

Brokerage Fees, Missing Workers and Nation-to-nation Bilateral Recruitment Agreements: The Case of Taiwan

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ABSTRACT

As compared to its performance in the previous year, economic conditions in Taiwan deteriorated considerably in 2005; and indeed the economic forecast for 2006 suggests only a very slight improvement on 2005. Furthermore, although the unemployment rate did improve somewhat over the past twelve months, no significant improvement is expected in 2006.

New policies on the employment of foreign workers in Taiwan are planned for 2006, including the importation of a further 20,000 low-skilled foreign workers, and a probable increase in the number of foreign healthcare workers allowed into Taiwan. Although the government has tried to negotiate with labor-sending countries in an attempt to resolve the issue of excessive referral fees for foreign workers, current experiences reveal that this is not really a valid alternative, since other agencies are involved as ‘middlemen’, making true nation-to-nation recruitment almost impossible.

Taiwan has also seen the adoption of a more liberal immigration policy by its government in recent years; however, whilst the rise in the number of foreign spouses immigrating into Taiwan does have some positive effects on population growth, and on the overall labor supply in Taiwan, it also has potentially negative effects. The government needs to recognize these potentially negative effects and take action to prevent their occurrence.

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1. THE TAIWANESE ECONOMY IN 2005

Although 2004 was a good year for most of the economies of the world, 2005 was quite a different story, and indeed, Taiwan was no exception. In 2004, Taiwan had enjoyed a growth rate of 6.1 per cent in real GDP; however, in 2005, this had fallen back to just 3.8 per cent. Furthermore, with an estimated growth rate of just 4.0 per cent for 2006, the year ahead does not look that much better (Table 1).

Nevertheless, 2005 was not a good year for other Asian countries either, since, as Table 1 shows, the growth rates for most of these neighboring countries were also slower than in 2004. The slower growth rate, which has essentially engulfed the whole of the region, was mainly due to the slowdown in the global economy during the first half of 2005. In fact, the overall growth rate for Taiwan actually comprises of a merger between the very poor 2.7 per cent growth rate achieved during the first half of 2005, and the much more robust figures of 4.4 per cent in the third quarter, and 5.3 per cent in the fourth quarter, which resulted in the average growth rate of 3.8 per cent for the year as a whole (Table 2). The accelerated growth, which began in the third quarter of 2005, came mainly as a result of the upturn in external demand resulting from the recovery of the global economy, with the gain in exports first being led by IT orders, and then followed by the non-tech sectors.

Along with the rise in exports, there was a corresponding increase in employment and, in consequence, an increase in private consumption, which is of course an important factor, and one which contributed to the higher growth rates in the third and fourth quarters of 2005. As the figures in Table 2 show, the contribution to Taiwan's economic growth from private consumption rose from 1.6 per cent the first quarter, and 1.7 per cent in the second quarter, to 2.2 per cent in the third quarter of 2005.

Table 1
Economic Performance for Selected Countries

Area	Real Increase in GDP (%)			Increase in Consumer Prices (%)			Current Account Balance (US\$bn)		
	2004	2005	2006	2004	2005	2006	2004	2005	2006
Australia	3.5	2.6	3.3	2.3	2.7	2.9	-42.4	-40.5	-38.3
China	9.5	9.3	8.5	3.9	1.9	2.3	68.7	123.9	117.9
Hong Kong	8.2	6.9	5.0	-0.4	1.2	2.3	14.8	19.8	21.2
Indonesia	5.1	5.4	5.1	6.1	10.5	12.4	3.1	4.1	3.6
Japan	2.3	2.4	2.0	0.0	-0.2	0.2	171.9	154.4	150.5
Malaysia	7.1	5.2	5.4	1.4	3.0	2.7	14.9	17.6	18.0
New Zealand	4.4	2.5	2.1	2.3	3.1	3.2	-6.4	-9.2	-8.8
Singapore	8.4	5.1	5.2	1.7	0.5	1.4	27.9	31.8	32.3
South Korea	4.6	3.8	4.6	3.6	2.8	3.1	28.2	17.3	13.5
Taiwan	6.1	3.8	4.0	1.6	2.3	1.7	18.6	11.6	13.6
Thailand	6.2	4.4	4.8	2.7	4.5	4.1	7.1	-3.4	-2.5
Australasia	3.6	2.6	3.1	2.3	2.8	2.9	-48.8	-49.7	-47.1
North East Asia	7.9	7.2	6.9	3.3	2.1	2.4	130.3	172.6	166.1
South East Asia	6.3	5.0	5.0	3.9	6.1	6.7	55.1	52.8	54.2
Asia/Pacific	4.5	4.2	3.9	1.6	1.3	1.7	305.6	327.3	319.9
North America	4.1	3.6	3.4	2.6	3.3	2.9	-645.9	-768.7	-810.4
Western Europe	2.3	1.5	2.0	1.8	2.0	1.9	150.2	75.8	68.3
Latin America	5.8	4.2	3.9	6.9	5.6	5.3	21.3	29.7	10.4
Eastern Europe	7.2	5.3	5.3	8.4	7.8	6.8	7.1	36.5	23.2

Source: Consensus Economics Inc., (December 2005).

Table 2
Contributions to Economic Growth ^a

Unit: %

Year/ Quarter ^b	Economic Growth (YoY)	Domestic Demand						Net Foreign Demand				
		Consumption		Cross Fixed Capital Formation				Total	Increase in Inventory	Exports of Goods & Services	Less: Imports of Goods & Services	Total
		Private	Government	Private Sector	Public Enterprises	Government	Subtotal					
2000	5.8	2.8	0.1	2.4	-0.1	-0.2	2.1	3.8	-1.2	8.5	6.5	2.0
2001	-2.2	0.4	0.1	-4.4	0.0	-0.3	-4.7	-4.6	-0.4	-4.2	-6.7	2.5
2002	4.3	1.5	0.3	0.5	0.0	-0.6	-0.1	1.6	0.0	5.1	2.5	2.6
2003	3.4	0.6	0.1	0.0	-0.1	0.0	-0.2	0.7	0.3	5.7	3.0	2.7
2004	6.1	2.3	-0.1	3.7	-0.4	-0.2	3.1	6.3	1.0	8.2	8.5	-0.2
2005F	3.8	1.8	0.1	0.4	0.2	0.0	0.7	2.4	-0.2	3.7	2.3	1.4
Q1	2.5	1.6	-0.1	1.3	0.4	0.0	1.7	2.7	-0.6	1.2	1.4	-0.2
Q2	3.0	1.7	0.1	1.3	0.2	-0.1	1.5	3.2	0.0	1.9	2.2	-0.3
Q3	4.4	2.2	0.1	-0.3	0.2	0.1	0.1	2.9	-0.6	4.1	2.6	1.5
Q4P	5.3	1.7	0.2	-0.5	0.0	0.1	-0.4	0.7	-0.8	7.4	2.8	4.6

Notes:

^a All Taiwanese national account data are revised according to the System of National Accounts, 1993 (SNA, 1993)

^b P = Preliminary; F = Forecast.

Source: Directorate-General of Budget, Accounting and Statistics (2005).

Although exports continue to play an important role in Taiwan's economic growth, there is a discernible and continuing decline in the importance of exports, since Taiwan has experienced a significant decline in its trade surplus, from US\$18.1 billion in 2002, to US\$16.9 billion in 2003 and US\$ 6.1 billion in 2004; and indeed, the island achieved a figure of only US\$4.9 billion for the first eleven months of 2005, an all-time low in the successive decades of Taiwan's modern economic development. This continuing shrinkage in trade surplus is clearly a major concern for the Taiwanese government (CEDP, 2005).

In terms of the content of the island's exports, the long-term policy of shifting from light industrial products to heavy and technology-intensive industrial products has continued. In 2001, for example, heavy and technology-intensive industrial products comprised of 71.1 per cent of Taiwan's total exports; by 2004, this had risen to 77.2 per cent, and by 2005, was up to 78.3 per cent (CEDP, 2005: 9). The continuing shift in the content of exports has also been accompanied by a shift in the major markets for Taiwanese-made products.

In the past, the US had been a major market for these products, but there has been a gradual shift away from the US market, since 1990, towards the mainland China market, with this trend having accelerated over the past few years. In 2001, for example, 22.5 per cent of all Taiwanese exports were shipped to the US market, whilst 26.0 per cent were taken by the mainland China market. By 2005, only 13.5 per cent of Taiwan's total exports were being shipped to the US market, whilst the share of exports accounted for by the mainland China market had expanded to 37.6 per cent (Table 3).

There have also been noticeable declines in the share of total exports to Japan and the European countries; in 2001, 10.4 per cent of Taiwan's exports were destined for

the Japanese market, and 16.1 per cent for the European market; however, by 2005 the respective shares had fallen to 7.7 per cent, and 12.2 per cent (Table 3).

Table 3
Taiwanese Exports

Unit: US\$bn

Year	Total Exports	Share of Exports				
		US	China	Japan	Asian	Europe
2001	122.9	22.5	26.0	10.4	10.5	16.1
2002	130.6	20.5	31.2	9.2	10.1	14.2
2003	144.2	18.0	34.5	8.3	10.0	14.2
2004	174.0	16.2	36.7	7.6	11.1	13.5
2005 (Jan-Nov)	172.2	15.1	37.6	7.6	13.8	12.3

Source: Ministry of Finance, Monthly Report of Taiwan's Imports and Exports.

As Taiwan's economy has become more liberalized, the amount of goods and service imported into Taiwan has increased; thus, whilst the total amount of imports into Taiwan in 2001 was US\$107 billion, by 2005, this had risen steadily to US\$151 billion (Table 4).

Table 4
Taiwanese Imports

Unit: US\$bn

Year	Total Imports	Share of Imports				
		US	China	Japan	Asian	Europe
2001	107.2	17.0	7.3	24.1	14.5	14.0
2002	112.5	16.1	8.6	24.2	14.3	13.0
2003	127.2	13.2	10.0	25.6	13.3	12.8
2004	167.9	12.9	11.2	26.0	11.7	12.7
2005 (Jan-Nov)	167.4	11.6	11.9	25.4	11.5	12.0

Source: Ministry of Finance, Monthly Report of Taiwan's Imports and Exports.

This steady increase in imports is also characterized by a change in import content, from consumer goods to capital goods and raw materials. In 2005, only 8.2 per cent of all goods imported into Taiwan were consumer goods, whilst capital goods accounted for 21.4 per cent, and the remaining 70.4 per cent comprised of raw materials (CEPD, 2005: 9). Furthermore, not only has the composition of the imports changed, but there have also been changes in the source of these imports.

In the past, the US and Japan represented the two major sources of imports for Taiwan; in 2001, for example, 17.0 per cent of all imports came from the US, whilst 24.1 per cent were from Japan and only 7.3 per cent came from mainland China. There has, however, been a recent, steady shift in imports, with mainland China now representing the main source for Taiwan; by 2005, the respective imports into Taiwan from the US and Japan were down to 11.7 per cent and 11.8 per cent, whilst imports from mainland China had grown substantially, to 25.6 per cent (Table 4). Another important contributor to growth in the Taiwanese economy, which should be noted, and which took place during the second half of 2005, was the action taken by the government to speed up the construction of the island's infrastructure.

Nevertheless, regardless of the better performance achieved in the second half of 2005, of all the Asian economies, with the exception of Japan, Taiwan still has the lowest annual growth rate. The question which therefore arises is whether Taiwan's economic performance will prove to be any better in 2006, and indeed, most of the forecasts by the major institutions do reveal a slight improvement for the year ahead. Fairly consistent forecasts for Taiwan's growth rate in 2006 have been made by the World Bank (4.1 per cent), the IMF (4.3 per cent), Global-Insight (3.3 per cent) and Consensus (4.0 per cent), whilst the major research institutions in Taiwan have forecasted growth of between 4.0 per cent and 4.3 per cent.

1.1 Reasons for the Deterioration in Taiwan's Economic Performance

In attempting to determine why economic performance in Taiwan has deteriorated so much over the past few years, there are, essentially, four areas that we must consider. First of all, the implementation of the Kyoto Protocol is having an adverse effect of a number of industries, such as the iron and steel, petrochemicals, cement, paper, pulp and synthetic fiber industries, because Taiwan must reduce its carbon dioxide emissions from these industries in order to comply with the Kyoto Protocol.

Secondly, the relationship with mainland China remains rather poor. Despite the fact that the economic relationship between Taiwan and mainland China is becoming increasingly and unavoidably intertwined, the political relationship across the Strait, under the current administration, is noticeably worsening. The lack of direct transportation links has substantially reduced the competitiveness of Taiwanese businesses, both in terms of transportation costs and time. Although the 'no haste, be patient' investment policy towards mainland China has been replaced by the less restrictive 'proactive liberalization with effective management approach', in reality, the government has not released any of its tight controls over direct investment into mainland China in recent years; and in fact, in his 2006 New Year message, in order to appease the hardcore independent DPP members, President Chen Shui-Bian made a rather surprising announcement that in the year ahead, he would be tightening the relationship across the Strait.

Thirdly, the total amount of Taiwan's fiscal deficits is on the increase. As Taiwan becomes more democratically oriented, more and more political elections are taking place. Unfortunately, during these elections, politicians are making all kinds of promises to the electorate in order to secure their votes, but without considering the reality of the budget. The rapidly-increasing deficits undermine the ability of the

government to upgrade the island's infrastructure, education, training of the workforce, and other types of investment, all of which are aimed at improving the investment climate; the net result is that Taiwan becomes less favorable for both domestic and foreign investment.

Finally, political infighting has increased the uncertainty for businessmen in Taiwan, thus adding to the less favorable image of Taiwan for foreign investors.

1.2 Policies for Stimulating Economic Growth

A number of policies have been proposed and established to deal with many of the issues discussed above, including the Kyoto Protocol, fiscal policy and industrial upgrading. These are described briefly in the following sub-sections.

1.2.1 Kyoto Protocol taskforce

A taskforce for climate change and the Kyoto Protocol has been established for the purpose of seeking out solutions that will enable Taiwan to achieve its economic goals whilst taking into account environmental considerations. The government is providing some assistance to those industries that are voluntarily trying to reduce their carbon dioxide emissions, with tax reductions and other policies being implemented as a means of encouraging industries to raise their overall energy efficiency levels, and to emphasize green production.

1.2.2 Fiscal and financial reform

A fiscal reform committee has been established to facilitate the drawing up of plans for achieving a balanced budget within five years. As regards financial reform, plans have been developed to reduce by half, the number of financial institutions (banks and holding companies), so that the competitiveness of the financial sector can be established and strengthened.

1.2.3 Traditional industry upgrading

Stimulus packages are being developed for the purpose of upgrading traditional industries and the market for their goods. These measures include a two to five year program aimed at attracting some 305 companies into industrial zones, with investment amounting to NT\$107 billion. Medium- and long-term funds have been set up to provide a credit line of NT\$200 billion aimed at attracting Taiwanese overseas businessmen to return to Taiwan and invest in the island.

In the category of ‘special processes’ and ‘dirty, difficult and dangerous’ (3D) jobs, a quota of 20,000 foreign workers has been allocated. Starting from 1 January 2006, employers can apply for foreign workers within this category with the purposes being to reduce labor costs, improve the competitiveness of the traditional industries, and generate jobs for low-skilled native workers within these industries.

A further package of measures has also been introduced, essentially aimed at raising the income tax exemption levels for the purposes of stimulating private spending and reducing the income gap between the rich and the poor.

2. RECENT DEVELOPMENTS IN THE TAIWANESE LABOR MARKET

There have been some recent improvements with regard to the total number of employed persons in Taiwan, from 9.7 million in 2004, to 9.9 million in 2005, which indicates an increase of 200,000 jobs in the Taiwanese labor market. In line with this improvement, the number of unemployed workers fell from 454,000 in 2004, to 430,000 in 2005, with the unemployment rate dropping from 4.4 per cent in 2004, to 4.1 per cent in 2005.

There are also signs of improvement in the industrial distribution of jobs, with the share of employment within the agricultural sector falling from 6.6 per cent in 2004, to

6.0 per cent in 2005, whilst the share of employment within the industrial sector has risen from 35.2 per cent, to 35.8 per cent, over the same period. There has been no discernible change in the share of employment within the service sector (58.2 per cent), although the occupational distribution of jobs has also been improving in this sector, with more professional and technical jobs becoming available at the expense of a reduction in production and clerical jobs (Table 5).

Table 5
Proportion of Employed Persons, by Type of Occupation, 1993-2005

Unit: %

Year	Senior Executives ^a	Professional	Technical ^b	Clerical	Services ^c	Agriculture, Forestry and Fishing ^d	Manual ^e
1993	5.04	5.55	14.08	9.22	16.07	11.38	38.67
1994	4.88	5.36	14.50	9.39	16.09	10.80	39.00
1995	4.82	5.53	14.79	9.70	16.35	10.41	38.40
1996	4.73	5.98	15.18	10.17	16.87	9.99	37.08
1997	4.58	6.10	15.54	10.22	16.89	9.43	37.23
1998	4.58	6.22	16.13	10.28	17.19	8.72	36.88
1999	4.41	6.40	16.74	10.60	17.76	8.14	35.94
2000	4.34	6.43	16.77	10.82	18.04	7.65	35.96
2001	4.33	6.56	17.21	10.93	18.59	7.41	34.97
2002	4.49	6.87	17.58	11.01	18.94	7.39	33.73
2003	4.46	7.09	17.92	11.09	18.98	7.14	33.33
2004	4.56	7.42	18.13	11.30	18.89	6.42	33.27
2005 (Jan-Oct)	4.53	7.97	18.36	11.39	18.78	5.86	33.12

Notes:

^a includes legislators, government administrators, business executives, and managers.

^b includes technicians and associated professionals.

^c includes service workers and sales workers in shops and markets.

^d includes workers in agriculture, animal husbandry, forestry, and fishing.

^e includes production workers, plant and machinery operators, and laborers.

Source: CLA (2005).

Despite all of this apparent good news, Taiwanese citizens have generally not felt any direct improvements in the overall labor market conditions, a discrepancy between the labor market indicators and the feelings of the island's citizens which may possibly be attributable to the following four factors. First of all, the improvements in labor market conditions have occurred mainly amongst the better educated, with very little improvement being apparent for the less-well educated, largely because the impact of unemployment is usually greater for the latter group, given their lack of resource to support them during such periods.

Secondly, the decline in the unemployment rate may also be partly due to the rise in the number of discouraged workers, since the labor force participation rates for males of all ages have been in a period of decline for several years. The overall male labor force participation rate has, for example, dropped from 69.4 per cent in 2000, to 67.7 per cent in 2005, and this drop is not limited to 15-19 and 20-24 year olds, since for these groups, the drop in the labor force participation rate has been caused mainly by the higher demand for better-educated workers in recent years. Indeed, a decline has become apparent in the male labor force participation rate amongst young adults, i.e., 25-44 year olds; the labor force participation rate for this group fell from 94.5 per cent in 2000, to 93.1 per cent in 2005. There has even been a decline in the labor force participation rate for the 45-64 year-old group, falling from 80.1 per cent in 2000, to 78.3 per cent in 2005.

There are two possible reasons for this decline in the labor force participation rates amongst young adult males, the first of which is that these males have become discouraged by the poor labor market conditions and therefore refuse to go out and actively search for employment. They have thus become 'discouraged workers' and are no longer included within the labor force. On the other hand, having been unable to

find jobs in Taiwan, many of these workers may have subsequently gone to mainland China and found jobs there; thus, when government officials carry out their labor force surveys, the families of these workers will report them as not working and not looking for work, which therefore classifies them as not being in the labor force.

Thirdly, and as a natural progression from the second point, part of the reported increase in employment has occurred amongst Taiwanese citizens employed in the mainland China labor market, and not in the labor market in Taiwan. This is evidenced by the increasing discrepancy between employed persons, as reported by the establishment and household surveys. For example, in 2001, the total number of paid employees reported by the household survey was 5,766,000 persons, whilst the number of paid employees reported by the establishment survey was 5,705,000 persons, a discrepancy of 61,000 persons; by 2005, this discrepancy had risen exponentially, to 436,000 persons.

So the question must arise as to why there has been such an increase in this discrepancy. The answer is clearly that increasing numbers of people from Taiwan are moving to mainland China to find work; in fact, according to estimates by the Taiwanese government, there are currently close to 500,000 Taiwanese citizens working in mainland China, although the actual figure is actually likely to be much higher, because in the Shanghai region alone, the number is already estimated to be close to 500,000.

A final point which does have an impact upon the improvements in labor market conditions is that the jobs that were created in Taiwan, in 2003 and 2004, under the Public Employment Service Program (PESP), are low paid, temporary and unstable jobs. This poorer quality of employment is not reflected in the employment or unemployment figures.

3. EMERGING ISSUES AMONG FOREIGN WORKERS

Taiwan has been importing foreign workers from Southeast Asian countries since 1989, with the total number of foreign workers rising from 250,575 in 1995, to 314,034 in 2004, and subsequently, to 322,771 persons in November 2005. About a third (33.5 per cent) of these foreign workers was from Thailand, with the next largest groups being those from the Philippines (29 per cent) and Vietnam (28.7 per cent). As the figures in Table 6 show, prior to 2002, the number of Indonesian workers was quite large, but their presence in Taiwan fell significantly in 2003 and 2004. This is not because Taiwanese employers do not like Indonesian workers, but rather, because of government policy.

On 1 August 2002, the CLA froze the importation of Indonesian workers to Taiwan essentially because there was a very high rate of 'missing workers' amongst these employees, and indeed, largely because the Indonesian government refused to cooperate with the CLA in Taiwan to attempt to reduce the occurrence of these missing Indonesian workers. It was not until December 2004 (when both governments finally reached an agreement) that the importation of Indonesia workers into Taiwan resumed. Thus as the figures in Table 6 show, the number of Indonesia workers is quickly returning to earlier levels, with 43,839 Indonesian workers having been imported into Taiwan by November 2005.

In terms of the distribution of foreign workers between various industries, there is a trend indicating that increasing numbers of foreign workers are shifting away from the construction industry towards the manufacturing industries. This is, however, mainly due to the completion of most of the public construction projects; indeed, by 2004, the number of foreign workers employed in the construction industry had fallen to less than 8,000, barely a quarter of its earlier level of 32,000 workers in 2000.

Table 6
Sources of Foreign Workers

Unit: Persons

Sources of Foreign Worker	Number of Foreign Workers in Taiwan					
	1998	2000	2002	2003	2004	2005 (Nov)
Thailand	133,367	142,665	111,538	104,728	105,281	97,795
Philippines	114,255	98,161	69,426	81,355	91,150	95,515
Indonesia	22,058	77,830	93,212	56,437	27,281	43,839
Vietnam	–	7,746	29,473	57,603	90,241	85,528
Malaysia	940	113	35	27	22	13
Mongolia	–	–	–	–	59	81
Totals	270,620	326,515	303,684	300,150	314,034	322,771

Source: CLA (2005).

There is also a trend towards a rising demand for healthcare workers. As Table 7 shows, in 2004, over 40 per cent of the foreign workers in Taiwan were employed as healthcare workers.

Table 7
Number and Categories of Foreign Workers

Unit: Persons

Year	Total No. of Foreign Workers	Major Public Construction Projects	Major Investment Projects in Manufacturing	Healthcare Workers	Others
2000	326,515	32,572	518	98,508	123,811
2001	304,605	29,619	208	103,780	109,948
2002	303,684	21,191	101	113,755	104,555
2003	300,150	12,747	71	115,724	101,325
2004	314,034	7,763	62	128,223	101,923

Source: CLA (2005)

Aside from all of the developments outlined above, there are also several other emerging issues in the area of the recruitment and management of foreign workers; these are described in the following sub-sections.

3.1 The Requirement for Additional Foreign Production Workers in Taiwan

The government has been permitting an unofficial quota of no more than 300,000 foreign workers into Taiwan for many years; however, the continuing migration of traditional industries into Southeast Asia and mainland China has led to a rapid rise in the number of displaced workers, particularly amongst the less-well educated. The government has demonstrated on many occasions that the difficulties in retraining and upgrading the skill of these lower-educated and displaced workers are enormous. In 2005, in order to provide incentives for the traditional industries to remain in Taiwan, and thereby create jobs for these displaced workers, the CLA decided to allocate an additional quota of 20,000 foreign workers to the 3D jobs in nineteen designated traditional industries. Starting on 1 January 2006, qualified employers in the rubber, plastics, paper, cement and other designated nineteen traditional industries would be able to apply for foreign workers to fill their 3D jobs.

So as to induce employers in these industries to hire native workers, the CLA stipulates that these employers must hire three native workers for every two foreign workers they import. Once an employer receives approval from the CLA to import these foreign workers, the public employment agencies will automatically contact this employer and provide him with names of a number of native workers. If these native workers referred to the employer do not possess the skills required by the employer, the public employment agency will enroll them in appropriate training programs, the costs of which are paid for by the government. Alternatively, the public employment agency will subsidize employers in cases where they can set up their own training programs for these workers.

There is, nevertheless, a limitation on the proportion of foreign workers of the total workforce for these industries; in general, the proportion of foreign workers

within each of these designated industries may not exceed 15 per cent of the total workforce. The rationale of the government is that by allowing 20,000 additional foreign workers into these 3D jobs, a further 30,000 jobs could be generated for native workers (CLA Newsletter, 27 December 2005).

However, despite the efforts of the CLA, management associations within the rubber, plastics, leather, paper, cement and other nineteen traditional industries have strongly objected to this policy. They argue that the CLA proposal does not go far enough, and demand, first of all, that the proposed employment ratio of 2:3 between foreign and native workers should be reduced to 1:1, and secondly that the total number of foreign workers allocated to the 3D jobs should be 30,000, not 20,000, largely because the current shortage of workers within these industries is already 39,100 persons. Furthermore they want the upper limit, in terms of the proportion of foreign workers of the total workforce within each industry, to be raised from the current 15 per cent, to 35 per cent (Commercial Times, 2 January 2006).

3.2 The Stringent Criteria for Employment of Foreign Healthcare Workers

A constant complaint amongst citizens with family members who are either elderly, or suffering from long-term illnesses, is that the disability criteria for the family's eligibility for employing foreign healthcare workers, as set by the CLA, are far too high. In an attempt to deal with this issue, the new CLA commissioner has agreed to abolish the use of Barthel's Score as the only criterion in determining the eligibility for the employment of foreign healthcare workers by families with such needs. Starting from 1 January 2006, the assessment of whether a family qualifies for permission to hire foreign healthcare workers, for the specific purpose of caring for an elderly or disabled family member, will be undertaken by two physicians from any registered hospital.

In order to encourage the employment of native workers, a copy of the disability certificate issued by the physician will automatically be sent to a long-term healthcare center in close proximity to the home of the family applying for permission to hire a foreign healthcare worker. The center will provide the family with a list of three qualified native healthcare workers; thereafter, if the family hires one of these workers, the government will subsidize this family at a rate of NT\$10,000 per month, essentially because the costs of hiring native workers are higher than the costs involved in hiring foreign workers.

If the family declines to hire any of these native workers, then it may file an official request with the CLA for the hiring of a foreign healthcare worker (CLA Newsletter, 28 December 2005). However, most families in need of such healthcare service argue that this policy is far from adequate, largely because the costs involved in employing a foreign worker are about NT\$20,000 a month, considerably lower than the NT\$50,000 to 60,000 a month required to pay for the services of native workers. Thus, regardless of this new policy, the demand for foreign healthcare employees will continue to remain high.

3.3 Foreign Workers and the Minimum Wage Law

For employers of foreign workers, one of the main concerns is the wage rate. Employers in Taiwan regularly complain about having to abide by the same minimum wage amount for both native and foreign workers. Clearly, as a result of the minimum wage law in Taiwan, the costs of hiring foreign workers are higher for Taiwanese employers than they are, for example, for employers in Hong Kong or Singapore, where there are separate, or no, minimum wage laws for foreign workers. These employers are therefore demanding that the government should remove foreign workers from the coverage of the current minimum wage law. Although the CLA has

rejected such requests; it has, nevertheless, agreed to allow the inclusion of room and board as part of the minimum wage.

3.4 Excessive Brokerage Fees, Missing Foreign Workers and the Nation-to-nation Bilateral Recruitment Agreement

When foreign workers have received their work permits allowing them to work in Taiwan, they are required to stay, for the duration of their employment contract, with the same employer that applied for their work permit; any switching between employers by foreign workers is illegal, for the entire period of their employment contract. Nevertheless, close to 20 per cent of all employers employing foreign workers have had some experience of foreign workers switching to other employers without notifying them. In Taiwan this phenomenon is referred to as ‘missing workers’ or ‘runaway workers’. As the figures in Table 8 reveal, the ‘missing rates’ vary greatly between workers from different countries, although, on average, the highest rates occur amongst Vietnamese and Indonesian workers.

Table 8
Number of Missing Foreign Workers, by Country, 1998-2004

Year	Missing Rates of Foreign Workers from Selected Asian Countries *										Total No. of Missing Workers at large
	Indonesia		Philippines		Thailand		Vietnam		Total		
	No.	(%)	No.	(%)	No.	(%)	No.	(%)	No.	(%)	
1998	493	2.8	2,450	2.3	1,728	1.3	–	–	4,679	1.8	6,646
1999	760	2.5	1,882	1.6	1,403	1.0	–	–	4,057	1.4	5,504
2000	1,680	2.9	1,303	1.2	1,234	0.9	35	0.7	4,288	1.4	5,514
2001	2,804	3.2	1,048	1.2	942	0.7	293	2.8	5,089	1.6	6,220
2002	3,809	4.0	643	0.9	1,042	0.9	1,584	7.8	7,079	2.3	8,143
2003	3,411	4.6	873	1.2	1,171	1.1	4,233	9.6	9,688	3.2	11,125
2004	1,978	4.9	1,177	1.4	1,369	1.3	7,536	10.2	12,060	3.96	16,593

Note: * Missing rate = No. of missing workers divided by total number of foreign workers x 100.

Source: CLA (2005).

The higher missing rates amongst Indonesian workers tend to occur because of the greater proportion of Indonesians employed as healthcare workers, jobs which usually involve them working alone and having no other workers from their home country to converse with. As a result, there may often be a tendency for them to try to switch to nearby employers who have other Indonesian workers. For Vietnamese workers, the higher missing rates are caused by the large numbers of Vietnamese women in Taiwan. Since there are many Vietnamese women who have married Taiwanese men, they are clearly familiar with local conditions; therefore, they are also in a good position to help their fellow country workers to leave their current employers and find other employment with higher wages or better working conditions.

The available data also shows that, for more than one-third of all foreign workers who illegally switch employers, the underlying reason is the expiration of their employment contract. By switching to other employers, they can avoid being sent home on the expiration of their legal contract, and are then able to continue being employed in Taiwan. One of the most important reasons for these workers going to such lengths to extend their employment in Taiwan is the excessive referral fees that they must pay to job brokers in their home country prior to coming to Taiwan; apart from earning their living during their stay, and setting aside some money for the future, they also want to recover the money paid to the brokers by working for a much longer period in Taiwan.

According to a CLA study, these referral fees are quite modest, with, on average, Thai workers paying US\$2,512, Filipinos paying US\$1,835, Indonesian workers paying US\$1,580 and Malaysian workers paying US\$1,027 (CLA 1999; 19). However, the actual amounts of these fees that are paid to job brokers are in fact considerably higher than the figures reported by the CLA.

A recent study of Vietnamese workers who had returned home after completing their employment in Taiwan revealed that prior to leaving for Taiwan, they had paid, on average, more than US\$6,000 to job brokers (<http://enews.url.com.tw/human.shtml>). This was, in fact, equivalent to a year's income for these workers. Therefore, any attempt by the government in Taiwan to reduce the rate of missing workers should also seek to tackle the issue of excessive referral fees at the same time. In order to deal with this issue on the Taiwan side, the CLA stipulated that job brokers in Taiwan would not be allowed to collect any brokerage fees, although they may charge a management fee of up to NT\$1,800 per person for the first year of their employment in Taiwan, with this figure reducing to NT\$1,700 in the second year, and NT\$1,500 in the third year.

However this regulation does not prevent job brokers in the labor-sending countries from collecting referral fees and paying 'kickbacks' to brokerage firms in Taiwan. In an attempt to tackle this problem, the Taiwanese government has been negotiating with the governments of the labor-sending countries with the aim of setting up a nation-to-nation recruitment scheme, so that these referral fees can be totally eliminated, or at least, reduced to a minimum.

In May 1999, the CLA announced that a bilateral agreement had been signed between the Taipei Economic and Cultural Office in Hanoi and the Vietnam Economic and Cultural Office in Taipei, with regard to the sending and receiving of Vietnamese workers as contract labor. This was followed, in January 2003, by the signing of a similar agreement between the Taipei Economic and Cultural Office in Thailand and the Thailand Trade and Economic Office in Taipei with regard to the employment of Thai workers. The Taiwanese government has also signed several 'memoranda of understandings' with the Manila Economic and Cultural Office in Taipei for the hiring of workers from the Philippines, and a similar agreement has also been signed with the

Indonesian government and with the government of Mongolia . In each case, the government of the labor-sending country has agreed to cooperate with the Taiwanese government with regard to recruitment, training and dispatching workers from the labor-sending country to the labor-receiving country. They have also mutually agreed to do everything in their power to control the problem of missing workers.

These agreements have, however, seldom produced the desired results, partly because a very large proportion of employers in Taiwan want to recruit foreign workers through their own job brokerage firms. The limited experience in this area by government agencies has shown them to be rather inefficient in getting both the numbers, and the quality, of workers to meet the demand; indeed, the recent example of workers at the Kaohsiung MRT revealed that high-ranking officials from both the Taiwanese and Thai governments were involved in huge bribes and kickback sums. The general failure of these agreements to have any worthwhile effects is also partly because there are invariably private middlemen getting involved between the government agencies; as a result, any direct nation-to-nation recruitment is rendered virtually impossible. The following provides an illustration of how, despite the best intentions of the nation-to-nation agreement between the Vietnamese and Taiwanese governments, these middlemen are able to get involved.

The procedures involved in the recruitment of Vietnamese workers into Taiwan, in accordance with the nation-to-nation agreement signed by the Vietnamese and Taiwanese governments, are as illustrated in Figure 1. As the figure shows, the two governments are involved in negotiating the procedures for the recruitment of Vietnamese workers, as well as for their training, health checks and other necessary procedures, prior to the dispatching of these Vietnamese workers to Taiwan.

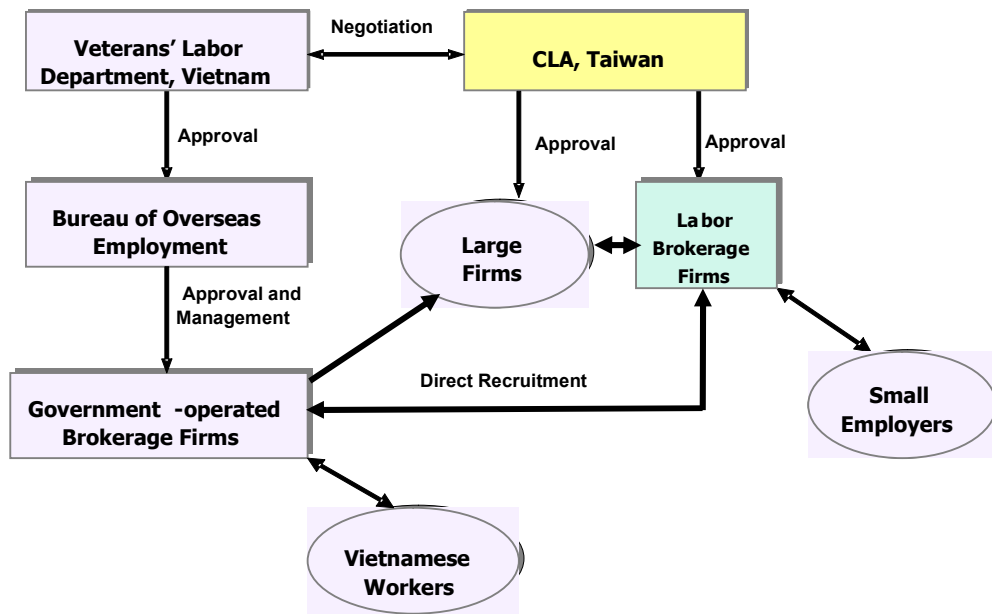


Figure 1
Nation-to-nation Recruitment Arrangements between Taiwan and Vietnam

Employers on the Taiwan side, both large and small, can submit their requests for foreign workers to a government-licensed labor-brokerage firm, which then submits, to the CLA, an application for the total number of foreign workers requested. Once the CLA has given its approval to these applications, it sends a consolidated request to its Vietnamese counterparts for the total number of Vietnamese workers for employment in Taiwan.

On the Vietnamese side the Veteran’s Employment Department then sends its request to the Bureau of Overseas Employment which screens the request, and when approved, sends a request for workers to a government-operated employment agency; this agency then goes out and screens and recruits local Vietnamese workers for potential overseas employment. The fees for this process are set, as stated in Table 9, and are collected by the Vietnamese government. As the figures in Table 9 reveal, the total amount of fees should not exceed US\$755.44, plus income tax payable to the Taiwanese government; however, the actual operation is very different from the

original design due to the involvement of the three groups of ‘middlemen’.

Table 9
Fees Charged by the Vietnamese Government

Item	Fees Regulated by Government	Cost in US Dollars
Health Check	VN\$500,000-600,000	31.84-38.22
Training	VN\$1,050,000/month, for a maximum of 3 months	66.88-200.64
Good Citizen Certification	VN\$100,000	6.37
Passport	VN\$200,000	12.74
Taiwan Visa	US\$66/Common US\$99/Emergency	66.00 99.00
Air Fare	VN\$4,700,000-5,000,000	300.00-318.47
Departure Fees	US\$14.00	14.00
Sub Total		596.83-755.44
Income Tax imposed by the Taiwanese Government	NT\$1,320 (month) NT\$15,840 (year)	40.00 480.00

Note: * Exchange rate = US\$1.00: VN\$15,700 : NT\$33.00

Source: Bureau of Overseas Employment, 2005, So 148/QHĐNN-TTLD 31/01/2005.

As Figure 2 shows, in between the Veteran’s Labor Department, the Bureau of Overseas Employment and the government-operated employment agencies, there are local governments, individual job brokers and Taiwan/Vietnamese-operated labor brokerage firms which are non-licensed but operate with borrowed licenses. These agencies all go out to recruit workers, or work together in the recruitment of workers, because their relationship is so complicated that the poorly-educated and low-skilled Vietnamese workers have no way of finding out which one is the official and legitimate job broker. Therefore, some workers in Vietnam are being recruited by local governments, whilst others are being recruited by individual job brokers, brokerage firms, or the joint efforts of these various organizations.

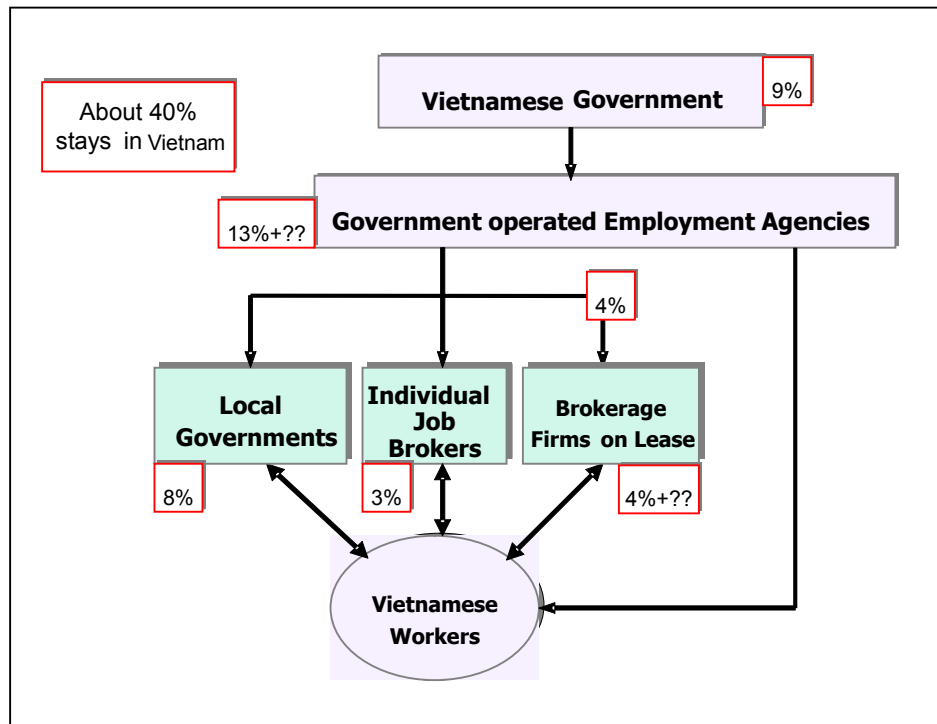


Figure 2
Actual Recruitment Process and the Distribution of Profits, Vietnam Side

The Vietnamese workers have no way of determining what the standardized referral fees and other service charges are supposed to be, and will pay whatever amount is requested from them by these recruiting agencies and their superior organizations. These agencies will also take the recruited workers to designated financial institutions to finance their brokerage fees prior to them being allowed to leave for Taiwan.

According to this study, for each recruited worker, a total sum of US\$6,343 was collected in fees by these various agencies. The fees collected were then divided into two parts, with about 40 per cent of the fees being distributed to the various organizations in Vietnam, and the remaining 60 per cent being distributed to various

agencies and employers in Taiwan (Figure 3).

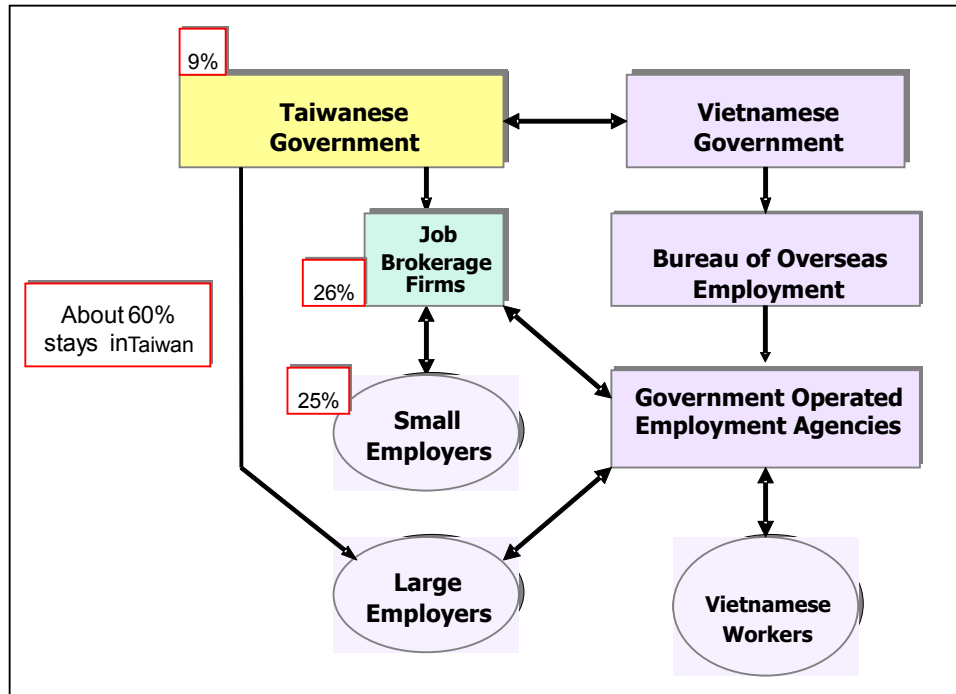


Figure 3
Actual Recruitment Process and the Distribution of Profits, Taiwan Side

Since the Vietnam agency is also responsible for paying the Taiwan brokerage firm up to NT\$30,000 for each missing Vietnamese worker, some Vietnamese government agencies will often send their own staff to Taiwan to help to find these missing workers. In short, the well intended nation-to-nation agreement between Taiwan and Vietnam, for the recruitment of Vietnamese workers, is being sabotaged by the middlemen in between the government agencies.

It is for this reason that 88 per cent of employers would rather recruit foreign workers through brokerage firms of their own choosing, whilst less than seven per cent of employers would like the government to recruit workers on their behalf. For the

remainder of these potential employers, which are mainly large-sized companies, the recruitment of foreign workers is undertaken directly by their own staff.

4. MANAGEMENT AND WELFARE OF FOREIGN WORKERS

4.1 Foreign Worker Management

Several questions arise with regard to the administration of foreign workers, such as how their employers in Taiwan manage them, and what the general level of working conditions are for foreign workers in Taiwan. There are also questions of whether foreign workers are covered by health insurance, insurance against accidents at work and other types of accident insurance, whether they are adequately paid, and whether they have room and board arrangements. In order to find the answers to such questions, a biennial survey is carried out by the CLA on the living and working conditions for foreign workers. The 2004 survey revealed the following results.

4.1.1 Insurance

Almost all (99 per cent) of employers hiring foreign workers had subscribed to health and labor insurance coverage for their foreign workers in 2004, with about 30 per cent of them having also subscribed to additional accident insurance coverage. Accident insurance coverage for foreign workers was provided by a much greater proportion of employers within the construction industries (61 per cent) than in the manufacturing industries. Nevertheless, this is essentially because the accident rate is much higher within the construction industries than in the manufacturing industries.

4.1.2 Housing arrangements

Housing arrangements are important for foreign workers because they are usually

unfamiliar with the local environment, and usually cannot speak Chinese; therefore they would clearly have enormous difficulties if they were required to make housing arrangements for themselves. The CLA 2004 survey showed that almost all employers of foreign workers had made housing arrangements on their behalf, with only 0.6 per cent of these employers having failed to provide any housing arrangements. About 44.6 per cent of the employers housed their foreign workers in dormitories with other workers from the same country, whilst 38.6 per cent built special dormitories for their foreign workers, and 13.9 per cent rented apartments or other types of housing (CLA, 2004).

4.1.3 Income gap between foreign and native workers

As regards adequate pay for foreign workers, those in Taiwan are protected by the same minimum wage law as all native workers; therefore, the issue of pay is not really a problem for foreign workers in Taiwan. As the figures in Table 10 show, in 2004, the average monthly wage for foreign workers was NT\$21,275, which was 85 per cent of the average wage for native workers.

One may argue that since foreign workers will normally put in more overtime work than native workers, no comparison should be made between these two groups of workers on the basis of their total wages (Table 11). In response to such concerns, a comparison of the regular monthly wage between these two groups of workers still shows that foreign workers are, on average, earning around 85 per cent of the average for a native worker; thus, it appears that even on the basis of regular wages, foreign workers are still being adequately paid (Table 10).

4.2 Healthcare Employees

The working conditions and pay levels of healthcare employees are major concerns for the government, partly because their numbers have risen rapidly over recent years, and

partly because, since they work for individual families, they are not protected by the Fair Labor Standards Law (1984). According to the CLA 2004 survey, foreign healthcare workers received, on average, NT\$ 18,106 per month, of which NT\$15,912 was regular pay, NT\$1,862 was overtime payment, and NT\$ 322 came in other payments.

Table 10
Income Gap between Foreign and Native workers, 1993-2004

Year		Average Monthly Wage (NT\$/month)			Regular Wage (NT\$/month)		
		Total	Manufacturing	Construction	Total	Manufacturing	Construction
1993	Average Wage	17,603(533.4)	17,525(532.2)	19,565(592.9)	14,100(427.2)	14,079(426.6)	14,268(432.4)
	FW/NW (%) *	84.83	88.22	75.50	75.50	80.70	58.80
1995	Average Wage	19,530	19,529	19,533	15,487	15,410	15,736
	FW/NW (%)	88.80	90.70	75.00	80.12	83.30	63.90
1997	Average Wage	20,892	20,963	20,662	16,059	16,167	15,710
	FW/NW (%)	96.00	96.90	80.80	84.00	86.90	65.00
1999	Average Wage	20,919	21,006	20,645	16,507	16,542	16,395
	FW/NW (%)	95.3	95.0	76.9	85.1	87.4	65.0
2001	Average Wage	19,502	19,496	19,743	16,353	16,435	16,315
	FW/NW (%)	79.0	80.4	72.0	73.6	76.0	62.1
2002	Average Wage	20,536	20,561	20,385	16,353	16,332	16,478
	FW/NW (%)	82.8	83.9	84.1	73.9	75.8	71.9
2004 (Jun)	Average Wage	21,275	21,305	20,685	16,221	16,224	16,154
	FW/NW (%)	–	–	–	85.2	86.7	80.6

Note: * FW/NW = average monthly wage for foreign workers/average monthly wage for inexperienced low skilled native workers x 100.

Source: Council of Labor Affairs (2005).

The CLA survey found that in the majority of cases, the room and board expenses of these workers were normally reimbursed separately, since they often did not stay with the person that they cared for, and usually stayed in a hospital or healthcare institution.

The survey results also showed that healthcare employees usually worked long hours. Only 20 per cent of employers specify the length of the working day for their healthcare employees, whilst 79 per cent of these employers have no formal agreements whatsoever on the length of the working day. For those who do have official agreements, most of these (79 per cent) stipulate 12 hours per day, although, on the whole the average working day for foreign healthcare employees is 13.5 hours.

Working hours do, however, vary between workers from different countries. For example, the average working hours for workers from Indonesia, Thailand and Vietnam were 12.5 hours per day, whilst those for Filipinos were 13.5 hours. One possible explanation for Filipinos working such longer hours may be their higher educational attainment, as well as their ability to speak English, since their employers may also be taking advantage of these abilities by getting the healthcare workers to take care of the children of the family (CLA, 2004).

Not only do foreign healthcare employees have long daily working hours, but they are also not usually granted holidays or vacations. The CLA 2004 survey revealed that only 4 per cent of these foreign healthcare workers had any regular holidays, whilst 44.7 per cent had a partial vacation (usually for special occasions and with special permission from their employers), whilst the remaining 51 per cent had no holidays or vacations whatsoever (CLA, 2004: 22).

Table 11
Working hours for Foreign Workers, 1993-2004

Unit: hrs/month

Year		Average Working Hours		Regular Working Hours		Overtime Hours	
		Manufacturing	Construction	Manufacturing	Construction	Manufacturing	Construction
1993	FW hrs ^a	239.2	242.2	201.1	201.7	38.2	40.5
	FH/NH ^b	1.18	1.27	1.07	1.08	2.73	8.44
1995	Hr. for FW	246.6	245.0	209.9	210.2	36.7	34.8
	FH/NH	1.22	1.26	1.13	1.12	2.37	4.52
1997	Hr. for FW	244.8	257.3	204.1	208.3	40.7	49.1
	FH/NH	1.21	1.34	1.10	1.13	2.50	6.06
1999	Hr. for FW	241.0	261.4	203.4	218.6	37.6	42.9
	FH/NH	1.21	1.41	1.11	1.23	2.27	6.04
2001	Hr. for FW	224.8	233.9	196.5	199.8	28.3	34.1
	FH/NH	1.22	1.29	1.15	1.15	2.02	4.67
2002	Hr. for FW	232.0	232.0	189.7	190.7	42.4	41.8
	FH/NH	1.24	1.32	1.10	1.12	2.68	6.33
2004 (Jun)	Hr. for FW	225.3	225.7	180.5	188.1	44.8	37.6
	FH/NH	1.18	1.26	1.05	1.09	2.42	5.61

Notes:

^a FW hrs = foreign worker hours;

^b FH/NH = work hours for foreign workers / work hours for native workers

Source: Council of Labor Affairs (2005).

5. IMMIGRATION

Taiwan is not an immigration nation. In 2002, the cumulative total of foreigners in Taiwan accounted for only 1.7 per cent of the island's total population; and indeed, up until the end of 1996, the total number of foreigners naturalized as Taiwanese citizens was less than 200. Such a low immigration rate has come about as a result of the government's restrictive immigration policy, largely based upon the island's high population density.

The government has, however, loosened its restrictive immigration policy in recent years, as evidenced by the admission of large numbers of low skilled foreign workers into Taiwan, and also by the permits being granted to large numbers of women from Southeast Asia, and from mainland China, to immigrate into Taiwan in order to marry Taiwanese men. The number of foreign and mainland Chinese spouses immigrating into Taiwan has risen sharply over recent years; for example, between 1987 and 2005, a total of 110,000 foreign spouses, and 200,000 spouses from mainland China, had settled in Taiwan.

As the available figures show, for each year between 1999 and 2003, there were, on average, 2,111 spouses applying for permits to immigrate into Taiwan from Southeast Asia, with the rate of approval being 12.3 per cent. The average number of spouses applying for immigration into Taiwan each year from mainland China was 7,249, with the rate of approval being 27 per cent (CEPD, 2004: 6). Clearly, therefore, the number of marriages to foreign brides has risen sharply in Taiwan over recent years. In 1999, only 15.6 per cent of the brides in all newly-married couples were from foreign countries and mainland China; however, by 2003, this figure had risen to 32.1 per cent (CEPD, 2004: 8).

As a result of this rapid rise in foreign spouses, the number of children with mothers from foreign countries, and from mainland China, has also risen sharply. In

1999, only 5.1 per cent of newborn children in Taiwan had a mother from mainland China or Southeast Asia; however, by 2001, this had more than doubled, to 10.7 per cent, and continued to rise to 13.4 per cent in 2003.

The rapid rise in the proportion of spouses from abroad has both positive and adverse effects on population growth in Taiwan, as well as on its economy, education and society as a whole. The positive effects include the stabilizing effect on the population growth rate in Taiwan, in addition to the help provided in relieving the marriage problem for males in the more rural areas. Thus, the growing number of foreign spouses helps to balance the population growth in both rural and urban areas; however, it is also a phenomenon which is clearly very helpful in terms of developing a diversified society for Taiwan. The immigration of women from other countries has also helped in several other ways, such as slowing down the aging of the Taiwanese population, increasing private consumption and increasing the island's overall labor supply. The discernible increase in the understanding of cultural differences between Taiwan and Southeast Asian countries is extremely positive.

On the negative side, however, there are a couple of problems created by the rapid growth in the immigration of foreign spouses. First of all, any children of the foreign mother brought into the marriage may have extreme language difficulties, with communication problems occurring with their non-native parent, non-native grandparents, teachers and schoolmates. As a result, they may well fall behind other children in their general learning and their school work. Secondly, and most importantly, the majority of these marriages are undertaken by arrangement, and not based upon love for one another. The commercialization of these marriages may therefore lead to twisted family values, and subsequent problems of social and racial discrimination.

Thus, the Taiwanese government needs to develop social programs aimed at correcting, or preventing, the occurrence of these various social problems; and indeed, the government has in fact implemented a number of ‘Foreign Spouse Assistance Programs’, in which various government agencies are working together to provide education programs, counseling programs, language instruction, information on spouses’ rights within the family, health insurance, healthcare services, birth control, employment protection, personal security, and a variety of other assistance programs for these foreign spouses (including those from mainland China). The government also plans to add more of these types of programs in the future as a means of tackling the potential social problems and ensuring that they are dealt with very early on, before they can develop into major issues.

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