation is most important. Taiwan's government has ignored this in the past but within the last 5-6 years the government has been trying to show their support and acceptance for migrant workers culture, but for me it isn't enough. If we give them political participation, we give them the chance to try and understand more. Otherwise, the migrant workers are just "passengers" here, which isn't good for Taiwan also.

In the beginning migrant workers were only allowed to stay in Taiwan for 2 years, and then it became 3 years and later 9 years (now 12 years), but for us (at the NGO) we feel there should be no limitation.²¹ Also, we feel like we cannot only treat them like "guest workers" because if we do there will always be issues with human rights and they will never feel like they are a part of society and Taiwanese will just ignore them.

Migrant workers have provided a huge social contribution to Taiwan. Many people have no time to take care of their parents so they hire a domestic caregiver. Also, Taiwan's social welfare system is not good enough so individual families are allowed to hire migrant workers.

Having a family as an employer is a very complicated situation. But Taiwan's situation is improving. In 1989 when migrant workers started coming to Taiwan, there were no laws so Taiwanese were already used to hiring migrant workers as slave labor (referring to the direct selling of workers without government interaction). In my opinion, this was a big mistake made by Taiwan's government cause now Taiwanese employers are use to caregivers being on call 24/7.

Migrant workers also rarely hold their own passports because previously Taiwan's government had a policy that if a migrant worker runs away then the employer will not be able to hire other migrant workers. So all employers hang onto their workers passport. I think some violators of human rights in Taiwan are a reflection of Taiwan's government's policies. I also think the sexual abuse and discrimination migrant workers face is a result from them making fewer wages because it emphasizes that they are inferior to Taiwanese. Within the household setting, there are no laws against protecting workers and I think this causes Taiwanese to look down on them and make them feel like they

²¹ The interview was conducted in August 2011, and since then the maximum amount of time a workers can stay in Taiwan has been extended to 12 years.

can treat workers however they want. I think the government's policies are largely to blame for this. Also, Taiwanese as a society haven't yet fully accepted the different peoples from Southeast Asia. We always look down on them and call them "wai lao", whereas with Caucasians we call them "lao wai". I think this is a big problem and because Taiwan's economy is more developed than other Southeast nations, it makes Taiwanese feel like they are better than others and that other countries don't have any culture. I think this is also a problem and there is lots of exploitation and discrimination based on this. I think this is a big problem for Taiwanese because our world-view is bad.

If there is an imbalance in development between countries then there will always be migrant workers. But we shouldn't just treat Filipinos as part of the labor force. But I think there are definitely cultural and historical reasons as to why employers mistreat their foreign employees. The concept of human rights is a new one for Taiwanese. Taiwan is also a young democratic country. All of the lobbying, social struggle, social and labor movements have occurred in the last twenty years, so it's going to take a while for Taiwan to catch on. But Taiwanese are becoming more aware of issues like being over-worked."

In addition, many activists in support of migrant workers have been fighting to change certain restrictions against workers. On August 25, 2011, the Migrant Empowerment Network in Taiwan (MENT, a network of NGOs working on migrant workers issues, HWC and HMISC are members of the network) criticized the draft of Taiwan's domestic workers act, saying this act would not protect the rights of domestic workers, many of whom are migrants, but rather legalize exploitation of domestic workers. According to MENT, the act only gives suggestions – the final decision is left to the worker and the employer to discuss and agree upon. Issues like working time, rest-time overtime payment, day-off etc. would, according to this wording, be negotiated between the worker and the employer. By that a domestic worker could – legally- be on duty all around the clock with no day off for months.

MENT says this act turns the Taiwan government's promise to protect domestic workers ad absurdum. The draft act also fails to recognize domestic workers as workers by saying that it is hard to divide work hours from rest hours and by that it is not possible to regulate and limit the daily and weekly working time. During a meeting with the Council of Labor Affairs (CLA) on the same day the government's position was proven. The only concession the CLA made was to further consider and discuss the issues mentioned by MENT. The draft is not consistent with any of the international human rights treaties Taiwan has ratified (2009 the two Covenants on Human Rights, 2012 CEDAW will be enforced). MENT further says the act is reinforcing stereotyped gender roles and discrimination against women. Furthermore

it fails to provide just and favorable conditions of work and does not protect them from slavery and servitude.

This act was passed despite the fact that CLA completed a survey of 7,201 industrial employers of foreign workers and 5,064 household employers of foreign caregivers to better understand the alien labor employment and management situations in 2010. The survey has been carried out every other year since 2000. Findings of the poll showed that the monthly pay for foreign workers hired by industrial employers averaged at NT\$23,133 in 2010, slightly up NT\$49 from 2009. Of such workers, those serving at the manufacturing sector received the highest average monthly pay of NT\$23,168, compared to NT\$21,298 for those hired by the construction sector. The average daily work time stood at 10.2 hours. In contrast, the average daily work hours reached a high of 12.9 for foreign caregivers employed by households, and their average work hours reached as many as 387 per month, as the vast majority of such caregivers were not allowed to take any leaves in the whole month. Nevertheless, the average monthly pay for foreign caregivers hit a low of only NT\$18,341 in 2010, including NT\$15,983 in regular pay and NT\$2,027 in overtime pay. This translated into an average hourly pay of only NT\$47.3 percent, less than half of the minimum hourly pay of NT\$98 as set in the revised Labor Standards Law.

At the moment, foreign caregivers in Taiwan are not covered by the Labor Standards Law, and therefore fail to enjoy the minimum labor wage. The CLA is drafted amendments to the labor law to bring foreign caregivers under the protection of the law. The same survey also found that 85 percent of households employing alien caregivers agreed to give the minimum monthly pay to such employees in accordance with the Labor Standards Law, and 64 percent agreed to allow the employees to take a rest for several hours per day, instead of their current 24-hour care work.

The Council of Labor Affairs (CLA) has extended the maximum number of years foreign laborers are allowed to stay in Taiwan to 12 years as part of efforts to address the problem of runaway workers. The council recently met academics and labor experts, as well as representatives from labor unions and business groups, to discuss possible changes to foreign labor policies to discuss the issue and the council's Bureau of Employment and Vocational Training, which oversees businesses' applications to hire foreign laborers, said one of the principal objectives of the proposed changes was to decrease the frequency with which foreign industrial laborers and stay-at-home caregivers flee their workplaces to become undocumented

workers.

The council said an initial consensus had been reached among labor and business representatives to gradually phase out the limit on the number of years foreign laborers are allowed to stay in Taiwan to work. The first step would be to increase the maximum stay to 12 years, officials said. Through this extension, the council says it hopes to minimize the incentive for foreign workers to run away, as they are more likely to be able to renew their work contract and stay with the same employer and do not have to face going back to their home country before they have earned enough money.

The council said it would not draft its own amendments to the Employment Services Act (就業服務法) to extend the stay limit, as the same amendment had been outlined in a proposal by Chinese Nationalist Party (KMT) Legislator Cheng Li-wen (鄭麗文), which has been supported by the council. Aside from extending foreign workers' stays, the council also hopes to loosen restrictions on foreign workers wanting to change employers. However, labor and business representatives were not able to reach a consensus on this issue. Business groups are concerned that this would indirectly encourage the growth of underground brokers and inject instability into the foreign labor workforce.

Unless the government covers migrant workers under the labor standards law and provide more strict guidelines for Taiwanese employers as to how to treat their employees, there will continue to be problems. Human rights is a new issue in Taiwan and has not yet been taught and experienced similar to more developed Western nations. Extending the length of stay workers can remain in Taiwan to work as well as increasing their minimum salary helps, but is not the cure to the root problem. Unless this is realized, Taiwan will continue to have a negative image internationally in terms of its human rights issues and Taiwanese may be immensely misunderstood in regards to their culture and work ethics.

CHAPTER V

COPING MECHANISM

Filipino DHWs deal with issues in their lives in various ways. Most Filipinos have strong Catholic belief and attend Mass every Sunday at St. Christopher's Church. The church is a modest Catholic Church located on Chongshan North Road in Taipei. The church offers services in both English and even in Tagalog due to the increasing amount of Filipino churchgoers on Sundays. Since the early 1990s, St. Christopher's has become one of the most popular gathering places for Filipino migrant workers. There is an estimate 3000 people that attend mass every Sunday. There they meet and greet one another and share their lives with one another. Near St. Christopher's, there are many Filipino shops nearby, which gave the area the name "Little Manila", that DHWs go to afterwards to socialize, eat and even party.²²

Garbage collection time is one of the few occasions when migrant domestic workers can leave the houses of their employers. In Taiwan, most residencies require each household to wait for a garbage truck to come in order to dispose their trash. While awaiting the garbage truck, which comes at the same time five days a week, they chat with their fellow nationals, exchange romance pocket books, and sometimes use a phone to call their families. In addition, migrant women grasp the moments of picking up children at school or wheeling the elderly in the park to share information and feelings with other migrant caretakers. There are also a lot of efforts by governments from both the Philippines and Taiwan that should be addressed.

Efforts made by the Philippine's Representative in Taiwan

At the Ugnayan Center, I had a chance to sit down with four different teachers to learn about how the Filipino government is helping its citizens to improve their lives in Taiwan as well as train them for coming back to the Philippines to help strengthen the economy.

"OWWA has set up a program to help train Filipinos in various skills. The students are taking a basic computer class to learn Microsoft programs such as Word, PowerPoint and Excel. Some of them also don't know how to

²² I went to some of the nightclubs, which are actually more like day clubs that Filipinos go to after church in the morning. Everyone there dresses up as if they were going out on a Saturday night since they can't go out any other time of the week. There they told me about some of their lives in Taiwan and some of the stories of their friends.

use the Internet. The students work in factories or are caregivers and are from all over the Philippines. The class teaches workers how to connect with their families and we teach them how to use Skype, MSN, or Face book so that they have a cheaper alternative for connecting with their families rather than making phone calls. There are also other classes at the center such as Chinese so that they can further communicate and adapt.

One of the other programs here at the center is for learning how to fix computers. It is the government's hope that the workers abroad can obtain various skills and then bring those back to the Philippines to support the Filipino economy. There is also a technology class. The idea behind teaching the workers about technology is to bridge the gap of communication between workers and their families back in the Philippines. If they have to use their cell phone or a calling card then that's very expensive but in this age of technology if you can invest in a notebook and have an Internet connection, it's very easy to stay connected. More so, there is also an entrepreneurship and development training program at the center. This will help them understand how to go into business because many of them want to do that but have no idea how to do so." 23

The director at MECO also informed me about the efforts being made by the Filipino government for its citizens in Taiwan.

"Out of the more than 70,000 plus Filipino workers in Taiwan, 23,000 of them are caretakers and domestic workers. Compared to other countries, Taiwan has a very good protective policy for its workers but currently there are discussions about how to further improve the policies especially in respect to household workers. Generally in the world, household service workers are not protected by labor standards law, which are normally applicable to industry workers, so the situation in Taiwan is not an exception but it may be good to know that all over the world now there is a movement to try and cover household service workers with specific laws, if not entirely under the labor standards law. In fact in June of 2011 the international labor organization is going to take up a possible international convention for the protection of domestic workers and Taiwan is also talking about the possibility of adapting its own law with regards to household based workers. The Philippines is also situated in the condition that it's been in law standing proposal in our congress to provide a law protecting household based workers. Although currently under our labor code there is a prohibition providing minimum wage to household service workers as well as for the welfare of the workers doing domestic work, but as many people know domestic work is an especially located type of work where labor standards are quite difficult to fully implement.

In the beginning of October 2010, we also had some discussion with CLA on the possibility of relaxing policies to make it easier for household workers to transfer to other employers when their employment relationship might not be working very well. These are some of the measures being considered by the Taiwanese government in order to discourage running away or overstay workers. And in addition there is a negotiation or a consultant mechanism between Taiwan and the Philippines called the Joint Labor Committee Meeting (JLCM). JLCM is expected to be held in June, 2011 and is expected to cover issues such as

²³ An interview I had with the center in June 2011

the terms and conditions of work involving the household workers and factors that might be creating problems in relation to their times of work. Placement and service fees that workers are subjected to will be taken into consideration. The Filipino government has adopted a policy some years back prohibiting the collection of placement fees from household based workers. But that has resulted in less employment opportunities for our workers. Our household base workers pride themselves with the fact that many of them are better off in terms of being able to utilize the English language in serving their clients. But as you know, Taiwan is basically not an English-speaking place so some sending countries have been more competitive in this respect because they need to train their workers to speak Mandarin. There is an attempt by the Filipino government to provide training in this area, but we still have a long way to go in allowing our household workers in Taiwan to be able to speak fluent Mandarin in order to promote better communication. So as a result of this, up until this time, it is still necessary for household base workers from the Philippines to be served by Taiwanese brokers, especially when it comes to interpretation services. Although many Filipino household workers are quick to learn Mandarin, but they still need a lot of help to ensure that communication is strong. Another problem that they don't normally complain about is that sometimes they are not able to enjoy their day off especially when the types of clients they serve are bed-ridden or seriously ill. So we are in discussion with the Taiwanese government on possible policies that would give the employer some flexibility to hire a part-time worker, not only a local worker but also a foreign worker, or multiple employees at the same time so that they can enjoy their day off, which is necessary for their health. So we are in discussion with Taiwan in a problem-solving mode, so hopefully if the two parties continue to exhibit good faith, then we will look at the problems objectively and find ways that policies can be adjusted in order to accommodate those needs.

The other development between Taiwan-Filipino relations with respect to protecting workers is that we are promoting what we are calling “direct hiring program”. This is a program where employers could hire workers without brokers from both ends. The advantage of this is so that the workers will not shoulder so many expenses. They will have fewer expenses to be recruited and employed in Taiwan and that should minimize their economic burden and increase their earning capacity while in Taiwan. This year (2011) we also to re-operationalize an online recruitment system which would make it easier for the Taiwanese employers interview their crew and to get permission to hire foreign workers. This way it could be less cumbersome and costly for them. Of course the Filipino government is looking at ways in which we can prepare our workers a lot better. If they can perform their jobs well then the employers will be more delighted and satisfied and that will promote a healthier relationship with the employers. So household service workers from the Philippines are required to have what we call “national certification” too from our technical education and skills development accordingly, which requires them to be trained and competent and proficient in certain skills like with cooking, taking care of sick patients and medical conditions so that they can take good care of their employer.

Over the years Taiwan’s protective labor legislation, especially the employment service act, has developed and is quite protective of migrant workers. Of course migrant workers, just like any worker anywhere else would want better protection and improvement in the labor laws that can provide them better security and protection. Pilipino workers

appreciate that fact, but at the same time they wish that the limit for working in Taiwan can be further expanded to 12 years and the people working in the household sector want to be covered by the protection of the labor standards act, which currently doesn't protect them along with the labor insurance as well.

There are two basic legislations other than the regional prohibition of the labor code of the Philippines. There was a law that was made in 1995 called the migrant workers act of 1995 for Republic Act 8042 and there was a recent legislation in 2011 called the Republic Act 1022, which are basically the cornerstone policies of our government. In 2010 when the new administration came into power, he laid down what he called a 22-point agenda for labor, which defines the policy and acts as the basis for allowing our workers to work in foreign countries. Basically this policy requires that we send our workers to destinations that have protective legislations for workers in general, inclusive of migrant workers. We have a system for documenting workers so that they and their purpose for going abroad can be properly identified and also so that they can be protected from human trafficking. We are also requiring our workers to be protected by our overseas welfare administration so that they have some insurance and that their families back home have protection against health or medical problems, provided they need any assistance. We have a system that requires Filipino brokers to be accredited with the foreign brokers and principals, and they are obliged under our legislation to have joint and solidify liability for protecting the workers so that if any harm occurs with the workers, these agencies are held responsible by our government together with the host government to protect the workers.

Before brokers recruit workers in the Philippines, must recruit through a licensed counterpart agency. And those agencies have certain qualifications; they need to be licensed, have no illegal recruitment record, and they need to have a performance bond, which will ensure that they will have the economic capacity to fill their obligations towards the workers. Also, the Philippines maintain offices abroad such as MECO to oversee compliance of those brokers under their accreditation and obligation. Of course our offices also work with our counterpart offices in the host government. We work with the Council of Labor Affairs (CLA) and the local bureau of labor affairs to ensure the workers rights are observed and protected. If the brokers violate workers rights then we prevent them from having authority to recruit.”²⁴

Lastly, the director said that although the remittance of Filipino workers has not exceeded 15% of the Philippine's GDP, there is no deny that the contribution of our workers, especially in generating foreign remittance, has been very significant, which has helped the Philippines economy and Filipino families as well. He also said there were studies before by the IMF and the World Bank suggesting that the beginning of the overseas employment program, our overseas workers are belonging to the lowest 20% of the income decimal in the Philippines and were using their

²⁴ Ibid

income to purchase consumer items. But now many of them are engaging in investment, can send their kids to school, and have acquired households, so one can see that they are improving in their economic standing. The director pointed out that migrant workers going abroad have helped the families a lot along with our industries, but still the government would like to see a situation where ultimately this overseas employment becomes a genuine option for the worker rather than being forced into it because they have no option at all.

Actions Taken by Taiwanese Organizations

About 2,000 people, including migrant workers, rights activists, unionists and college students, took to the streets in Taipei in mid-December 2011, calling on the government to better protect the rights of migrant domestic workers by giving them regular days off and establishing a minimum wage. Protestors were holding up signs that read, “Where is my day off?” in Indonesian, Thai, Vietnamese and Tagalog. The migrant workers and their Taiwanese supporters said that they wanted to have vacation time as they began their march at the Zhongxiao Fuxing MRT station all the way to Taipei 101.²⁵

Lorna Kung (龔允倩), who works at an NGO called the Migrant Workers Concern Desk, was at the forefront with a megaphone shouting “in 2007, migrant workers took to the streets for the first time, shouting: ‘I want days off.’ In 2009, they did it again, shouting: ‘I still don’t have any days off.’ This year, unfortunately, migrant workers have to come out again and ask: ‘Where are my days off?’”

Kung was also posing the question- “finding them in such a difficult position, what foreign domestic worker could negotiate with his or her employer on an equal footing?” Besides questioning the government’s efforts, Kung called on Taiwanese employers to give foreign domestic workers a break. “Most foreign domestic workers take care of the elderly and the physically challenged, but only when they have had enough rest can they provide quality care for the needy in your family,” she said.²⁶

Wang Wen-hsiu (王文秀), a specialist from the Presbyterian Church in Taiwan Labour Concerns Centre, which is a member organization of the Migrant

²⁵ The march takes place bi-annually and over 2000 foreign workers and Taiwanese participate

²⁶ Taipei Times article “Protestors urge better protections for migrant workers”

Empowerment Network in Taiwan, also attended the rally. She said that of the 200,000 foreign domestic workers in the country, only 5.5 percent could have regular days off on public holidays and weekends. Moreover, as much as 42.4 percent of foreign domestic workers have not had a single day off this year.

Wang also said that on average, DHWs work 13 hours a day, their passports are usually taken by their Taiwanese employers, and they are also under constant threat of being fired and sent home. Wang said that most of them don't dare to resist because in order to come to Taiwan, they've borrowed a large amount of money — around \$200,000 (USD\$6,700) — and they need to make money to pay back that debt.

A migrant worker from Vietnam surnamed Nguyen had told newspaper sources that during the nine years she has worked in Taiwan as a domestic caregiver, she has had almost no days off. Nguyen said she works more than 10 hours a day and that her employer took her passport on her first day of work. She also said that for the first two or three years, she worked with no income since almost all of her wages were used to pay back the bank loan she took out to get to Taiwan.²⁷

During my interviews with various people at the rally, I got a strong sense of frustration amongst workers. They all came out to voice how tiresome they were to make their living and how they aren't even able to enjoy their lives outside of work. For them, according to one interviewee, Taiwan is both a saving grace and a prison for migrant workers.

A factory worker joined the protest in support of DHWs. He said he and his friends attended the rally to support migrant workers and voice their opinions to the government how migrant workers rights should be protected more. He said migrant workers are people too, and like people in Taiwan, they need time off to rest.

I ran into a couple of Caucasians that were also supporting the rally. A Swiss man in his late 30s said he is working as a volunteer at a migrant center in Hsinchu. He went to rally support for DHWs because there are no labor laws to protect them and most of them do not have a day off. "Some of them get voluntarily days off. It is estimated that out of the four hundred plus thousand migrant workers in Taiwan only about one hundred thousand of them get days off once a week and many just once a month. But that means there are hundreds of thousands of other migrant workers that have no days off for as much as up to 3 years," he said.

²⁷ Ibid

He also elaborated on migrant workers situation in Hsinchu. “Most workers come to our center for counseling. Although most of them don’t have access to phones or computers, they still have opportunities to meet other workers while taking care of their employer either in a hospital or taking them for a stroll in the park.” He also said that even though most migrant workers don’t know each other when they are out running errands, they still seek advice and counseling from one another and that the center usually gets mentioned, so that’s why it sees a big turnout. He also said that there are still tens of thousands of workers that cannot contact the center, which is a big problem.

When asked whether the rally is effective, he replied, “We are trying to spread awareness to the Taiwanese public with this protest. This isn’t the first one we’ve participated in and we are slowly trying to make people aware of this issue. By constantly spreading awareness with protests as well as media and cultural events, I think people will slowly become more and more aware and eventually some of the main problems migrant workers face in Taiwan may be solved.”

Another Caucasian who is female, in her mid 50s and a professor in Taiwan said, “I’m a foreign worker in Taiwan as well but I get weekends off, vacation time, as well as a sabbatical. Blue-collar foreign workers should have the same rights but they don’t, so I came to this rally.” There were even some Taiwanese came out to lobby for migrant workers because the labor standards law does still not cover them. They said workers work such long hours with no days off and they don’t even get overtime pay. One person said, “I think it is very common that a worker in Taiwan has to work overtime with no pay. Workers are pretty much forced to work if their boss says because if they don’t do it then someone else will. Taiwanese aren’t that concerned with human rights and this is reflected in the workforce as well as in the government.”

More so, there are many NGOs such as Taiwan International Workers’ Association (TIWA), an activist organization established in 1999, that help migrant workers (primarily Southeast Asian blue collar and domestic workers) organize to fight for their rights, as well as advocate for more progressive labor policies in Taiwan. There is also a center now established called the “Direct Hiring Service Center” that is trying to promote direct hiring services in Taiwan in order to reduce the possibilities of migrant workers being exploited.

While the answers of the workers don't reflect all migrant workers, they do shed light as to some of the major and constantly occurring problems that exist between the workers and their employers. Government policy has played a major role in the lack of protection for workers and there is clear evidence as to how this is affecting workers' lives. Broker agencies need to be eliminated for hiring workers unless they are government run and funded and direct hiring needs to be promoted more. There needs to be an increase of political dialogue between the Philippine's government and Taiwan's so that DHWs are not commodities being purchased under circumstances that don't even provide them the basic freedoms of life.

Lastly, the funding and resources for cultural centers by the Philippines government could easily be put to use back in the Philippines instead of waiting for workers to go abroad. This would decrease the amount of Filipino blue-collar workers leaving the Philippines, which means less possibilities of exploitation and would generate more domestic income. Also, on Taiwan's end, the number of faculty and funding needed to regulate behaviors of private brokerages and deal with run away DHWs along with migrant workers in other sectors could be put to better use if there was government controlled brokers. This way, there could be a more centralized system that could ensure the flow of workers and their progress in Taiwan, similar to what white-collar foreigners have through Taiwan's CLA.

Chapter VI

CONCLUSION

So far it has been observed how policies have affected workers lives as well as how the cultural aspect of Taiwanese society has affects migrant workers. The dynamic of workers living in Taiwanese households, however, is something that is unique and also found in other countries as well, thus not making it more special than a Filipino worker living in Saudi Arabia. However, in countries like the US where workers also live with their employers, research has shown that with stronger policies and guidelines in dealing with workers and their rights, that it is possible to decrease the number of runaways.

According to Article 24 of the Universal Declaration of Human Rights, everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay. In 2011 in Geneva, the international community has set a very strong political sign by adopting the ILO (International Labor Organization of the UN) Convention on Decent Work for Domestic Workers. The provisions of the CLA draft fall far behind globally agreed standards of protection for domestic workers. The ILO Convention clearly stresses in Art. 10,1 that “Each member shall take measures towards ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave.”

In order to secure the right to rest and leisure for migrant workers, the Migrant Empowerment Network in Taiwan (MENT) has lobbied the government both in 2007 and 2009 and held rallies with thousands of Taiwanese residents and migrant workers joining. In 2012, the Council of Labor Affairs has proposed an official Protection Act of Domestic Workers. However, MENT say this Act determines DHMs’ rights to rest and leisure, as well as restrictions on maximum daily working hours, through negotiations between the employee and employer. As individuals working in the employer’s household, without sufficient social support and protection of fundamental rights, the current situation is not unlike slave labor. With such an imbalance of power and resources between the two parties, leaving such rights under negotiations would be a blatant disregard of the situation of migrant workers.

The government should establish laws to protect a minimum amount of rest for domestic migrant workers. Government protected leave is the minimum labor

requirement for domestic migrant workers. The government is avoiding responsibility by condoning negotiations between the unequal parties of employer and employee and this is causing disharmony in Taiwan's society. Migrant workers just like Taiwanese need to be respected and protected, but that improvement needs to come along with some fundamental change in Taiwan's policies and laws.

Even the United Nations (UN) has even gone so far as to attach the promotion of labor migration to the trade liberalization agenda of the World Trade Organization (WTO). In the lead up to the WTO Ministerial meeting in December 2005 in Hong Kong, the UN declared during its Ninetieth Session on October 21, 2005 that: "It is difficult to envisage a world where there is an increasingly free flow of capital, goods and services without the concomitant increase in the movement of people. Yet, as economies and labor markets are further integrated through the process of globalization, barriers to the movement of people continue to be cited as a major impediment to potential global welfare gains that would benefit developing countries, developed countries and individual migrants and their families."²⁸

It was further said "At the international level, there is growing recognition of the role of migration in world economic growth, development and stability. Economic migration theories suggest that migration has the potential to offer gains to all or nearly all those involved in the migration process: countries of origin find outlets for their excess labor supply and benefit from the remittances their migrant workers send from abroad and the investments made by diasporas; countries of destination are able to meet their labor market needs, and maintain or improve productivity levels; the increased supply of labor reduces the growth in wages thereby raising national income; and migrants themselves benefit from higher wages and better working conditions and by acquiring new work-related skills and knowledge that they can eventually take back home."²⁹

Such international organizations show that the social and cultural impact of migration is considerable. Migrants can build intercultural bridges and cross-border social capital as they move between their culture of origin and that of their new home.

²⁸ United Nations Ninetieth Session, October 21, 2005, "International Dialogue on Migration 2005", pp. 3-4 . Quoted from the World Commission on the Social Dimension of Globalization, *A Fair Globalization: Creating Opportunities for All*, 2004; WTO, *World Trade Report 2004* (citing Winters and Walmsley, 2003, and Rodrik, 2002).

²⁹ Ibid

Culturally diverse workforces can be best placed to identify opportunities and forge effective multinational relationships that generate and sustain international business. Increasing cultural diversity can provide impetus for the stimulation of entrepreneurship, experimentation in industry, creativity in art and literature, achievement in sports, innovation in cuisine and a multitude of other endeavors. Policies can have a major role in enhancing the image of migrants in host societies through educational programs, media campaigns and events bringing people together.

Also during the WTO meeting, it was stated, “divergent sets of societal expectations and resulting psychological pressures can lead to marginalization of migrants in the host country. Unless government integration policies are carefully developed, rather than active participation in a host society, the consequences may be isolation of migrants into communities exclusively practicing their respective traditions and cultures. The risks of disaffection are not insignificant.”³⁰

Policies in Taiwan have greatly shaped the behavior in which Taiwanese treat their DHWs, for if there were more interactions and restrictions with brokers from the government as well as more policies geared towards protecting workers’ rights, there would be a significantly different outcome in the amount of workers that run away. The government has not made adequate policies and this has led to manipulation among brokers where they take advantage and profit off migrant workers with Taiwan’s free market system. While exchange of commodities are a common practice and companies need to compete with each other in order to stay competitive, that is no exception for peoples’ lives and the government needs to further consider this point.

In addition, since Taiwan’s government highly stresses on education, there should be a curriculum put into Taiwan’s education that educates young people about the history and culture of other Southeast Asian countries. This will help younger generations be more aware of why migrant workers are in Taiwan, what their lifestyles are like, and the roles they play in Taiwanese’ lives.

While the Taiwanese government can’t control what the Filipino government allows agencies to do, Taiwan’s government can regulate what it can accept and participate in on its end. More so, developing a labor standards law that takes into consideration the needs of Taiwan’s employers, its culture and its employees’

³⁰ Ibid

viewpoints needs to be enacted. The combination of workers not being protected by labor laws, lack of rights, and inability to be choose employers freely has been detrimental to their lives and has given Taiwan a bad reputation for treating migrant workers.

Private brokers need to be completely taken out of the picture unless they are government operated so that migrant workers can be like other foreign workers in Taiwan-able to move freely and choose jobs they find suitable. Otherwise, migrant workers will always be here under slave like conditions and Taiwanese will continue to have misperceptions and misunderstandings of how they should treat their workers. Although places such as Vietnam have its government directly involved in exporting labor to places like Taiwan, however, there is a lot of corruption in Vietnam's government, which makes this proposal seem unworkable. But this corruption is augmented largely due to the fact that Vietnam's government is interacting with private agencies, whereas if they were interacting with more stable and less corrupt governments such as Taiwan's, then the results would be drastically different.

The Spanish to a large extent has influenced Filipinos work attitude according to many Taiwanese employers. They say that this is why Filipinos like to take a lot of breaks and are not willing to work hard. Filipinos on the other hand say they work hard but feel they need necessary breaks, ones that they don't get according to all the run away workers mentioned in this paper. Working hard in Taiwan is a virtue, just as it is in many places of the world, but this notion should not interfere with the basic rights of workers.

Taiwanese employers do expect their workers to work diligently and fulfill long hours, some of which even extend into the weekend, but for the most part Taiwanese get breaks throughout the day and generally get to rest on the weekends. There is a stronger sense of empathy from Taiwanese employers towards their Taiwanese workers and employers are choosing to use a different standard of treatment. This is behavior that is amplified due to lack of regulation and protection towards workers and brokers are exploiting them as a result. While DHWs have helped release the burden for the aging population and women in Taiwan, their rights have not been protected and they are choosing to flee due to feeling powerless.

According to NGOs, roughly 1/3 to 1/2 of all DHWs have similar problems and their stories have not yet been exposed to the public. The other 2/3 to 1/2 of DHWs are known to be content with their jobs and do not report any cases of

mistreatment. However, it is looking like the number of runaways could increase in the future if proper action is not taken.

Taiwan's government has shut down various manpower agencies that perform illegal acts in the past, which shows that there is improvement. But there are still many agencies that are getting away with far too many illegal acts. As of early 2012, a first round of inspections into companies that contract out temporary workers found widespread violations, with half of them breaches of the Labor Standards Act (勞動基準法), according to the Council of Labor Affairs.

From July to September in 2011, the council conducted inspections of 60 companies that supply DHWs and other migrant workers such as factory workers. Liu Chuan-min (劉傳名), director of the council's Department of Labor Relations, said 16 temporary manpower agencies fully conformed to regulations, while the remaining 44 were guilty of a total of 169 violations. Of the violations, 82 failed to meet the legal requirements, mainly because they did not set work guidelines, sign contracts with workers or ensure the workers had a day off every seven days. In addition, another 35 violations were related to the Labor Pension Act (勞工退休金條例) and 52 violations were related to the Labor Insurance Act (勞工保險條例). Sixteen companies were also found to have five or more violations and they were asked to make immediate improvements, and turned over to local authorities for disciplinary action.

31

These numbers are staggering considering that more than ¼ of agencies deploying workers in Taiwan's market are guilty of illegal activity. Also, according to runaway statistics in tables 7 and 8, the percentage of runaways has not decreased over the years and in some instances, has increased. This shows that private brokers are incompetent, unlawful, and shutting down old ones does not make a significant difference. These aspects exemplify the need for private brokers to be taken out of the picture directly and replaced with government institutions that know to regulate the import and export of labor.

Moreover, according to the interviews I had with private brokers in the Philippines, they prove based on tables 9-15 that the information Taiwanese brokers give employers is much different than legal standards. As mentioned before, the two

³¹ <http://www.taipeitimes.com/News/taiwan/archives/2012/02/25/2003526342>

brokers I visited in the Philippines told me directly they give Filipinos a copy of the contract they have to sign along a sheet of paper (table 9) indicating the “actual” work they’ll do. This concludes that the problem of misleading information is augmented more from Taiwanese brokers.

More so, even though Taiwan’s government has allowed direct hiring, it is largely unknown to the public and most Filipinos who want to come to Taiwan to work as a DHW don’t have the technology or the skills to adequately research the process of finding an appropriate employer. Hence, middlemen are still needed to provide services and can be done so through government run broker agencies.

Despite that though, Taiwanese, like all people, have a choice as to how they will interact with other people, whether it be on work or personal terms. Taiwanese people in general are very benevolent people, but it will take a massive decision from the public to raise awareness on the issue of human rights in Taiwan and a conscious decision amongst employers who perhaps take advantage of their employees to put themselves in their DHWs shoes. Only then along with more guidelines from the government can the issue of DHWs running away be largely solved, which will be beneficial not just for Taiwan’s society, but for people of many other nationalities as well.

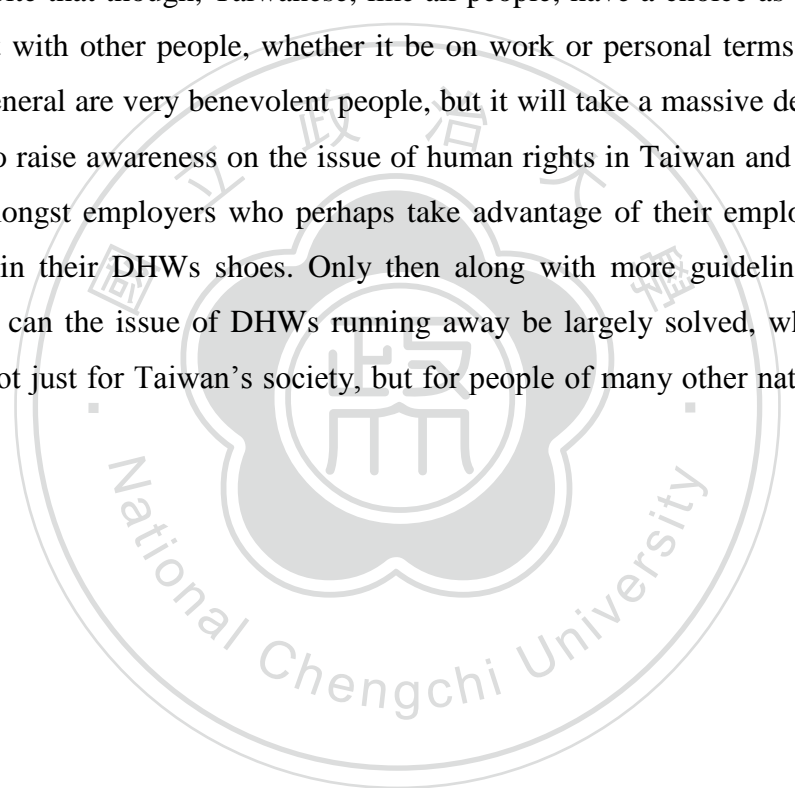


Table 1

Year	Unemployment rate	Percent Change
1985	11.058	
1986	11.682	5.64 %
1987	11.062	-5.31 %
1988	9.402	-15.01 %
1989	9.129	-2.90 %
1990	8.4	-7.99 %
1991	10.5	25.00 %
1992	9.8	-6.67 %
1993	9.3	-5.10 %
1994	9.475	1.88 %
1995	9.525	0.53 %
1996	8.525	-10.50 %
1997	8.675	1.76 %
1998	10.05	15.85 %
1999	9.75	-2.99 %
2000	11.175	14.62 %
2001	11.125	-0.45 %
2002	11.4	2.47 %
2003	11.4	0.00 %
2004	11.825	3.73 %
2005	11.35	-4.02 %
2006	8	-29.52 %
2007	7.325	-8.44 %
2008	7.4	1.02 %
2009	7.475	1.01 %
2010	7.2	-3.68 %

Statistics according to the IMF

Table 2Salaries in Philippines grouped by EXPERIENCES.

Experiences	Salary Entries	Average Gross Salary	Gross (USD)
0-1 Year	51	378,201 PHP	\$8,694
1-2 Years	28	265,391 PHP	\$6,101
2-4 Years	68	380,001 PHP	\$8,736
4-8 Years	77	542,166 PHP	\$12,464
8-12 Years	51	661,500 PHP	\$15,207
12-16 Years	28	753,308 PHP	\$17,317
16-20 Years	14	927,769 PHP	\$21,328
20+ Years	12	949,601 PHP	\$21,830

Source: Average Salary Survey

Table 3Salaries in Philippines grouped by EDUCATION.

Education	Salary Entries	Average Gross Salary	Gross (USD)
Less Than High School	4	326,000 PHP	\$7,494
High School	16	196,160 PHP	\$4,509
Some College	24	351,708 PHP	\$8,085
Bachelors Degree	240	542,827 PHP	\$12,479
Masters Degree	38	633,874 PHP	\$14,572
Doctorate Degree	7	895,714 PHP	\$20,591



Table 4

Career	Entries	Gross (USD)	Average Gross Salary
Operations Manager	6	\$21,806	948,541 PHP
Human Resources Manager	13	\$21,352	928,800 PHP
IT Manager	9	\$19,576	851,547 PHP
IT Project Manager	5	\$17,011	740,000 PHP
Sales Manager	5	\$16,929	736,400 PHP
Marketing Manager	6	\$13,656	594,051 PHP
Software Developer	8	\$12,229	531,968 PHP
CPA - Certified Public Accountant	7	\$8,279	360,142 PHP
Accountant	6	\$8,079	351,433 PHP
Call Center	5	\$5,016	218,200 PHP

**Note that these values are based on salary entries by our visitors and can be changed with more entries.*

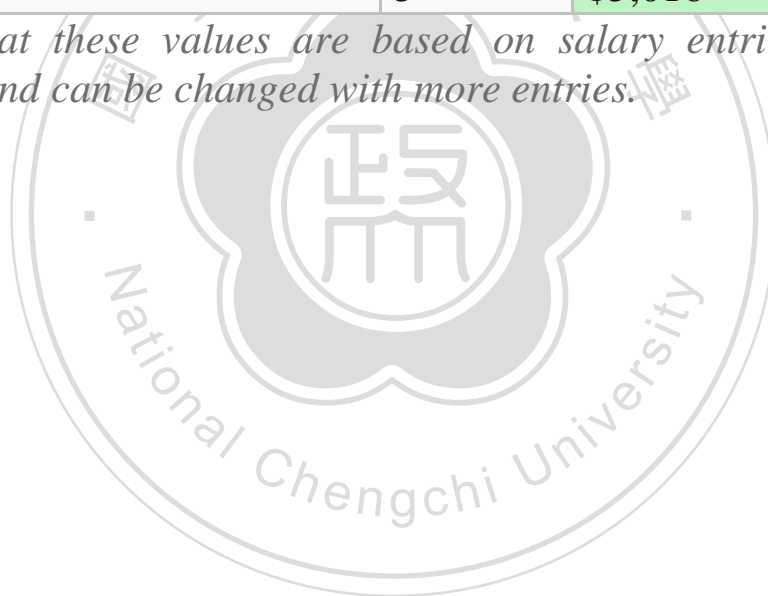


Table 5Table 12-3 Foreign Workers in Productive Industries and Social Welfare
by Industry and Nationality

Industry	End of Aug., 2011							Unit : Person
	Grand total	Indonesia	Malaysia	Philippines	Thailand	Vietnam	Mongolian	
Grand total	412,933	168,583	4	81,433	71,991	90,921	1	
Agriculture, forestry, fishing & animal husbandry (Crewmen)	8,213	6,819	—	959	25	410	—	
Manufacturing	206,201	17,915	4	57,425	67,141	63,716	—	
Food	9,235	868	—	1,612	2,797	3,958	—	
Beverages	104	14	—	15	29	46	—	
Textiles mills	19,040	2,292	—	3,499	7,712	5,537	—	
Wearing apparel	2,038	170	—	293	563	1,012	—	
Leather & fur products	1,477	116	—	106	716	539	—	
Wood & bamboo products	901	310	—	67	268	256	—	
Pulp & paper products	3,622	460	—	663	1,335	1,164	—	
Printing & reproduction of recorded media	1,944	220	—	236	521	967	—	
Petroleum & coal products	40	8	—	2	17	13	—	
Chemical material	1,851	174	—	419	746	512	—	
Chemical products	1,906	363	1	476	614	452	—	
Medical goods	146	4	—	81	32	29	—	
Rubber products	5,480	378	—	518	2,688	1,896	—	
Plastic products	14,022	1,639	—	1,867	5,143	5,373	—	
Non-metallic mineral products	6,755	782	—	987	2,996	1,990	—	
Basic metal	9,474	1,125	1	889	5,224	2,235	—	
Fabricated metal products	36,221	3,673	—	4,410	14,377	13,761	—	
Electronic parts & components	39,940	848	—	27,195	5,257	6,640	—	
Electronic & optical products	8,829	193	—	6,362	295	1,979	—	
Electrical equipment	5,240	452	1	1,389	1,818	1,580	—	
Machinery & equipment	20,038	1,734	1	3,947	6,215	8,141	—	
Motor vehicles & parts	4,357	390	—	540	1,969	1,458	—	
Other transport equipment	8,388	831	—	1,159	4,221	2,177	—	
Furniture	1,549	277	—	183	450	639	—	
Others	3,604	594	—	510	1,138	1,362	—	
Construction	4,210	37	—	86	3,676	411	—	
Human health & social work services & other services	194,309	143,812	—	22,963	1,149	26,384	1	

Source : Bureau of Employment and Vocational Training, CLA.

Note : Based on Standard Industrial Classification System of R.O.C.(Rev.8, 2006), data series from January 2010 have been classified

Table 6Table 12-5 Foreign Workers in Productive Industries and Social Welfare
by Nationality and Sex

End of year and month	Grand total			Indonesia			Malaysia		
	Total	Male	Female	Total	Male	Female	Total	Male	Female
End of 1996	236,555	—	—	10,206	—	—	1,489	—	—
End of 1997	248,396	—	—	14,648	—	—	736	—	—
End of 1998	270,620	199,061	71,559	22,058	17,800	4,258	940	834	106
End of 1999	294,967	167,892	127,075	41,224	11,712	29,512	158	125	33
End of 2000	326,515	163,444	163,071	77,830	12,126	65,704	113	99	14
End of 2001	304,605	145,273	159,332	91,132	10,336	80,796	46	41	5
End of 2002	303,684	134,169	169,515	93,212	9,622	83,590	35	31	4
End of 2003	300,150	128,426	171,724	56,437	6,971	49,466	27	25	2
End of 2004	314,034	128,453	185,581	27,281	4,831	22,450	22	20	2
End of 2005	327,396	128,403	198,993	49,094	6,350	42,744	13	13	—
End of 2006	338,755	130,073	208,682	85,223	8,861	76,362	12	12	—
End of 2007	357,937	139,030	218,907	115,490	12,845	102,645	11	11	—
End of 2008	365,060	142,003	223,057	127,764	15,373	112,391	11	11	—
End of 2009	351,016	128,602	222,414	139,404	17,016	122,388	10	10	—
End of 2010	379,653	140,121	239,532	156,332	19,706	136,626	10	10	—
End of Aug.	372,146	135,976	236,170	151,723	18,679	133,044	10	10	—
End of Sept.	372,785	136,725	236,060	151,372	18,674	132,698	10	10	—
End of Oct.	376,008	138,143	237,865	153,437	19,121	134,316	10	10	—
End of Nov.	378,083	139,459	238,624	154,596	19,360	135,236	10	10	—
End of Dec.	379,653	140,121	239,532	156,332	19,706	136,626	10	10	—
End of 2011									
End of Jan.	383,164	140,569	242,595	159,367	19,969	139,398	10	10	—
End of Feb.	387,106	142,345	244,761	161,097	20,252	140,845	10	10	—
End of Mar.	390,423	143,997	246,426	162,978	20,681	142,297	9	9	—
End of Apr.	395,944	146,939	249,005	165,223	21,266	143,957	9	9	—
End of May	399,749	149,181	250,568	166,261	21,615	144,646	9	9	—
End of June	403,492	151,514	251,978	166,715	21,819	144,896	9	9	—
End of July	409,434	155,356	254,078	168,188	22,397	145,791	4	4	—
End of Aug.	412,933	158,140	254,793	168,583	22,716	145,867	4	4	—
Change from last period (%)	0.85	1.79	0.28	0.23	1.42	0.05	0.00	0.00	—
Change from the same period of last year (%)	10.96	16.30	7.89	11.11	21.61	9.64	-60.00	-60.00	—

Source : Bureau of Employment and Vocational Training, CLA.

Table 7

Table 12-6 Missing Status of Foreign Workers in Productive Industries and Social Welfare

Year and month	Grand total		Indonesia		Malaysia	
	Person	Rate	Person	Rate	Person	Rate
1997	5,508	2.32	334	2.65	18	1.58
1998	4,677	1.82	493	2.80	6	0.87
1999	4,057	1.44	760	2.54	12	2.23
2000	4,268	1.37	1,680	2.93	16	12.13
2001	5,089	1.58	2,804	3.21	2	2.54
2002	7,079	2.31	3,809	3.99	1	2.76
2003	9,688	3.23	3,411	4.62	—	—
2004	12,062	3.96	1,978	4.92	—	—
2005	12,938	4.16	1,973	6.65	—	—
2006	10,918	3.26	4,232	6.06	—	—
2007	11,226	3.20	4,870	4.71	—	—
2008	11,105	3.01	5,506	4.44	—	—
2009	10,743	3.10	4,672	3.47	—	—
2010	13,329	3.62	6,021	4.03	1	10.00
Aug.	1,404	0.38	660	0.44	—	—
Sept.	1,395	0.37	634	0.42	—	—
Oct.	1,005	0.27	439	0.29	—	—
Nov.	768	0.20	372	0.24	—	—
Dec.	813	0.21	404	0.26	—	—
2011	10,349	2.60	5,003	3.04	—	—
Jan.	759	0.20	435	0.28	—	—
Feb.	1,037	0.27	473	0.30	—	—
Mar.	1,413	0.36	630	0.39	—	—
Apr.	1,197	0.30	581	0.35	—	—
May	1,370	0.34	673	0.41	—	—
June	1,537	0.38	768	0.46	—	—
July	1,452	0.36	682	0.41	—	—
Aug.	1,584	0.39	761	0.45	—	—
Number of the uncaptured missing foreign workers	31,170		12,994		—	
Change from last period (%)	9.09	(0.03)	11.58	(0.04)	—	—
Change from the same period of last year (%)	12.82	(0.01)	15.30	(0.01)	—	—
Cumulative change from the same period of last year (%)	10.71	(0.03)	19.92	(0.20)	—	—

Source : National Immigration Agency.

Note : 1.The figures in the parenthesis represent changes in percentage points.

2.Monthly missing rate = number of missing foreign workers in the month ÷ mid-month foreign workers × 100%.

3.Yearly missing rate = number of missing foreign workers in the year ÷ annual foreign workers × 100%.

Table 8

Unit : Person , %

Philippines		Thailand		Vietnam		Mongolian	
Person	Rate	Person	Rate	Person	Rate	Person	Rate
2,962	3.25	2,194	1.66	—	—	—	—
2,450	2.27	1,728	1.32	—	—	—	—
1,882	1.63	1,403	1.03	—	—	—	—
1,303	1.19	1,234	0.88	35	0.72	—	—
1,048	1.22	942	0.68	293	2.75	—	—
643	0.93	1,042	0.86	1,584	7.79	—	—
873	1.17	1,171	1.09	4,233	9.63	—	—
1,177	1.35	1,369	1.32	7,536	10.16	2	5.48
1,543	1.65	2,040	2.10	7,363	8.17	19	24.08
1,023	1.09	1,239	1.30	4,422	5.82	2	3.90
867	0.99	959	1.07	4,529	6.50	1	3.48
643	0.76	680	0.82	4,275	5.60	1	9.30
552	0.79	381	0.60	5,138	6.60	—	—
615	0.81	403	0.63	6,289	7.98	—	—
71	0.09	51	0.08	622	0.79	—	—
72	0.09	51	0.08	638	0.81	—	—
60	0.08	19	0.03	487	0.61	—	—
60	0.08	24	0.04	312	0.39	—	—
39	0.05	26	0.04	344	0.43	—	—
522	0.66	364	0.53	4,460	5.25	—	—
46	0.06	22	0.03	256	0.32	—	—
44	0.06	44	0.07	476	0.59	—	—
76	0.10	31	0.05	676	0.83	—	—
57	0.07	37	0.05	522	0.63	—	—
62	0.08	47	0.07	588	0.69	—	—
72	0.09	64	0.09	633	0.73	—	—
70	0.09	62	0.09	638	0.72	—	—
95	0.12	57	0.08	671	0.75	—	—
2,000		1,159		15,017		—	
35.71	(0.03)	-8.06	(-0.01)	5.17	(0.03)	—	—
33.80	(0.03)	11.76	(0.00)	7.88	(-0.04)	—	—
35.94	(0.15)	28.62	(0.08)	-1.06	(-0.50)	—	—

Table 9

YCT-500
NERISSA
管理顧問有限公司

聘僱條件需求表

(EMPLOY CONDITION REQUIREMENTS)

雇主姓名(Employer): _____
 地址(Home Address): _____
 電話(Tel): _____ 傳真(Fax): _____

擬僱用何種國籍外僱: 菲律賓 印尼 泰國 越南 *old woman*
 雇主是否具備溝通能力: 是 YES 否 NO *most times in nursing home*

一、聘僱條件 KIND OF WORK

1. 職種 VACANCIES IF APPLICATION
 家庭幫傭 DOMESTIC HELPER 家庭監護工 CARETAKER

2. 性別 SEX: 男 MALE 女 FEMALE *major works*

3. 年齡 AGE: 自 FROM _____ 歲至 TO _____ 歲(YEARS) *115 H-4 JG WORK*

4. 婚姻 MARRIAGE:
 未婚 SINGLE & NO CHILD 已婚 MARRIED
 無所謂 NO PREFERENCE

5. 教育 EDUCATION:
 初高中 SECONDARY 大學 UNIV 不拘 NO PREFERENCE *> kids at home*

6. 外觀 APPEARANCE: 清秀 NICE-LOOKING 普通 AVERAGE LOOKS *help*
 健壯有力 STRONG 其他 OTHERS *cook of tan*

7. 經驗 EXERIENCE: 有海外幫傭經驗 WORKED ABROAD
 無經驗 WITHOUT EXPERIENCE 無所謂 NO PREFERENCE

二、工作內容 JOB CONTENTS:

一般家庭清潔工作 DAILY HOUSEHOLD CLEANING *326 - 328 - 330*
 照顧老人 AGED CARE 照顧殘缺 DISABLE CARE
 育嬰 BABY CARE 照顧小孩 CHILD CARE
 烹飪 COOKING *340* 燙衣 IRON THE CLOTHES
 洗衣 WASH CLOTHES 洗車 WASH CAR
 買菜購物 MARKETING 修剪花草 DO GARDENING WORK
 教導小朋友英文 ENGLISH TUTORING
 照顧病人 PATIENT CARING
 幫病人洗澡 HELP PATIENT TAKE A BATH
 幫病人按摩 MASSAGE THE PATIENT
 幫病人復健 EXERCISE THE PATIENT
 餵病人吃飯(藥) GIVE INEDICATION AND MEAL TO PATIENT
 帶病人散步 TAKE PATIENT OUT FOR A WALK
 處理病人排泄物 HELP PATIENT WHEN URINATING/BOWEL MOVEMENT
 抽痰 SUCTION PHLEGM
 隨病息作息 WATCH THE PATIENT WHILE RESTING
 其他 OTHERS _____

三、病人情況 PATIENT'S CONDITIONS:

Table 10

Manpower Request Open 第 1 頁 / 共 1 頁

Document No. 申請文件編號: T101124134201

Form No. LBR02-B-A

MANPOWER REQUEST 需求書
For Filipino Workers 菲籍勞工

CLA Letter #: 0991397422

Date Issued: 2010/11/09

To: Dywen International Manpower Agency

President/Owner's Name 負責人姓名:

Office Address 地址:

Space 2 Elena Apartment #512 R. Salas Street, Ermita Manila, Philippines

We are pleased to inform you that we are in need of Filipino worker/s to work in Taiwan. Details of our requirements as follows:

本人(本公司)確實需要菲勞來台工作, 相關資料如下:

Caretaker 家庭看護工

No of Workers 勞工人數:

1

NTS

15840

Pls. affix seals and signatures below 請簽章

EMPLOYER 僱主

<p>Employer's Seal 僱主印</p> <p>REGISTERED</p> <p>NO. 1017378</p> <p>DEC 21 2010</p> <p>Signature 簽名</p> <p>POEA</p>	<p>Company Seal 公司印 President's Seal 負責人印</p> <p>AN-CHIEH HUMAN RESOURCE CONSULTANT CONSULTANT CO., LTD.</p> <p>安傑人力資源管理顧問有限公司</p>
--	--

AN-CHIEH HUMAN RESOURCE CONSULTANT CONSULTANT CO., LTD.
安傑人力資源管理顧問有限公司

CLA Permit Validity 勞委會許可證有效期限:

2011/06/21

EmpName

EmpNameCH

ID NO. 身份證字號: Q101972876

Unified Business No. 統一編號:

Table 11

Employment Contract

Document No. 申請文件編號: T101124134201

Form No. LBR03-C-C

EMPLOYMENT CONTRACT FOR CARETAKER
看護工契約

TMA's Company Name: AN-CHIEH HUMAN RESOURCE CONSULTANT CONSULTANT CO.,LTD.
台灣仲介公司: 安傑人力資源管理顧問有限公司
地址 Address: 1F, NO.12, LANE 144, CHUNG-HSIN RD., SEC. 4, SANCHUNG CITY, TAIPEI HSIEN
臺北縣三重市重新路4段144巷12號1樓
電話號碼 Tel: 02-29771411

菲律賓仲介公司 PRA's Company Name: Dywren International Manpower Agency
地址 Address: Spaca 2 Elena Apartment #512 R. Salas Street, Ermita Manila, Philippines
電話號碼 Tel: 5233904

CLA Letter #: 0991397422 Date: 2010/11/09

甲方: 僱主姓名 Employer: Hong Hui Long
身分證字號 ID No. Q101972876
被看護者 Ward:
身分證字號 ID No. U201976723
地址 Address:
3F., No.6, Lane 21, Sec. 2, Sanhe Rd., Sanchong City, Taipei County 24148, Taiwan

台北縣三重市三和路2段21巷6號3樓

電話 Tel. No: 02-27075452

乙方: 看護工姓名 Employee: LUKENA 性別 Sex: 男 Male 女 Female
永久地址 Permanent Address:

護照號碼 Passport No:
發照日期 Date of Issue: 發照地點 Place of Issue:
出生日期 Date of Birth: JUNE 7, 1978 出生地點 Place of Birth: CAWTEAN
婚姻狀況 Marital Status: 未婚 Single 已婚 Married
擁有十八歲以下未婚子女人數 No. of Unmarried Children Under 18 years old:
受益人姓名 Name(s) of Beneficiaries: DAVE JASON S. BARCIA, GEORGIA G. SANZAR
緊急事件發生時之通知人 In case of Emergency, please notify:
姓名 Name: MRS. GEORGIA
地址 Address:
電話 Tel. No: MOBILE NO.
關係 Relationship: MOTHER

甲方僱用乙方擔任家庭看護工工作，並在甲方家庭居所內工作，業經雙方同意訂定契約條例如下：
The employee agrees to work as CARETAKER at the designated residence of the employer in Taiwan, R.O.C. Now, therefore, the two parties mutually agree to enter this employment contract with the following terms and conditions:

http://www.meco-labor.org.tw/MNapp_empContractCG.aspx

2010/11/29

Table 12

Employment Contract

第一條 ARTICLE I 契約期間 PERIOD OF CONTRACT

自乙方抵達中華民國臺灣地區報到之日起2年1個月又23日，並以最初之四十日為試用期間。除甲方僱得
乙方同意，依中華民國政府法令規定，得延期一年者外，期滿勞務關係即行終止。

This contract shall be valid for 2 year/s 1 month/s 23 day/s effective from the day that employee arrives
in Taiwan, R.O.C. The first forty (40) days of the contract shall be the probation period. Unless this
contract is extended for another year, upon mutual consent in accordance with R.O.C. laws and
regulations, the employment relations between the parties hereto shall terminate automatically upon
expiration of this contract.

第二條 ARTICLE II 工作義務 EMPLOYEE' S OBLIGATIONS

2.1 乙方受僱於甲方從事監護工工作。

The employee shall be employed by the employer as a CARETAKER.

2.2 乙方接受甲方監督指揮，擔任甲方指工作範圍內及其能力所及之工作，並應保持良好態度，妥善維護
甲方及其家庭成員安全。

The CARETAKER agrees to accept the employer's supervision and instructions, to carry out work
pursuant to this contract within his/her capabilities, to maintain good manners, and to take good
care of his/her safety and the safety of others within the household of the employer.

第三條 ARTICLE III 工作報酬 PAYMENT TO EMPLOYEE

3.1 工資:月支工資NT\$15840元(免費提供食宿)，每月定期發給一次於每月月底一次發給，並依中華民國有關法令
規定由甲方代為扣繳薪資所得稅。

Wages for a full month of working shall be new Taiwan Dollars 15840 only, with free food and
accommodation and to be paid regularly at the end of each month. Tax on income earned shall be withheld
by employer in accordance with Taiwan R.O.C. laws.

3.2 薪資可依乙方同意直接給付乙方銀行帳號。

Salary can be remitted directly to the CARETAKER or, upon the option of the CARETAKER to the
bank in the CARETAKER's account.

3.3 甲方於居留所在地提供住宿，乙方應居住於前述地點內並不得外宿。若甲方提議乙方外宿，則所有外
宿費用概由甲方負擔。

The employer shall provide appropriate living quarters within his residence. The CARETAKER shall
not live outside without permission of the employer. If the employer prefers the CARETAKER to live
outside, adequate housing allowance will be provided by him.

3.4 甲方應免費提供每日三餐膳食，其包含例假日、國定假日及病假在內。

The employer shall provide the CARETAKER at least three (3) meals per day, including holidays,
national holidays and sick-leave period.

3.5 甲方提供乙方前往中華民國及服務期滿後返國之經濟艙來回機票。

The employer shall provide the CARETAKER with free economy class ticket from the Philippines to
Taiwan and when the CARETAKER has completed employment with him/her back to the
CARETAKER's country of origin.

第四條 ARTICLE IV 休假 VACATION

4.1 乙方於服務滿一年，經展延一年者，在其展延之一年期間內由甲方給予特別休假七日，特別休假期間
薪資照給，如果乙方工作滿兩年再展延第三年，則再享有另外七天的支薪假期。

If the CARETAKER has completed his/her one-year employment and this contract been extended to
another year, he/she is entitled to have seven 7-days special vacation during the contract extension
and shall be paid wages equivalent thereto. If the employee has completed the second year and this
contract is extended to another year. He/she is entitled to another 7-day special vacation during the
extension and shall be paid the wages.

4.2 甲方每七天內須給乙方一天休假。其他假期由甲、乙雙方另訂之。

The CARETAKER shall be entitled to one (1) rest day in every period of seven (7) days. Other
holidays are subject to agreement between employer and employee.

第五條 ARTICLE V 病假 SICK LEAVE

乙方每年病假不可逾三十日，薪資折半發給。

The CARETAKER shall be entitled to half pay for sick leave not exceeding 30 days in one year.

第六條 ARTICLE VI 保險 INSURANCE

Table 13

Employment Contract

契約期間甲方應替乙方投保新台幣卅萬元，工時、工餘之意外全險或遵從中華民國勞工保險規例辦理。按照全民健保計劃，監護工也應享有全民健保之福利。
The employer shall provide the CARETAKER with an accident insurance equivalent to NT\$300,000 regardless whether the accident occurred during or beyond working hours or anywhere during the period of employment. The CARETAKER shall also be provided with health insurance, in accordance with the national health insurance plan.

第七條 ARTICLE VII 契約之終止及效果 TERMINATION AND EFFECT OF CONTRACT

- 7.1 乙方於試用期間內，如無法適任工作時，甲方得終止契約將其遣送返國，乙方應無異議立即返國，並負擔來回機票費用，該項費用若自甲方或其他人先行墊付者，乙方應負責償還。
In the event the CARETAKER is found to be unsuitable for employment during the probationary period effective from the day he/she reports to the job, the employer may terminate this contract and repatriate him/her to his/her country of origin. The CARETAKER shall comply immediately without objection and assume the cost of round-trip transportation by air to and from R.O.C. unconditionally. In the event employer or any other person pays the airfare for him/her, the CARETAKER shall reimburse the fare to the person who paid it.
7.2 乙方在契約期間，如有下列情形之一者，甲方得終止其契約並遣送乙方回國，乙方將立即無異議配合，且自行負擔來回機票費用，如甲方或他人先行墊付機票費用，乙方須負責償還。
In the event the CARETAKER is found to offend on of the following prohibitions during his/her employment, the employer may terminate this contract and repatriate him/her to his/her country of origin. The CARETAKER shall comply immediately without objection and assume the cost of round-trip transportation by air to and from R.O.C. unconditionally. In the event the employer or any other person pays the airfare for the CARETAKER, he/she shall reimburse the fare to the person who paid it.
(1) 除臨時訪問外攜眷來華者。
Bring his/her dependent(s) to R.O.C. for reasons other than temporary visit.
(2) 健康檢查不合格或入境後在中華民國政府指定的公立醫院健康檢查發現染患有開放性肺結核、性病、法定傳染病、瘧疾及HIV抗體陽性患者或吸毒者。
After his/her entry to R.O.C., failing medical check-up or being found to be suffering from tuberculosis, venereal disease, infectious disease, malaria or HIV-positive anti-bodies, and drug addiction, as evidenced by findings from a public hospital designated by R.O.C. government.
(3) 在工作期間發現HIV陽性抗體者，及因傷病或感染腸內寄生蟲而未能在一個月內治癒者。
During the period of employment, being found out suffering HIV positive antibody or other disease, heavily wounded or stool parasite, which cannot be cured within one month.
(4) 喪失工作能力者。
Being found losing ability to work.
(5) 受僱於非甲方之雇主或從事兼業工作者。
Engaged in employment other than with employer or working on the side for a third party.
(6) 有違公序良俗者。
Acting against public order or good morals.
(7) 違反中華民國法令，情節重大者。
Serious violation of R.O.C. laws and decrees and being convicted by final judgment as a result of such violation.
(8) 不服從工作指揮，經三次發警告信函者。
Disobeying the command, order, or instruction of the employer or his representative and hence becoming the addressee of warning notice for three or more times.
(9) 無正當理由連續曠職三日以上或一個月內達六天者。
Being absent from duty for 3 or more consecutive days or 6 days per a month without justification.
(10) 申請文件有虛偽或不實情事者。
Providing false statement or inaccurate information in the application papers or documents.
7.3 因乙方死亡或重傷而引致合約終止時，甲方應立即將原因通知仲介公司，如乙方死亡時，甲方應負責將乙方遺體及遺物運回乙方原居地並負擔其費用。
In case of an employment termination as a result of CARETAKER death or serious injury, the employer shall immediately inform the recruiter of the cause of termination. In case of a CARETAKER's death, the employer shall assume the cost of repatriation of the remains of the CARETAKER and his/her belongings to his/her country of origin.

Signature

Table 14

EMPLOYMENT CONTRACT

- 7.4 乙方若有違反中華民國勞基法第12條情形，如對甲方或甲方家庭成員暴行及重大侮辱和受有期徒刑告、故意損害甲方及其家庭成員之財務等有確實之情形者，乙方將被遣送回國，且自行負擔回國費用。
If employee violates Article 12 Chapter II (Labor Contracts) of R.O.C. Labor Law and Regulations, and employer has real evidence of the violation committed, Employee shall be repatriated to his country of origin, assume all of the charges, and reimburse employer the paid air ticket, recruitment fee and other fees stipulated in the contract.
- 7.5 若乙方違約脫逃時，乙方同意甲方或其他墊付中華民國政府規定之保證金者，有權對乙方薪資及其存款或款項加以沒收，以彌補因乙方背約脫逃之損失，有餘額歸還乙方，不足時乙方尚須負擔賠償責任。
If the CARETAKER violated the terms of this contract and escapes, employer or the person who paid the bond in accordance with R.O.C. rules and regulations, shall have the right to settle the loss by deduction from employee's unpaid salary and bank deposit. If there is a balance, it shall be returned to employee. But if it cannot cover the loss, employee has to take the responsibility for the full compensation.
- 7.6 受看護者死亡：契約期間內，若甲方之被看護者身亡，甲方應替乙方辦理轉換雇主；如未能順利轉出，雇主應負責受雇者之遣返事宜。
In case of death of the ward for which the services of the CARETAKER is engaged before the expiration of the employment contract, the employer shall apply for the transfer of the CARETAKER to another employer. In case transfer is not effected, the employer shall be responsible for the repatriation of the CARETAKER.
- 7.7 甲方於契約期間內，如有下列情形之一者，乙方得立即要求終止契約。
The CARETAKER may terminate an employment contract without prior notice under any of the following circumstances.
 - (1) 於契約期間內，甲方或其家庭成員對乙方施以暴力行為或以其他方式連續侮辱乙方。
Where the employer, his/her family members or his/her agent commits violence or extends gross insults at the CARETAKER.
 - (2) 於契約期間內，甲方未能依約給付乙方應得薪資。
Where the employer doesn't make wage payment according to the terms of the employment contract.

第八條 ARTICLE VIII 醫療照顧 MEDICAL TREATMENT

於契約期間，甲方應給予乙方因公/非因公導致之疾病、傷害及牙齒突發病痛之醫療照顧，乙方應接受甲方所安排之任何正式合法醫療醫生之治療。
When the CARETAKER suffers personal injury, whether or not attributable to employment, the employer shall provide free medical treatment to the CARETAKER while he/she is incapacitated. Free medical treatment includes maintenance in hospital and emergency dental treatment provided by any registered medical practitioner.

Spolozn

第九條 ARTICLE IX 語言 LANGUAGE

本契約中有中文及英文二種版本：兩者若有差異，將以中文版本為主。
This contract shall be in Chinese and English languages and, in the event of any difference in the two versions, the Chinese version shall prevail.

第十條 ARTICLE X 其他條款 OTHER PROVISIONS

- 10.1 乙方絕對服從及遵行甲方之工作條文及有關規則，甲方不得對乙方有其他非有關工作範圍以外之要求。
The CARETAKER shall observe and comply with employer's work rules and relevant regulations. The employer shall not be allowed to make extra requests or demands not related to the CARETAKER job nature.
- 10.2 雙方應遵守並配合勞工安全及衛生有關法令。
Both parties hereto shall observe and comply with regulations concerning labor safety and hygiene.
- 10.3 本契約副本至少二份，雙方各執一份以供存查。
This contract shall be in at least 2 copies, one copy for each contracting parties, for reference purposes.
- 10.4 若有未盡事宜，皆依中華民國勞基法令辦理。
Other unspecified conditions shall be applied in accordance with R.O.C. Labor laws and regulations.

Table 15

Contract

本合約經雙方及見證人簽妥，自_____年_____月_____日起生效。
 In witness whereof, the parties hereto have executed this Employment Contract this _____ day of _____, 20____.

甲方簽署:
FOR EMPLOYER:

乙方簽署:
FOR EMPLOYEE:

Hono
洪

見證人簽署:
FOR WITNESS:

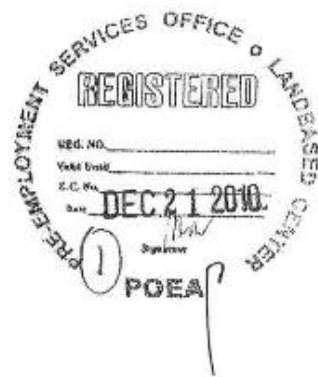


Table16

Table of workers interviewed:

Name	Age	City of Origin	Education
Viky	38	Cebu	Associate Degree
Cathy	31	Manilla	High School
Josephine	28	Manilla	Nursing Degree

PICS

From a rally in late 2011 supporting migrant workers to receive a day off

“There is quality of care if DHWs can take a day off”





“I want a day off”



Myself and a group of migrant workers



REFERENCES

- Abella, Manolo.
1991 "Recent Trends in Asian Labor Migration: A Review of Major Issues." *Asian Migrant* 4 (3): 72-73
- Basch, Linda, Nina G. Schiller and Cristina S. Blanc.
1994 *Nations Unbound: Transnational Projects, Postcolonial Predictions, and Deterritorialized Nation-States*
- Chao, Sho-Buo.
1992 On the Problem of Foreign Labor. In *Labor Policies and Labor Issues* (in Chinese), Edited by S.-B Chao. Taipei: Chinese Productive Center
- Cheng, Shu-Ju Ada.
2001 *Serving the Household and the Nation: Filipina Domestic Workers and the Development of Nationhood in Taiwan*. Ph.D Diss. Texas: University of Texas
- Constable, Nicole.
1997 *Maid to Order in Hong-Kong: Stories of Filipina Workers*. Ithaca: Cornell University Press
- Daniels, Arlene K.
1987 "Invisible Work." *Social Problems* 34 (5): 403-415
- Espiritu, Yen Le.
1995 *Filipino American Lives*. Philadelphia: Temple University Press
- Lan, Pei-Chia
2002 "Racializing Migrant Workers in Taiwan." Paper presented at the Impacts of Globalization on Taiwan and the Third World conference, Taipei, Taiwan.
-
- 2003 *Negotiating Social Boundaries and Private Zones: The Micro politics of Employing Migrant Domestic Workers. Social Problems.*
- Sassen, Saskia.
1998 *The Mobility of Labor and Capital: A Study in International Investment and Labor Flow*. Cambridge: Cambridge University Press.
- Spence, Jonathan.
1990 *The Search for Modern China*. W.W. Norton and Company: Cambridge University Press: PP 20-25
- Williamson, Oliver.
1981 "The Economics of Organization: The Transaction Cost Approach." *American Journal of Sociology* 87(3): 548-577