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International Affairs

# Political Frameworks: A Lack of Support for Foreign Domestic Workers in Taiwan

August 15, 2023

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## Political Frameworks for Migrant Domestic Workers in Taiwan

Taiwan - officially known as the Republic of China, but from hereon in the paper will be referred to by its common title, Taiwan - is an island country off the Southeast coast of China. Despite not having international recognition, Taiwan has managed to change their regime from an authoritarian system to one of the strongest democracies in Asia. Moreover, Taiwan has a highly skilled workforce and relies on migrant workers to fill the unskilled jobs, such as fishing and domestic caregiving that are disparaged by the Taiwanese people. With an increasingly ageing population, Taiwan currently has over 700,000 migrant workers in the country, making up just over 2% of the 23.57 million person population. Additionally, Taiwan does not include migrant domestic workers in the *Labour Standards Act* or in the *National Health Insurance*. This paper will analyze why there is no framework for managing migrant domestic workers in Taiwan and conclude with the most economical and ethical option for a foreign worker framework of historical new institutionalism which focuses on how institutions are organized. This discussion

will be framed by the international relations theory of historical new institutionalism, this framework provides a lens through which the policy system in Taiwan can be interpreted.

This paper will present topics on Taiwanese history, culture, and contemporary politics. First, the history of Taiwan will be described in conjunction with the theory of historical new institutionalism; this theory presents the history of Taiwan and the history of governmental institutions along with political issues. Next, the topic of migrant workers will be explored by detailing the migrant worker system, including the statistics of workers, the broker system, effects on the economy, and an overall analysis of the system. Then, policymaking in Taiwan will be described along with solutions to build a stronger, more responsible government. Further, the various political frameworks that exist around the world will be analyzed. The framework of historical new institutionalism will be used because it allows the thorough analysis of the institutions at play in Taiwan. The International Labour Organization provides a set of regulations for UN member states to observe when it comes to migrant workers. Finally, an analysis of the path

dependency that exists in Taiwan along with a view of historical new institutionalism, will be presented to summarize the current migrant worker system.

### **The History of Taiwan**

Taiwan is not internationally recognized by the UN or any of the G20 nations, a collective of 20 of the world's major economies that accounts for 80% of the world's gross domestic product (G20, 2021). China has considered Taiwan to be a province under their rule since at least 1683, despite Taiwan acting as an independent nation since 1949. Today, Taiwan is only officially recognized by 15 nations, such as Guatemala and Haiti. It is formally known as the Republic of China (ROC) but is usually referred to as Taiwan while China is called the People's Republic of China (PRC). However, originally, the ROC was the official name for Mainland China from the 1600s until 1945 when the ROC Nationalists army was overtaken by the Communists (Lamley, 2015, p. 202).

Another important facet of Taiwan is the identities of its residents. There are four main ethnic groups; however, most residents in Taiwan can colloquially be referred to as the 'Taiwanese.' According to Chiu, Fell, and Ping (2013), "it has been customary to talk in terms of four ethnic groups: the aboriginals, Hokklo (Hokkien speakers), Hakka, and Mainlanders (*waishengren*)" (p. 2). Except for the Indigenous peoples, the other three groups are immigrants from China. The Hokklo and Hakka people immigrated in the 1700s and the Mainlanders immigrated between 1945 to present day.

### ***Japanese Colonial Rule***

As a result of the first Sino-Japanese War of 1894-1895, China ceded Taiwan, Penghu, and the Liaodong Peninsula to Japan through the *Treaty of Shimonoseki* which was signed April 17, 1895 (Lamley, 2015, p. 203). Japan's presence in Taiwan lasted for 51 years, or until the end of World War II. This period was marked by heavy military and political conflict between the Taiwanese citizens and the Japanese military (Lamley, 2015, p. 205). Following World War II, there was an unsuccessful attempt at the reunification of China and Taiwan by Chiang Kai-Shek and his Nationalist party. The Nationalists and Communists in China clashed and Chiang Kai-Shek eventually retreated to Taiwan at the end of 1948, officially relocating by 1949 (Philips, 2015, p. 277). During this time, the Communists took over China and renamed it the People's Republic of China. Since then, up until recently, Taiwan has been ruled by the main political party, the Kuomintang (KMT), but this changed when a more progressive party, the Democratic Progressive Party (DPP), won the elections in 2000, 2004, 2016, and 2020.

### ***The "White Terror" Period***

The most important historical aspect of Taiwan's decolonization period is the February 28, 1947, incident also known as the 228. This incident was an anti-government uprising against the KMT that resulted from the collision of decolonization and reunification that divided Taiwan into two camps (Philips, 2015, p. 292). The estimated number of people killed during the

228 incident ranges between 500 to 100,000 deaths. The 228 incident marked the beginning of increased restrictions and violence against the Taiwanese population on the part of the KMT. After 1949, during the Martial Law period, the KMT focused on criminalizing many ways of life that had been established during the Japanese colonial period, such as making Mandarin Chinese the national language and enforcing youth to adhere to Chinese rather than Japanese customs (Philips, 2015, p. 298). The leader of the KMT and president of Taiwan, Chiang Kai-Shek, ruled with an 'iron fist' that eventually led to economic prosperity despite the period being labeled as "White Terror" by civilians. Notably during this period, Kai-Shek banned freedom of the press and prohibited student political organizations from gathering to dissuade rebellion against his government (Wang, 2015, p. 323). The 228 incident and Chiang Kai-Shek are dark periods of Taiwan's history that resulted in the privatization of many sectors to avoid another Martial Law period. Kai-Shek died in 1975 and, after that, the rule of Martial Law slowly ended, culminating in 1987 when the Democratic Progressive Party won the elections that year (Philips, 2015, p. 300).

### ***Losing the United Nations Seat***

During the period of Martial Law, Taiwan lost one of the most important international recognitions, their UN seat. The process of losing their seat began at the signing of the United Nations General Assembly Resolution 1668 in 1961 (Wang, 2015, p. 334). This resolution stated that the decision on who would hold the "China seat" was an

important question and therefore required a 2/3 majority vote to change the seat. The following resolution, United Nations General Assembly Resolution 2758, was passed on October 25, 1971, and named the People's Republic of China as the "the only legitimate representative of China to the United Nations" (UN, 2021).

### **Historical New Institutionalism**

In discussing the history of Taiwan, it is important to consider how these historical institutions feed into today's political issues. Following the Martial Law period in Taiwan, the government privatized many sectors of the economy in an attempt to avoid a future Martial Law regime. According to Lin and Huang (2018), the employees of privatized industries in Taiwan experience far more negative employment experiences and wages because there are fewer government institutions who enforce regulations in private settings (p. 190). Going forward, this decision has impacted modern politics as it resulted in the exploitation and abuse of migrant care workers in the country (p. 200). This paper is framed under the theory of historical new institutionalism, which focuses on the interactions of institutions, politics, and society that are able to enact change in a country. Taiwan's migrant worker system can be examined under the lens of this theory because it has been relatively stagnant since it was enacted. Since the 1990s - when the policies to allow migrant workers to work in Taiwan began - these workers have been systematically excluded from the *Labour Standards Act*, *National Health Insurance*, and other welfare supports (Ministry of Labour, ROC, 2021).

Peters, Pierre, and King (2005) explain the concept of historical new institutionalism by arguing that policy makers tend to follow the system that is already in place (p. 1276). In regard to Taiwan, this theory's application can help explain why migrant worker policies are not being changed because, as previously stated, policies are resistant to change once they have been made official.

### ***Institutionalism in Taiwan***

Furthermore, historical institutionalism explains why governmental institutions, such as the *Ministry of Labour* in Taiwan, have not changed in over 25 years. One of the main reasons why Taiwan avoids installing any framework to support these migrant workers is because of monetary fears (Peters, Pierre, King, 2005, p. 1277). Any framework will cost both taxpayers and the Taiwanese government significantly more to ensure universal health care and labour rights for all Taiwanese citizens and migrant workers. If migrant workers were included in Taiwan's *Labour Standards Act* (recently amended in 2020), then the laws would apply to their employers, meaning it would be against the law for the workers to work every day, be paid low wages, and be subject to assault and abuse by their employers (Labour Standards Act, 2020).

The analysis of Taiwan's migrant worker system shows the relevance of the path dependency theory. Once on a path, it is far easier, cheaper, and more likely for a government to continue to follow along that pathway (Peters, Pierre, and King, 2005, p. 1280). The result of these negative views against migrant workers prevents any

changes being made. Therefore, Taiwan will only begin to support their migrant workers and enact real change when they see them as valuable members of society. By viewing this issue through the lens of the institutions that perpetuate the migrant worker abuse and the history that allows Taiwan to be in this situation today, this paper shows why nothing has been done to resolve this problem.

### **Migrant Domestic Workers in Taiwan**

Similar to other Asian countries, Taiwan has been dealing with low birth rates and an ageing population (Lan, 2006, p. 8). Consequently, one of the main concerns in the country has been welfare support and long-term care solutions for the elderly Taiwanese (Chien & Chen, 2016, p. 138). Statistics have shown that Taiwan will become a superaged society by 2025 which means that a significant portion of the population will be over the age of 75 (Chien & Chen, 2016, p. 137). This superaged society will create a burden on the younger generations who must either care for their parents directly or hire support workers to care for them. Taiwan has known since the 1990s that they would become a significantly older population due to low birth rates. With many Taiwanese citizens living for longer, new solutions are needed to support the elderly population. In response to this, the migrant care workers began arriving in Taiwan in 1992 when the Taiwanese government allowed them to care for the ill, elderly, or disabled (Lan, 2006, p. 9). In this way, migrant workers have presented a solution to the issue of a large senior population and a smaller

middle-aged population that is responsible for the former's care.

### **Statistics**

The Ministry of Labour in Taiwan provides statistics on all workers in the country, including migrant care workers. As of the end of April 2021, there were 713,454 migrant workers in Taiwan in both the fishing industries and social welfare areas (Ministry of Labour Statistics, 2021). 245,057 workers are migrant caregivers and of those, 185,514 are Indonesian (Ministry of Labour Statistics, 2021). Unfortunately, despite their numbers, migrant workers are frequently viewed as inferior to Taiwanese citizens due to their religion, skin colour, and job titles. When considering the entirety of the migrant worker population (in both fishing and care industries), more than half are female. According to the Ministry of Labour, Taiwan employed 378,772 female workers at the end of April 2021, accounting for 53% of the migrant workforce (Ministry of Labour Statistics, 2021). And, while these gender statistics are not broken down based on industry, it can be assumed that the majority of care-workers are women due to historical cultural practices expecting women to take on the caregiving role (Ministry of Labour Statistics, 2021).

Additionally, migrant care workers are often expected to do more than is required of them, such as cooking the meals and caring for the children and elderly. The power dynamics in an employer's house often lead to violence in the household against the migrant care worker. Shu-Man Pan and Jung-Tsung Yang (2012) report that migrant

workers often "provide twenty-four-hour care and perform endless household duties" (Pan & Yang, 2012, p. 89) and suffer blame or abuse if the duties are performed unsatisfactorily. Oftentimes, the family will control every aspect of the migrant worker's lives and "female migrant domestic workers generally cannot talk with outsiders or even use the phone without permission" (Pan & Yang, 2012, p. 90). Similarly, migrant care workers are viewed as unskilled members of Taiwanese society despite carrying out the ever-important role of elderly care; they are viewed as disposable by their employers and treated as such (Pan & Yang, 2012, p. 92). If Taiwanese citizens did not have migrant care workers to care for their parents, they would not have the time to carry out their higher-skilled jobs. Additionally, these care workers are excluded from any labour acts or protection in Taiwan and do not receive the job security that national workers do.

### **The Broker System**

Next, the migrant worker system is corrupt, and this corruption begins before these workers even arrive in Taiwan. Firstly, they arrive in the country through a complex and expensive broker system that is facilitated by brokers in both the home country and Taiwan (*Taipei Times*, 2019). These brokers are expensive and often place the migrant worker into debt before they have even begun to work. An article by Robert Tierney (2007) describes the broker system as a "major source of economic, social, and psychological hardship experienced by Taiwan's foreign workers" (Tierney, 2007, p. 221). For example, brokers often charge

workers' one year's salary to find them a job. And, despite the corruptness of this system, these workers are typically so desperate for work that this is their last option to provide for their families. For domestic workers, these broker systems are the only way to find a job (Tierney, 2007, p. 225). However, as stated earlier, despite the clear human rights violations, this system is yet to be amended or abolished, as it will cost more to change the system. For these reasons, migrant workers are forced to battle against an abusive system, start to finish, and all the while are treated as inferior to Taiwanese citizens.

### ***Migrant Workers Fueling the Economy***

Despite Taiwan's continual negative views towards migrant workers, the country's economy relies on them quite heavily. For example, Taiwan is currently an international hub for the production of semiconductors. The high-technology sector has been steadily increasing since 1988 when the export value of Taiwan-based technology increased from \$1 billion USD to \$5.15 billion USD (Rubinstein, 2009, p. 374). This immense success is made possible by migrant workers who work in their employers' homes to care for the elderly because without the option to outsource elderly care, the burden would be on the high-skilled technology workers. When viewed through the lens of historical institutionalism, the high-technology sector demonstrates that without the migrant workers at home managing the house many Taiwanese would be unable to work (Rubinstein, 2009, p. 370).

Migrant workers fill in the traditional role of the wives caring for the elderly. Previously, the role of caregiver fell onto women's shoulders and prevented them from joining the workforce. According to Nakahara (2017), "the rise in the labor participation rate of female workers is one of [the] reasons for the increased demand for caregivers. The labor participation rate of female workers in Taiwan is increasing gradually, from 39.13% in 1978 to 44.50% in 1990, and then to 50.80% in 2016" (p. 35). This rate of labour participation is significantly low compared to many other developed countries and this increase in female participation in the workforce meant that the traditional role of filial piety was no longer to be filled by the wife. 'Filial piety' entails that the women in the family are responsible for elderly care, which is often non-negotiable (Yeh et al, 2013, p. 279). However, working and elderly care is a difficult balance to manage, which was proven when many women began to enter the workforce in the 1990s and did not have the ability to simultaneously care for the elderly (Lai, 2010, p. 201). When migrant workers take over that role, they allow female Taiwanese workers to add to the economy. This explanation for the rise in migrant workers' popularity is viable because the two timelines run parallel with one another; as more women enter the workforce, more migrant caregivers were hired. And Taiwan's economy grew significantly in the early 1990s, when the policy to allow migrant domestic workers in Taiwan was passed (Lai, 2010, p. 202). Therefore, migrant workers are one of the reasons that Taiwan's economy was able to

successfully progress while the population continues to age.

### ***Analysis of Taiwan's Migrant Worker System***

Conversely, while migrant workers are integral to Taiwanese society, they continue to be subjected to abuse. In analyzing the migrant worker abuse, the theory of historical institutionalism is the sole theory to explain this situation since no other theory exists to understand why the abuse is happening. An article by Peters, Pierre, and King (2005) discusses how institutions are complacent in the lack of change because institutional frameworks provide the structure for any policy changes (p. 1281). And, without an institutional framework, there will not be any policy changes. Frameworks, such as the International Labour Organization's regulations, allow countries to make policy changes; for example, allowing migrant workers access to health insurance or a pathway to citizenship allows them to escape the migrant worker abuse as citizens are supported by the *Labour Standards Act* (International Labour Organization, 2021). Considering that Taiwan does not follow these regulations, it is far more difficult for policymakers to suggest that migrant workers be granted mandatory health insurance or citizenship. There are also no systems to ensure that these policy changes will be obeyed. For example, migrant fishers are included under Taiwan's *Labour Standards Act* as they are employed by companies, which is easier to enforce than private homes that employ care workers (Labour Standards Act, 2020). If these

companies did not obey the regulations, the governmental institutions could increase taxes, sanctions, or other punishments. Due to this, migrant care workers are not included in the *Act* as they work for individual households. Even if it was suspected that a household was abusing a worker, it is more difficult to punish the household or even observe the abuse, as the employers have a right to privacy (Ministry of Labour, ROC, 2021). If, in Taiwan, a framework of specific regulations existed - such as twice-yearly home check-ins - then migrant worker abuse and overwork could be caught more easily.

### ***Policymaking in Taiwan's Current System***

In order to begin making new policies for migrant workers, the government would need to de-privatize migrant workers as they are hired by individual employers and are not protected under the *Labour Standards Act* (Labour Standards Act, 2020). The act of de-privatization would be costly, time-consuming, and may not remedy the abuse that migrant workers face in their employment. Peters, Pierre, and King (2005) also discussed the importance of "intermediate-level institutions which mediate the effects of macro-socioeconomic and political structures" (p. 1282); this explains the role that institutions play in Taiwan. The intermediate-level institutions in the migrant worker system are the brokers. This is not a legitimate system and results in a further decline in political structures. There are no lower or middle level institutions to protect these workers, which would often be the major source of political change, as these institutions would

be able to enforce regulations more easily, even occasionally in private homes (Ministry of Labour, ROC, 2021). For example, if Taiwan included an institution such as city offices to observe homes and check-in with migrant work employers, then perhaps there would be more supports available to these workers. The analysis of historical institutionalism shows a bleak future for change in the situation of migrant domestic workers in Taiwan.

Despite the bleak future, it is important to consider that several Taiwanese citizens and advocacy groups hope to enact real change in the system despite the current trend of stagnancy. According to an article in *Taiwan News* the Taiwan International Workers Association has hosted several protests to abolish the broker system in Taiwan (*Taiwan News*, 2019). Several of these brokers overcharge migrant workers for mundane activities, such as renewing a passport, resulting in exploitative practices that negatively impact migrant workers' financial stability and counteract their seeking employment (*Taiwan News*, 2019). Again, this broker system is made possible by a lack of political framework to hold these brokers accountable. This is because brokers are a private institution that is unmonitored under the law and more difficult and costly to regulate.

Migrant workers are also left out of many nation-wide laws. In 2020, the *Labour Standards Act* was amended to include foreign fishers, but caregivers are still neglected (Labour Standards Act, 2020). This means that these workers have no protections through fair wages, time-off, or

other worker welfare options. In 2020, the *National Health Insurance* act was also amended to include migrant workers if enrolled by their employers (National Health Insurance, ROC, 2020). This places the migrant workers at the mercy of their employers to provide them with health insurance. And this registration comes at a cost to the employers because it adds to the overall cost (National Health Insurance, ROC, 2020). In any event, migrant workers are systematically left out of laws to keep costs low for the government and employers.

## **Frameworks in Taiwan**

### ***The Current Long-Term Care Framework***

Taiwan has provided poor long-term care options to their citizens, and, consequently, Taiwanese people are required to care either for the elderly themselves or hire personal care workers as cheap migrant labour. In an effort to move away from martial law in 1987 the government privatized many sectors of the economy and kept the long-term care system private. Elderly care has always been privatized as it was the family's responsibility. Due to this privatization, families have taken the burden off themselves and put it onto foreign, cheap, unregulated labour (Lai, 2019, p. 89). As a democratic civic state, Taiwan has the ability to change long-term care needs to be a state concern; however, due to the privatization and current path dependency on migrant labourers, it is unlikely that there will be a change in the migrant worker framework (Peters, Pierre, King, 2005, p. 1278). The combination of these factors - state

privatization and path dependency - explains state mechanisms, which have a rigid view of migrants as being only 'temporary guests'.

In a dissertation by Yannis-Adam Allouache, it was concluded "that this framework's intended goal is to specifically prevent the integration of migrant domestic workers and enforce their temporariness" (Allouache, 2017, p. 5). The current efforts and blatant avoidance of the UN covenant on the human rights of migrant workers demonstrates Taiwan's dependency on othering migrant workers from Taiwanese citizens. And, because of the success of othering over the last several decades, Taiwan will continue to do so as it is cheaper. This system is an easier and more consistent care option for the Taiwanese elderly despite violating the migrant workers' human rights.

### ***Taiwan's Other Human Rights Frameworks***

There are several UN core human rights treaties that the Taiwanese government obeys. According to the Human Rights section of the Ministry of Justice of Taiwan, the Taiwanese government is currently working on the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child, Convention on the Rights of Person with Disabilities. Since the ratification of these covenants, there have been three reports that have been produced due to these covenants (Human Rights MOJ, 2021).

### ***International Labour Organization's Framework***

The International Labour Organization (ILO) is a UN agency that focuses solely on achieving economic justice and setting labour standards; these standards apply to all UN member states. The ILO has released several standards for all forms of work in the world - including farmers, fishers, and domestic care workers - and a specific set of regulations for migrant workers (International Labour Organization, 2021). The *Migration for Employment Convention* of 1949 says that member states must "facilitate international migration for employment by establishing and maintaining a free assistance and information service for migrant workers" (International Labour Organization, 2021). Then, Taiwan's system was fairly easy to navigate for Taiwanese nationals looking to hire a migrant worker, but the contemporary private broker system has fewer guidelines. Comparatively, the *Migrant Worker's Convention* of 1975 says that member states must "ensure equality of opportunity and treatment in respect of employment and occupation, social security, trade union and cultural rights, and individual and collective freedoms for persons who as migrant workers or as members of their families are lawfully within a ratifying state's territory" (International Labour Organization, 2021). However, Taiwan does not have a framework like this in place and the result is that many Taiwanese employers disrespect the human rights of their hired migrant workers, which is entirely lawful given the fact that Taiwan is not a member state. Therefore, they are not required to observe

these labour standards and are free to have a labour standards act that excludes migrant workers.

### ***Possible Solutions to the Framework Issue***

As previously mentioned, in order to begin changing the migrant care system, a framework needs to be put in place that dismantles the current privatized broker system. Without this framework, no existing policies can be structured or modified (Peters, Pierre, and King, 2005, p. 1281). First, the broker system needs to be abolished, as it is corrupt and indebts the migrant workers to the brokers for the entirety of their employment in Taiwan. However, to achieve a good migrant worker framework, there likely needs to be an actor larger than Taiwan that is the deciding factor in issues; this could be, for example, pressure from the public, since there are no greater human rights organizations like the UN to do this for Taiwan. Once this pressure is applied, there needs to be a series of either small or large policy changes, where the latter is instigated by a larger international body (Peters, Pierre, King, 2005, 1290).

After de-privatization is completed, Taiwanese nationals' general attitudes towards migrant workers need to be assessed by the general Taiwan population because the general perceptions of a population can clearly change the trajectory of a series of policies (Peters, Pierre, King, 2005, 1287). Based on the general perceptions of the population, two options for developing a migrant care worker

framework are possible: public pressure forces the government to make policy changes or the government itself decides to promote citizenship and inclusion of migrant workers in the *Labour Standards Act*. Since the Taiwanese nationals are the employers of migrant workers, it is important that these harmful perceptions are corrected. However, this is easier said than done: changes in attitude are incredibly difficult and often met by resistance from the public. So, if mass change is not currently plausible, then small, local change should be pursued to improve the lives of a few migrant workers.

Firstly, in order to enact mass policy change, the governmental institutions should release a marketing plan to ameliorate Taiwanese people's opinions of migrant workers so that the latter are seen as deserving of basic human rights. This shift in public opinion will make it easier for politicians to move forward with pro-migrant worker policies and the construction of a framework without backlash. One angle that this marketing plan could take is by promoting migrant workers as a viable way to advertise their country and attract more foreign investors, (Lai, 2019, p. 92).

Secondly, small policy changes - such as including workers in the *Labour Standards Act*, fighting to include them in fair pay and time off, making it mandatory for employers to enroll their workers in the *National Health Insurance* plan, and including migrant workers and immigrants into Taiwan's society - will allow migrant workers to enjoy a higher quality of life and encourage other foreign workers to seek employment in

Taiwan. According to Lee (2014), these policy changes, which will be costly, may be difficult to enact because the government will be resistant to investing in the project (p. 50) and working around the states' control of the labour sectors (p. 51).

### ***Taiwan's Lack of Support for Migrant Workers***

Despite following several of these conventions, it is most notable that the Taiwanese government does not follow recommendations of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Human Rights MOJ, 2021). According to an article by Billy Tai (2017), the goal of following these covenants was to gain "much needed support against the international isolation of the Taiwan government" (p.277). Altogether, Taiwan has demonstrated that *de facto* states can be democratic and human rights can be advanced because Taiwan is the most democratic Asian state despite being purposefully left out from UN human rights treaties (Tai, 2017, p. 292). Furthermore, the noticeable lack of change on migrant workers human rights can best be explained by the path dependency theory. Taiwan has thus far followed along a pathway of excluding migrant workers from national welfare services. Despite their goal of being a civic nation, which is a nation that has a civil society bound by laws, it has deemed the cost of providing labour standards for migrant workers too high. For example, if migrant workers are treated well in Taiwan and allowed fair pay, time off, vacation time, benefits, and insurance, then many

Taiwanese citizens will no longer be able to provide long-term care for their elderly family members (Nakahara, 2017, p. 36). These issues will require government support on provision of long-term care.

### ***Taiwan's Path Dependency***

There needs to be a framework built in Taiwan to support these migrant workers and provide them with the opportunities to be included in the *Labour Standards Act* and the *National Health Insurance*. As mentioned above, a framework could be possible with several changes to the policymakers' and publics' opinions of migrant workers. However, several issues exist within historical institutionalism and Taiwan's current government that bar this change in thought. Taiwan does not have any lower or middle level institutions that are aimed at migrant workers (Ministry of Labour, ROC, 2021). And, other than the private broker system, there are no 'on the ground' institutions to support these workers. The only way to see a difference in migrant worker policies is to make it a state-run system that requires a significant change in the current private sector. Moreover, in order to see change in the system the "stable patterns of policy and politics [need to be] disrupted and punctured" (Peters, Pierre, King, 2005, p. 1290). Currently, the Taiwanese government 'others' migrant workers through its policies and is unwilling to make significant changes for a population it considers to be lesser than the citizens of the island.

## Conclusion

In conclusion, this paper discusses Taiwanese policy through the lens of historical new institutionalism. By analyzing the history of this nation in conjunction with the theory, it is clear that migrant workers are overlooked as a whole by the Taiwanese government and its people. Due to this, the long-term care system in Taiwan is currently privatized, meaning it is the responsibility of the family to either care for the elderly themselves or hire paid help. Currently, there are no frameworks in place to support these migrant workers, which is likely to persist unless the Taiwanese government is pressured by a larger force, such as the UN

or the Taiwanese population. Finally, part of Taiwan's migrant worker human rights crisis relates to its exclusion from the UN as a member state. The lack of political framework in Taiwan has allowed the migrant workers to be subject to abuse at the hands of their employers and the brokers who employed them in the first place. Ultimately, while there are several other human rights issues in Taiwan and every country around the world, by dismantling the broker system in Taiwan and moving forward with impactful change in the long-term care system, the Taiwanese government can improve living conditions for migrant workers in their country.

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