



# 尊嚴勞動與移工招聘費： 日本、南韓與台灣的比較分析

## Migration with Dignity in East Asia:

Policy Comparison of Japan, South Korea and  
Taiwan on Recruitment Fees for Migrant Workers

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臺灣亞洲交流基金會

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Work Better Innovations (WBI) 是一間社會企業，我們的使命是支持包容和永續經濟。我們推動商業與人權議題的創新工作，並擁有國際法和國際標準的專業。我們很榮幸能獲得英國樸茨茅斯的社區創新獎。我們的社區服務旨在從源頭開始建立更包容與永續的經濟。



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Work Better Innovations (WBI) is a social enterprise on a mission to support an inclusive and sustainable economy. We work innovatively on projects for business and human rights and have strong subject matter expertise in international law and standards. We are the proud recipient of an Innovation Award for Community Innovation in Portsmouth, UK. Our community service is aimed at building a more inclusive and sustainable economy, from the ground up.



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# 尊嚴勞動與移工招聘費： 日本、南韓與台灣的比較分析

日本、南韓與台灣在經濟和人口結構上有許多相似之處：皆在第二次世界大戰後的數十年間，從農業社會轉型為已開發國家。根據國際貨幣基金組織（International Monetary Fund）的數據，我們與日韓的經濟產值皆位在世界前四分之一，而2025年預估的人均所得（GDP per capita）分別為<sup>1</sup>：

- 日本：35,611 美元（全球排名第37位）；
- 韓國：37,675 美元（全球排名第32位）；
- 台灣：34,924 美元（全球排名第38位）。

這三個國家主要都由電子和高科技產業帶動經濟，其中資訊與通訊科技（information and communications technology, ICT）的出口在國內經濟中扮演著關鍵角色<sup>2</sup>。日本的製造業長期以來在全球扮演重要地位，並佔國內生產總值約五分之一；日本的電子和汽車產業更享有高度的國際聲譽和品牌識別度。

隨著生活數位化，高科技電腦晶片產業的重要性日益升高，台灣和南韓更是全球主要半導體供應國，並與日本和美國共同組成「晶片四方聯盟」（Chip 4 Alliance），由美國創立，旨在確保全球民主國家半導體供應鏈的穩定。

## 勞動力短缺與移工

台灣、日本和南韓都面臨國內人工短缺的窘境，因而變得高度仰賴他國勞動力，尤其在農業、營造業和製造業等勞動密集型產業更是如此。根據各國的官方統計，日本在今年（2025）年2月時，有超過四分之一的人口（29.3%）已達65歲或以上<sup>3</sup>，已經邁入「超高齡社會」（super-aged society），即65歲及以上的人口佔總人口超過百分之二十一<sup>4</sup>。

台灣和南韓也同樣面臨在2025年邁入超高齡社會<sup>5</sup>。南韓的生育率是全球最低，台灣和日本也不遑多讓，三國的生育力在全球排名幾乎墊底<sup>6</sup>。雖然科技的進步讓越來越多人投入自動化生產，但在短中期內，三國仍可能繼續仰賴外籍移工，以補足國內勞動力的短缺。

雖然對移工的依賴越來越高，但截至目前，這幾個國家的外籍移工政策都尚未完全達到負責任招聘的改革目標。負責任招聘是指招聘費用及相關成本需由雇主支付，而非由移工自行承擔。與其他有類似招聘制度的地區一樣，台日韓外籍移工的簽證大多有時效限制，他們也不容易在這三個東亞國家中取得公民權。

## 目的與方法論

本篇政策摘要概述了日本、韓國與台灣的跨國勞動力招聘制度，分析外籍移工在求職過程中，因支付招聘費用而陷入債務勞動的風險。基於不同國家的移工政策使用不同的術語，我們主要使用國際勞工組織（International Labour Organization, ILO）對公平招聘的標準，以及台灣、日本及韓國在跨境招聘制度和費用上相關的法律與規範，以完成本篇三國政策比較的摘要。

本篇政策摘要不僅介紹和比較台日韓三國的跨國勞動力招聘制度，我們也援引《達卡原則》（Dhaka Principles for Migration with Dignity，簡稱《達卡原則》）的第一條基本原則——不得向移工收取任何費用<sup>7</sup>，期盼進一步提出改善的契機，以增進對勞工權利的保護。

# DHAKA PRINCIPLES

for migration with dignity



[www.dhaka-principles.org](http://www.dhaka-principles.org)

## 尊嚴勞動

「尊嚴勞動」（Migration with Dignity）是跨國勞工的願景，其核心價值是國際人權宣言（Universal Declaration of Human Rights, UDHR）中的平等無歧視，並應確保適用所有勞工的就業保障法。

《達卡原則》是一部集結關於移工權利的十大原則，是 Institute for Human Rights and Business（IHRB）在參考國際法規和標準，及廣泛地諮詢各方意見後，在 2011 年的世界移民日（12月18日）發布。

所有勞工都應獲得平等對待，並且不受任何形式的歧視，這包含移工的待遇不應劣於從事相同或類似工作的其他勞工。《達卡原則》強調尊重移工的權利，其涵蓋移工從聘雇階段、受僱期間，到返回母國的完整過程中的各項權利。

所有勞工都應受到勞動法的保障。對移工而言，這是指其在工作所在國家，與一個合法且正當的雇主，締結法律上承認的勞雇關係。

## 抵債勞務和招聘費的關聯

債務是強迫勞動高風險的指標。舉債可能透過合法或非法手段發生，以形成並維持剝削的雇用關係。負債壓力大的勞工可能會感到毫無選擇，只得接受任何的工作和生活條件—即便內容跟他們原先被承諾的內容有不同；因自身財務狀況，甚至是餐飲住宿高度仰賴雇主，使得勞工難以離開剝削的環境。

抵債勞務（Debt Bondage）有多種樣貌，其中之一是跨代債務，意指下一代繼承家族長輩的債務，導致好幾代的家庭成員陷入無止境的還債困境。雖然這種情況在日本、南韓與台灣很少見，但因雇主、仲介或和勞力聘雇／私人貸款相關的中間人收取的招聘和招聘相關的費用而舉債的問題卻十分嚴重。因為這些費用而陷入債務勞動即是強迫勞動的重要指標之一。

這種招聘制度不但衝擊阻礙落實聯合國永續發展目標，也減少移工能夠匯回家鄉、用以資助家庭和社區的錢<sup>8</sup>。

正因如此，國際社會高度關注移工的抵債勞務，尤其是因招聘費和相關費用引起的。根據國際勞工組織（ILO）的定義，招聘費和相關費用指「在招聘過程中，無論是何種方式、時間或地點所產生的任何費用或成本，以便讓勞工獲得工作機會或職位安排的費用」。這些費用大致可分為三類<sup>9</sup>：

1. **招聘費用（recruitment fees）**：媒合勞工就業的費用；
2. **招聘相關費用（recruitment-related costs）**：媒合勞工至海外就業的間接費用，可能亦以附加費用的形式收取，例如體檢、訓練、交通等；
3. **其他非法的費用。**

這些費用可能包含：支付給公營或私人仲介的招聘服務費、替第三方雇主招聘勞工所支付的費用、雇主直接招聘時產生的費用，和向勞工收取由仲介預先支付的招聘費用<sup>10</sup>。讓領取低薪的移工必須在開始工作前就先借錢，然後在還債跟利息的壓力下工作，凸顯招聘制度有缺陷且不公平。

日韓台三國的招聘體系尚未符合國際公平且負責任的招聘標準，尤其是在全球供應鏈中關於抵債勞務的風險。招聘制度在東亞的最大問題是：法律制度合理化移工必須承擔仲介費用，這使得「工作機會本來就應該負擔債務」的觀念被接受，也削弱了社會對「雇主支付原則」（Employer Pays Principle）的支持。

對於有供應鏈在東亞地區的國際品牌而言，由移工承擔仲介費是企業人權盡職調查中極高的強迫勞動風險，也因此這三國的雇主和政府接收到越來越多的關注和壓力，被要求改善現行做法，將招聘視為企業營運成本的一部分，由雇主全額支付，而不是讓移工負擔任何招聘或安置費用。

尊嚴勞動——即《達卡原則》所呈現的，首要確立的標準正是雇主應支付招聘與安置的全額費用，而非由移工來承擔。

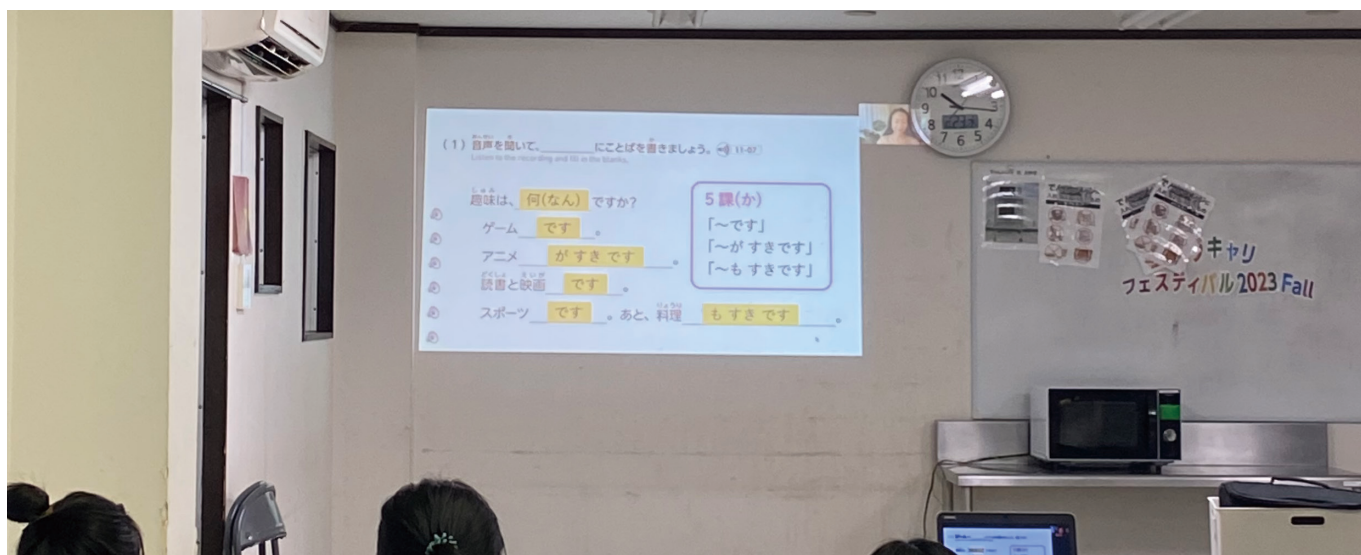
## 雇主支付原則

### The Employer Pays Principle

勞工不應支付就業費用，  
招募費用應由雇主負擔，  
而非由勞工負擔。

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一處日本技能實習生培訓中心，圖片：BONNY LING。

## 招聘費：日本

日本的移工招聘制度在這幾年經歷了重大變革。過去，赴日工作的移工都長期透過「技能實習制度」（Technical Intern Training Program, TITP），根據官方統計，截至2024年6月，日本總共有425,714名技能實習生<sup>11</sup>。「技能實習制度」在1960年代建立，然日本政府已於去(2024)年宣布，將廢除該制度，於2027年逐步改採「外籍勞工技能發展制度」(New Skill Development Program for Foreign Workers)<sup>12</sup>。

此外，日本於2019年4月推出的「特定技能制度」（Specified Skilled Worker Program, SSWP），針對來自16個國家、具備特定職業技能及日語能力的外籍工作者進行招聘，包含護理、營建、造船、航空、服務業、農業、漁業、製造業等職業<sup>13</sup>。截至2024年6月，透過「特定技能制度」在日本的工作的移工共有251,747位，其中越南、印尼、菲律賓、緬甸與中國為主要來源國<sup>14</sup>。

技能實習制度（TITP）與特定技能制度（SSWP）的移工向政府核准的私人仲介登記前往日本，並由這些私人仲介監督管理。現行的技能實習制度允許外籍技能實習生在日本工作最多五年，其原先的目標是透過技術移轉來協助實習生母國的發展。然而，隨著時間推移，該制度已成為日本雇主補充國內勞動力、僱用中低薪資移工的主要管道。雖然日本政府有採取措施加強管理與保障移工權益，但技能實習制度仍存在問題。例如，技能實習的家屬不能依親赴日。

特定技能制度（SSWP）是為了改善日本的外籍勞工就業體系，以吸引具備專業技能的勞工來緩解勞動力短缺，並提供符合資格的移工取得永久居留權。目前，多數的SSWP的勞工是來自技能實習制度（TITP）<sup>15</sup>，但該制度的勞動權益侵害問題已被廣泛報導，並因缺乏有效的保護機制而受到嚴厲批評<sup>16</sup>。



一處日本技能實習生培訓中心，圖片：BONNY LING。

作為《國際勞工組織私立就業仲介機構公約》（ILO C181）的締約國，日本禁止私人仲介向移工收取招聘費或相關費用。儘管如此，赴日移工通常是透過來源國與日本簽署合作備忘錄的「派遣機構」進行招聘。

前往日本的移工主要透過與日本簽署「合作備忘錄」（Memoranda of Cooperation, MoC）的母國政府批准的「派遣機構」（sending organisations）進行招聘。這些派遣機構，特別是在技能實習制度（TITP）下，長期以來被經濟合作暨發展組織（OECD）指控收取過高的招聘費及相關成本，這些費用通常以安置前服務（如日語訓練）為名收取<sup>17</sup>。某些情況下，這些費用可能高達數千美元，相當於數個月的薪資，使移工承受沉重的經濟負擔，並提高受勞動剝削的風險。根據2024年OECD的報告，為了在日本工作，越南籍技能實習生平均支付約5,000美元，而柬埔寨籍技能實習生則支付約4,300美元<sup>18</sup>。

日本法務省於2021年12月至2022年4月期間，針對2,184名外籍技能實習生進行調查，並在《技能實習生實際支付費用調查報告》中指出，85.3%的受訪技能實習生在來日之前，已向送出機構支付招聘費（主要以仲介費名義）及與招聘相關的前置費用，如語言訓練與行前說明會費用<sup>19</sup>。同份報告顯示，超過半數（54.7%）的技能實習生在赴日前即已負債，其中，越南籍技能實習生的平均負債金額最高，達4,941美元（約674,480日圓）<sup>20</sup>。

日本政府用新制取代技能實習制度（TITP）的決定，反映其逐漸提高人權盡職調查（HRDD）的標準。新制度的目標在於降低移工進入日本的成本，並改善移工的工作條件與職業流動性。隨著近年來歐洲國家陸續推動供應鏈人權盡職調查法規，日本政府正面臨更大壓力，必須加快改革外籍勞工制度，以確保其供應鏈符合國際人權標準。

## 招聘費：韓國

移工主要透過 2004 年推出的「雇用許可制度」（Employment Permit System, EPS）進入南韓勞動市場。該制度由南韓政府進行篩選和安置移工，並監督勞動契約內容，以確保移工就業過程的透明與公平。

外籍移工只要年齡介於18至39歲，通過專門為EPS設計的韓語能力測驗（EPS-TOPIK），並通過健康檢查，即能獲得被母國勞動管理機構納入求職者名單的資格。南韓政府會核准E-9簽證給「雇用許可制度」的外國人，其中以低薪工作的外籍勞工為主，例如製造業、建築業與農業。截至2024年年底，南韓E-9簽證持有人總計有337,279名，主要來源國為尼泊爾、柬埔寨、越南、印尼與緬甸<sup>21</sup>。

南韓人力資源開發服務（Human Resource Development Service of Korea, HRDKorea）與南韓雇用情報服務（Korea Employment Information Service, KEIS）負責篩選合適的求職者並推薦給國內雇主，這些雇主主要為中小企業。雇主依據其最初遞交的雇用許可申請文件內容，擬定勞動契約，HRDKorea 則負責監督這些勞動契約送達母國的派遣機構。HRDKorea 解決了合約落差和不實資訊，在維護公平的招聘與雇用機制上扮演了重要角色<sup>22</sup>。

政府管控大幅降低了私人仲介在招聘過程中收取違法或過高費用的風險。官方數據顯示，在EPS實施後，每名移工的招聘費從2001年的3,509美元降至2012年的950美元<sup>23</sup>。然而，儘管EPS採用政府對政府（G2G）的招聘模式及直接聘用，招聘費問題仍未完全在南韓消除。

因為招聘費及相關費用而陷入抵債勞務（Debt Bondage）的風險仍考驗許多前往南韓的移工。與日本和台灣的情況一樣，招聘費的金額會因母國有所差異，對前往南韓的移工而言，菲律賓勞工支付的就業費用最低、巴基斯坦則最高<sup>24</sup>。除了招聘費用，移工還需承擔與招聘相關的花費，例如職業培訓、語言課程和考試、體檢、簽證、行政費用、旅行保險和機票。

2024年11月的報導揭露，在菲律賓楊口郡（Yanggu）一座農場的農場移工在招聘過程中遇到嚴重的勞權侵害，包含被無執照的仲介收取過高的費用，最終陷入債務泥淖<sup>25</sup>。其中一名移工透露，他在離開菲律賓前已支付約60,000披索（約1,030美元），其中包括簽證費、旅遊保險與健康檢查費用。此外，他還支付了70,000披索（約1,205美元）的處理費，並且被位在菲律賓的南韓仲介要求匯款至指定的菲國銀行帳戶<sup>26</sup>。



圖片：LUKE OW ON UNSPLASH

在移工母國，韓語學習需求促成了商機，使得語言課程成為移工赴韓前的一項必要支出。由於通過韓語測驗是進入EPS的必要條件，許多移工選擇自費參加私人補習班<sup>27</sup>。一份關於尼泊爾移工赴韓成本的研究報告發現，移工平均支付約17,000尼泊爾盧比（約150美元）作為韓語學校的學費，部分移工甚至支付高達100,000尼泊爾盧比（約900美元）<sup>28</sup>。

儘管受到政府的監管、運營和監督，透過 EPS 招募的外籍移工並未能完全避開必須支付高額費用以獲得在南韓的工作機會。根據制度，移工在簽證最初三年內最多可更換工作地點三次，但僅限於與最一開始的工作同樣的地區和行業<sup>29</sup>。此外，移工只有在例外的情況下才會被允許更換工作，例如：遭受暴力攻擊、公司關閉、積欠工資或延遲支薪，而且大多時候都需要雇主同意，才能轉換工作。這使得勞工容易受到剝削，包括不公平的低薪、過度加班和惡劣的工作條件<sup>30</sup>。

這些制度性的限制造成的風險在2024年的一場工廠大火事件後更為突顯，該起火災造成23名移工死亡，媒體報導指出惡劣的工作條件是導致這起悲劇的因素之一<sup>31</sup>。此外，2024年一則南韓新聞報導強調，嚴重的工資拖欠問題迫使部分移工負債，加劇其財務的不穩定性<sup>32</sup>。因為招聘費產生的經濟重擔，使得一些移工在意識到實際工資遠低於預期、工作環境比合約上寫得更糟糕時，只能選擇離職<sup>33</sup>。

由於南韓移工無法自由轉換工作，許多人選擇非法滯留以尋找薪資更高、條件更好的非正規就業機會。截至2024年8月，南韓媒體報導該國共有54,898名無證移工，外界批評E-9簽證途徑成為非法移民的跳板，原因在於入境後監督和管理的效果薄弱，且工作流動性受限<sup>34</sup>。這些問題凸顯南韓雇用許可制度存在結構性的缺陷，特別是移工承擔的招聘費與相關費用，阻礙了「有尊嚴移民」（Migration with Dignity）的真正實現。

## 招聘費：台灣

相較於日本和南韓，台灣的移民廊道（migration corridors）規模較小、路徑最單純，而移工在勞動市場比重的提高，可看出其對台灣經濟的重要性。截至2025年1月底，台灣共有818,467名移工，約占國家總勞動力的6.8%<sup>35</sup>，他們來自印尼、菲律賓、泰國及越南四個國家等。其中，約70%的印尼籍移工為女性，主要從事家庭看護工作，而越南籍移工則多集中於製造業<sup>36</sup>。

在台灣移工勞動脈絡下，最具爭議的是一移工每個月需支付仲介公司服務費。根據《私立就業服務機構收費項目及金額標準》（下稱《收費標準》）第六條規定，仲介公司可向移工收取每月新台幣1,500至1,800元（約50至60美元）不等的服務費<sup>37</sup>。現實中，許多仲介公司會直接從移工工資中扣除服務費。

此項每月服務費的收取，使台灣的招聘業者獲得穩定且可觀的利潤，根據國際報告估計，該費用每年可為台灣的仲介公司帶來約4.84億美元的收益<sup>38</sup>。然而，這筆費用具體包含哪些服務項目並不清楚，按《收費標準》的正式定義，這筆費用是指承辦指定就業服務事項所需之費用，包括接送外國人的交通費。

這些費用通常被視為支付語言翻譯或一般人力資源服務的成本。然而，台灣這種由移工支付人力資源管理費用的模式相當特殊，並突顯出雇主與移工之間的權力不對等。根據收費標準，移工每年需支付約新台幣18,000至21,600元的服務費給仲介公司，相較之下，雇主每年僅需支付新台幣2,000元，便可透過仲介公司獲得相同的服務。

另一類費用則是名目繁多的「招聘費」（recruitment fees），其中包括「登記費」（registration fees）及「介紹費」（introduction fees），這些費用可由雇主支付，以媒合求職者與雇主<sup>39</sup>。另一個經常使用但未被法律明確定義的詞彙是「仲介費」（brokerage fees），通常指的是移工在母國為取得台灣工作機會而支付的費用。



圖片：張正，攝於在台北的印尼國慶日

此外，還存在一類超出「收費標準」規範的額外費用，例如雇主為確保聘得到移工而支付的額外款項，或移工為延長合約、轉換雇主或取得新工作所支付的費用。在台灣，這類費用被俗稱為「買工費」（job purchasing fees），屬於未揭露且不合法的額外成本，在移工招聘與勞動過程中廣泛存在。

這些不同的費用名稱各自著重招聘過程中的某個環節，但卻可能阻礙對「雇主支付原則」的全面理解，進而影響跨國就業安排的透明度。這種名詞上的混淆，可能導致外界對於移工保護責任的誤解，使來源國與目的地國在落實雇主支付原則及推動公平招聘政策時產生落差<sup>40</sup>。

移工為了在台灣取得工作機會，經常被收取高額的招聘費及相關費用，且往往未能獲得清楚的費用明細，這個問題已多次被媒體報導揭露，進而對台灣的國際聲譽造成負面影響。分別在2024和2025年出版、關於台灣紡織業剝削勞工的調查報告顯示，移工為獲得台灣的工作機會，需向母國的勞動仲介支付高額招聘費和相關費用，最高達6,000美元，此外還需向台灣的仲介公司支付每個月的服務費<sup>41</sup>。

這些高昂的求職成本大幅提高了移工陷入債務束縛（debt bondage）的風險，而債務束縛正是強迫勞動（forced labour）的核心指標之一<sup>42</sup>。2024年9月，美國成衣與鞋類協會（American Apparel & Footwear Association）及公平勞動協會（Fair Labor Association）更聯名公開寫信，敦促台灣政府確保企業在移工招聘過程中落實負責任的商業行為，並確保相關政策得以持續執行<sup>43</sup>。

## 政策改革與挑戰

在政策改革以達到負責任招聘的國際標準，日本、韓國和台灣皆面臨多重挑戰。日韓台除了要面對長期缺乏足夠移工來滿足國內勞動力需求外，還有以下三項阻礙：只將招聘費視為母國的問題、採取限制費用上限而非禁止、三地採取關於跨國招聘的國際勞動標準有落差。

### 只將招聘費視為母國的問題

日本、韓國和台灣政府大多將招聘費用視為來自當事人母國的域外問題。實際情況是，這些費用和相關花費會用一系列服務費的名稱包裝，名義上是為了到日本、韓國和台灣的就業準備和工作培訓，卻導致移工必須承擔實為剝削性的費用。

在台灣，一個常見而嚴重的問題是勞動仲介費，口語經常被稱作「海外款」（overseas fee），暗指這些費用是在台灣境外收取。台灣《就業服務法》第 40 條第一項第五款雖禁止台灣仲介公司收取規定標準以外之費用，但並未規範外國招聘機構收取費用，只建議在母國收取的費用不超過移工一個月的薪資。

同樣地，日本與移工輸出國簽訂的合作備忘錄（MoC）將規範招聘機構的責任交由輸出國，並未審查移工前往日本前所支付的費用。例如，2019年日本與越南簽署的合作備忘錄明確規定，由越南勞動部海外勞動部門（Department of Overseas Labour, DOLAB）負責遴選符合越南法規的派遣機構，並由越南政府規範語言教育、技能培訓、旅行與其他相關費用<sup>44</sup>。

南韓的雇用許可制度（EPS）也將大部分招聘費管理的權限交由移工母國。例如，南韓與尼泊爾簽署的政府間合作備忘錄（MoU）規定，尼泊爾的勞工與就業促進部（Department of Labour and Employment Promotion, DOLEP）負責管理並公佈招聘費用的總額與細項，以作為招聘、篩選與派遣程序的一部分。

尼泊爾的勞工與就業促進部（DOLEP）須向南韓勞動部回報相關費用總額和明細。雖然南韓政府可以要求降低過高的招聘費，但主要監管權仍屬於尼泊爾政府<sup>45</sup>。相較之下，南韓與印尼的政府間的合作備忘錄，則規定招聘費由兩國共同決定，而「派遣費」在這邊是指「受理申請和派遣勞工過程中產生的實際花費」<sup>46</sup>。由此可見跨國勞動體系不均等，管理招聘費和相關費用的責任會隨著移民廊道（migration corridors）有所落差。

### 採取限制費用上限而非禁止

由於招聘費及相關費用被視為境外問題，台日韓因此沒有在國內法律禁止、或透過政府間的合作備忘錄阻止移工在母國被收取這些費用。這三國的作法是依據收取上限的規範處理。

這樣的情況在日本尤其如此，日本的《職業安定法》（Employment Security Act）允許收取招聘費，前提是必須符合厚生勞動省的法令規範，這亦是職業安置所要求的<sup>47</sup>。而韓國的《外國人就業法》（South Korea's Act on the Employment of Foreign Workers）允許向移工收取費用，更透過韓國與他國政府間簽署合作備忘錄下的《國家就業許可制》（Employment Permit System）加強施行<sup>48</sup>。

在台灣，《私立就業服務機構收費項目及金額標準》明文規範移工仲介公司可收取介紹費，然而規定移工需自行負擔部分與仲介相關的服務成本，並未符合國際勞工組織（ILO）公平招聘標準。最明顯的例子是仲介每個月向移工收取服務費，這是唯獨台灣才有的情況。此外，移工還必須支付在母國被收取的來台就業費以及在台灣與招聘相關的費用，例如健康檢查。



圖片：DANIEL M. SHIH

### 對國際標準的支持不一致

日本、南韓與台灣對國際勞工標準的支持不一致，這也是落實系統性改革的障礙之一。日本與南韓雖已批准《ILO就業服務公約》（C088），該公約規範公共就業機構的招聘與就業服務，但只有日本批准了《ILO私立就業服務機構公約》（C181），該公約明確禁止向勞工收取招聘費。截至2025年4月，南韓尚未表明加入C181的時間軸。

台灣由於被排除在聯合國體系之外，無法正式批准ILO公約。這阻礙了台灣遵循國際勞工標準的機會。一方面台灣的利害關係人難以充分理解國際標準與其內容；二方面，也受困於國內法規的要求和國際標準不同的矛盾。

將台灣被排除在聯合國體系外，也衝擊來自國際勞工組織和其他聯合國政府間機構提供的技術援助。由於聯合國所有官方中文文件均採用簡體字，而台灣使用的是繁體字，因此國際標準在地話的效果有限，需要再次轉譯。不過，因為無法被納入國際體系而出現知識落差，並不能作為違反基本勞工原則和權利的藉口。

跨國勞動移民的國際標準在東亞地區難有明確的劃分和適用。雖然日本和南韓支持關於就業服務和私人就業機構的兩條公約：C088 號公約和 C181 號，但他們皆未批准核心公約《保護所有移徙工人及其家庭成員權利國際公約》（International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ICRMW）。相對的，台灣行



圖片：DANIEL M. SHIH

政部門曾在2018年收到《保護所有移徙工人及其家庭成員權利國際公約》議案<sup>49</sup>，雖最後未能推進，立法委員在去（2024）年再次提出《保護所有移徙工人及其家庭成員權利國際公約施行法草案》，直至今（2025）年三月，該法案尚在審查委員會審查階段<sup>50</sup>。

儘管已經高度引進移工，但勞動力不足仍長期困擾著這三個國家。例如，南韓E-9移工配額雖從2022年的69,000人增至2024年的165,000人，但截至2024年7月底，僅招聘了29,316名移工，仍有約82%的職缺未能填補<sup>51</sup>。

而在日本，根據日本國際協力機構（Japan International Cooperation Agency, JICA）2023年報告指出，到2030年，日本將需要419萬名移工來維持GDP 1.24%的年成長率。以目前引進移工的人數計算，到時候預估只有356萬名移工，尚缺少約63萬人<sup>52</sup>。與日本和南韓面臨同樣情況，台灣勞動部於2024年10月公告，台灣通常由外籍移工填補上的國內職位，出現了至少4萬個職缺，顯示台灣也出現了人力短缺的趨勢<sup>53</sup>。

## 結論

鑑於日本、南韓和台灣在全球經濟體系中的類似地位，並且面臨共同的人口結構挑戰，這三個經濟體可以相互借鑒與學習，以建立能夠確保移工尊嚴的典範作法。透過比較研究與分析，這些國家可彼此督促，推動一場「向上競爭」（race to the top），這場競爭以勞工權益為基礎，希望建構更完善的勞動移民制度，並將改革視為解決國內勞動力短缺問題的契機。

這三國皆面臨人口快速老化的危機，對三國經濟韌性構成重大挑戰。勞動人口減少會因為繳交社會保險費的人數減少，對國家退休金制度的穩定性產生重大影響。此外，勞動力人口下降也可能造成國家安全問題，這是因為適齡服兵役的男性數量持續減少<sup>54</sup>。

日本、南韓和台灣有機會透過更負責任的移工招募制度來促進良性競爭。好的招聘機制應以《達卡原則》（Dhaka Principles）中的「雇主支付原則」為起點，確保移工無須承擔招聘費用。這不僅能改善勞動標準，也能提高這三個經濟體吸引外來勞動力。

作為地理與歷史緊密相連的鄰近國家，日本、南韓和台灣的過去與未來息息相關。然而，在國際人權與勞動標準方面，這三者的表現皆顯得含糊。這在過去很大程度上是源於「非公民化」（non-citizenship）的移民政策，即移工的居留時間受限，並且與特定雇主綁定，因此缺乏獲得永久居留或公民身份的途徑。

近年來，「雇主支付原則」的倡議獲得越來越多關注。這一趨勢逐漸受到國際監督管理法規的影響，例如美國與歐洲針對強迫勞動的進口施行禁令，以及越來越多針對供應鏈盡職調查的域外立法。儘管國際政治環境的變化導致部分企業對於履行企業人權責任產生反彈，但所有利益相關方應體認到「持續、包容且可永續發展的經濟成長」（聯合國可永續發展目標 SDG 8）不應容許抵債勞務及強迫勞動。

禁止向移工收取招聘費用，不僅能保護移工免受剝削，還能確保企業在公平的市場環境中競爭。目前，遵守道德招聘標準的企業在市場上反而處於劣勢，因為他們必須與那些向勞工收費而且無需承擔招募成本的企業競爭。如果能夠全面禁止向勞工收取招聘費用，那麼所有企業都能夠在符合法規的基礎上公平競爭。

良好的商業實踐不應只著眼於短期利益。特別是對於日本、南韓和台灣這三個人口總數迅速下降的經濟體而言，以「有尊嚴的移工招聘」為基礎的經濟發展，不僅攸關企業責任，更是確保國家安全與經濟韌性的關鍵。

# Migration with Dignity in East Asia :

## Policy Comparison of Japan, South Korea and Taiwan on Recruitment Fees for Migrant Workers

At first glance, Japan, South Korea and Taiwan share several similarities in their economies and demography. Each underwent remarkable economic transformation, from agrarian societies to developed economies within the immediate decades after the Second World War. According to the International Monetary Fund, all three are in the top quarter of world economies by output, with forecasted nominal Gross Domestic Product (GDP) per capita for 2025 of:<sup>1</sup>

- Japan: US\$35,611 (ranked 37th globally);
- South Korea: US\$37,675 (ranked 32nd globally); and
- Taiwan: US\$34,924 (ranked 38th globally).

All three economies are heavily driven by electronics and high-technology industries, with information and communications technology (ICT) exports having a pivotal role in the domestic economies. Japan has long been a major player in the global economy, with manufacturing accounting for about one-fifth of the country's national GDP.<sup>2</sup> Japanese goods, especially in the electronics and automotive sectors, enjoy a strong international reputation and brand recognition.

Increasingly important is the manufacturing of high-tech computing chips that power our digital lives. South Korea and especially Taiwan are two of the key global suppliers of semiconductors. Together with Japan and the U.S., they make up the strategically important Chip 4 Alliance created by the U.S. to secure the global semiconductor supply chain among democratic-leaning countries.

### Workforce Shortages and Migrant Labour

Japan, South Korea and Taiwan further share the challenge of a rapidly declining domestic workforce. This has led to an increasing reliance on migrant labour to address workforce shortages, particularly in labour-intensive sectors like agriculture, construction and manufacturing. According to provisional estimates for February 2025 released by the Statistics Bureau of Japan, over one in four Japanese residents (29.3%) is aged 65 or older,<sup>3</sup> reflecting the fact that Japan is a 'super-aged society' where more than 21% of the population is 65 or older.<sup>4</sup>

Taiwan is expected to join South Korea in attaining super-aged status in 2025.<sup>5</sup> South Korea already has the lowest fertility rate in the world, followed closely by Taiwan and Japan, with all three placed near the bottom of global fertility rankings.<sup>6</sup> While the technological prowess of Japan, South Korea and Taiwan have led to calls for automation to meet labour shortfalls, for the foreseeable future, barring major advances in automation technology, all three economies are likely to continue to grow their reliance on foreign migrant workers to meet labour demands.

The increasing reliance on foreign workers, however, to date has not seen true reforms towards responsible recruitment, where the cost of recruitment and related costs are paid by the employers and not borne by the workers. In a system of labour recruitment similar to those in other regions, foreign migrant workers to Japan, South Korea and Taiwan are recruited to work on time bound visas and with limited prospects of attaining citizenship rights in these three economies of East Asia.

## Purpose and Methodology

This Policy Brief provides an overview of the labour recruitment system of Japan, South Korea and Taiwan and analyses the risk of debt bondage through the payment of recruitment fees for migrant workers arriving for employment. Different visa schemes have different terminologies. Nevertheless, we refer to international standards on fair recruitment of the International Labour Organization (ILO), along with corresponding provisions in the domestic laws and regulations of the three countries on cross-border recruitment and fees.

This Policy Brief is intended as an introduction to the labour recruitment system of these three key East Asian economies and highlights areas where the systems differ. It addresses the first of the Dhaka Principles for Migration with Dignity (the “Dhaka Principles”), which start with the principle that no fees are charged to migrant workers.<sup>7</sup> Moreover, this brief outlines where opportunities exist to improve the protection of migrant rights by ensuring that no worker-borne fees are levied throughout the labour migration process.

## Migration with Dignity

“Migration with Dignity” is a vision of transnational labour migration founded on the core principles of non-discrimination in Universal Declaration of Human Rights (UDHR) and that the protection of employment law should extend to all workers.

Drawing from international law and standards, the Dhaka Principles for Migration with Dignity (the “Dhaka Principles”) are ten overarching principles concerning migrant workers, developed by the Institute for Human Rights and Business (IHRB) after consultations and launched on International Migrants Day (18 December) in 2011.

All workers should be treated equally and without discrimination: migrant workers should be treated no less favourably than other workers performing the same or similar work. The Dhaka Principles enhance respect for the rights of migrant workers and cover their journey from initial recruitment, during employment and to their return to the country of origin.

All workers should also enjoy the protection of employment law. For migrant workers, this means they should have a legally recognised employment relationship with an identifiable and legitimate employer in the country where the work takes place.

# DHAKA PRINCIPLES

for migration with dignity



[www.dhaka-principles.org](http://www.dhaka-principles.org)

## Introduction: Debt Bondage and Recruitment Fees

One of the highest risk areas of forced labour centres on debt. Debt can be used, by both legal and illegal means, to create and maintain an abusive employment situation. Heavily-indebted workers can feel as if they have no option but to accept their working and living conditions, even if the initial agreement differs from the actual employment, making workers financially and physically dependent on their employers and unable to leave exploitative conditions.

Debt bondage can take various forms. It can be intergenerational debt passed through family members to repay, thereby trapping generations of the same family in debt. While intergenerational debt bondage is less prevalent in Japan, South Korea and Taiwan, debt imposed on migrant workers by their employers, labour brokers or middle-person with ties to labour recruiters or informal loan providers in what are known as recruitment fees and recruitment related costs is a serious problem, leading to debt bondage, which is an indicator of forced labour.

Flawed recruitment practices also negatively impact development outcomes and the realisation of the UN Sustainable Development Goals. Workers servicing recruitment debt will inevitably remit less money, which might have been used to support families and communities back home.<sup>8</sup>

For these reasons, international attention has heavily focused on the issue of debts in labour migration, particularly through recruitment fees and related costs, referred to by the ILO as “any fees or costs incurred in the recruitment process in order for workers to secure employment or placement, regardless of the manner, timing or location of their imposition or collection” broadly under the following three categories:<sup>9</sup>

- 1. recruitment fees: the costs of matching workers to their employment;**
- 2. recruitment-related costs: indirect costs in matching workers to their employment abroad but can manifest in associated costs, such as medical tests, training, transportation, etc; and**
- 3. other illegitimate costs.**

Recruitment fees and related costs can include “payments for recruitment services offered by labour recruiters (public or private); payments made in the case of recruitment of workers with a view to employing them to perform work for a third party; payments made in the case of direct recruitment by the employer; and payments required to recover recruitment fees from workers.”<sup>10</sup> This is a flawed, unfair recruitment system, where a debt burden is placed on low-waged migrant workers, who often borrow funds in advance and then work under the pressure of paying off these debts and associated interest fees.

The system of migrant labour recruitment in Japan, South Korea, and Taiwan does not fully align with international standards on fair and responsible recruitment, particularly as they pertain to debt bondage as a forced labour risk in the global value chain. The main challenge to responsible recruitment in East Asia is the prevailing, legally-accepted practice of fees borne by migrant workers. This can normalise the expectation of workers being indebted for their job placement and shifts public support away from the Employer Pays Principle.

For international brands with value chains in East Asia, these migrant-borne recruitment fees are a serious risk of forced labour for their supply chain due diligence. As a result, employers and governments in Japan, South Korea and Taiwan have come under increasing scrutiny to adopt practices that treat recruitment as a business cost that should be fully paid by employers and that workers are not charged any fees for their job recruitment or placement.

Migration with Dignity, as represented by the Dhaka Principles, begins with the standard that employers should bear the full costs of recruitment and placement. Migrant workers are not charged any fees for recruitment or placement.

## The Employer Pays Principle

No worker should pay for a job – the costs of recruitment should be borne not by the worker but by the employer

Scan the code to learn more





## Japan and Recruitment Fees

At a technical intern trainee training centre in Japan.  
PHOTO BY BONNY LING

Japan has recently undergone significant transformations in the recruitment of migrant workers. Most migrant workers to Japan work under the long-established Technical Intern Training Program (TITP), which accounted for 425,714 interns at the latest official count in June 2024.<sup>11</sup> Originally launched in the 1960s, the TITP is set to be phased out by 2027 and replaced by the New Skill Development Program for Foreign Workers, announced by the Japanese government in March 2024.<sup>12</sup>

Additionally, Japan introduced the Specified Skilled Worker Program (SSWP) in April 2019, targeting foreign workers who possess specific job skills and Japanese language proficiency in 16 occupations, such as nursing care, construction, shipbuilding, aviation, hospitality, agricultural, fishery, manufacturing and others.<sup>13</sup> As of June 2024, 251,747 workers were employed under this programme, with Viet Nam, Indonesia, the Philippines, Myanmar and China ranking as top countries of origin of migrant workers to Japan.<sup>14</sup>

Labour migration to Japan is organised by private brokers that are the supervising or registered support organisations approved by the Japanese government for TITP or SSWP. The existing TITP, as its name suggests, allows foreign trainees to work in Japan for up to five years, with the initial aim of transferring skills to their home countries as a form of development assistance. Over time, the TITP has become the primary channel for employers to hire low- and medium-waged foreign workers to meet domestic labour demand.

The SSWP was introduced to reform Japan's foreign employment system and address severe labour shortages by attracting skilled workers. It provides pathways for individuals with specific qualifications to obtain permanent residency in Japan. To date, most SSWP participants are workers who have completed the TITP,<sup>15</sup> a system that has been documented to involve labour rights abuses and has faced strong criticism for poor worker protections.<sup>16</sup>

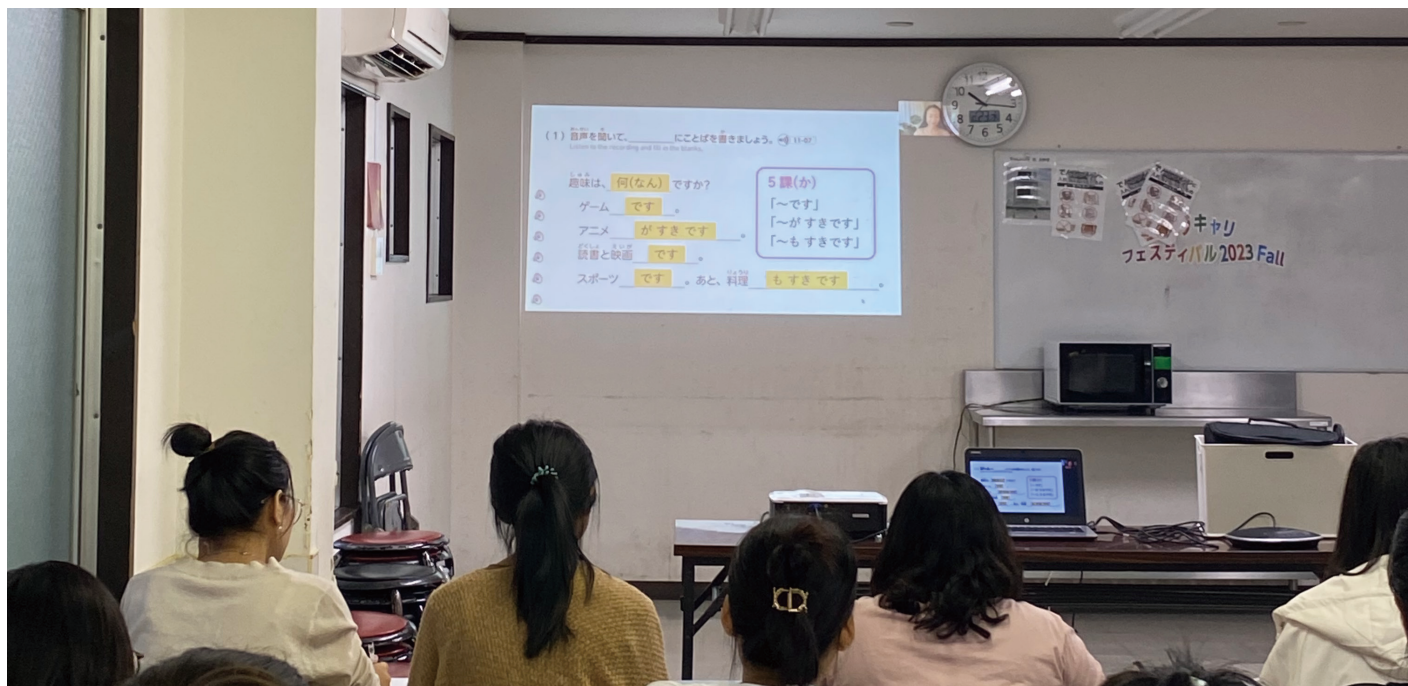
Japan, as a signatory of the International Labour Organization's Private Employment Agencies Convention (ILO C181), prohibits the charging of recruitment fees or related costs to workers by private employment

agencies. Despite this, migrant workers coming to Japan are often recruited through 'sending organisations' approved by their home countries under Memoranda of Cooperation with Japan.

These sending organisations, particularly those under the TITP, have been challenged by the OECD for charging excessive recruitment fees and related costs, often in the form of pre-placement services such as language training.<sup>17</sup> These fees, sometimes amounting to several thousand US dollars — equivalent to many months of expected earnings — often lead to significant debt and increased vulnerability of workers to labour exploitation. A 2024 OECD report cited that Vietnamese TITP workers paid an average of about US\$5,000, while their Cambodian counterparts paid about US\$4,300 of fees for their work in Japan.<sup>18</sup>

An official report issued by the Ministry of Justice titled "Results of a Survey on the Actual Expenses Paid by Technical Intern Trainees," based on a survey conducted with 2,184 foreign technical intern trainees between December 2021 and April 2022, revealed 85.3 percent of the technical intern trainees before arriving in Japan paid to their sending organisations recruitment fees (mainly under the name of intermediary fees) and recruitment-related costs for pre-departure language training and orientation fees.<sup>19</sup> The same report found that more than half (54.7%) of the technical intern trainees had debts before coming to Japan, with the average total amount of debts for Vietnamese being the highest at US\$4,941 (674,480 JPY).<sup>20</sup>

The decision to abolish the TITP and replace it with the New Skill Development Program for Foreign Workers reflects Japan's gradual alignment with human rights due diligence based on a guidance model. Recent regulatory developments in European countries requiring human rights due diligence in global value chains also has intensified pressure on the Japanese government to reform its foreign labour system by eliminating recruitment fees and related costs and easing job mobility to enhance working conditions for Japan's foreign workers.



At a technical intern trainee training centre in Japan. PHOTO BY BONNY LING



PHOTO BY LUKE OW ON UNSPLASH

## South Korea and Recruitment Fees

Migrant workers to South Korea are mainly recruited through the country's Employment Permit System (EPS), first introduced in 2004. Under this system, the South Korean government exercises comprehensive regulation and oversight over the employment of migrant workers, including their selection, placement, and contract establishment.

Foreign workers, aged 18 to 39, must pass the EPS-specific Korean language test (known as EPS-TOPIK) and undergo medical screening to qualify for inclusion in a job application pool managed by the labour agency in their country of origin. Under the EPS, the E-9 visa is designated for foreign workers employed in low-waged jobs, such as manufacturing, construction and agriculture. By the end of 2024, the E-9 system accommodated 337,279 migrant workers, with the top countries of origin being Cambodia, Nepal, Viet Nam, Indonesia and Myanmar.<sup>21</sup>

The Human Resource Development Service of Korea (HRDKorea) and the Korea Employment Information Service (KEIS) coordinate to present selected candidates to Korean employers, who are primarily small and medium-sized enterprises (SMEs). Employers then draft standard labour contracts based on the terms and conditions as previously outlined in their original employment permit applications. HRDKorea oversees the transmission of these contracts to the sending agency in the country of origin. HRDKorea plays a crucial role at this stage by addressing contractual discrepancies or misinformation about foreign workers in order to uphold fair recruitment and employment practices.<sup>22</sup>

Government oversight has significantly reduced the risk of private labour agencies imposing unlawful or excessive fees during the recruitment process. Official data indicates that recruitment fees per worker decreased from US\$3,509 in 2001 to US\$950 in 2012, following the introduction of the EPS.<sup>23</sup> However, while the direct hiring and government-to-government aspects of the EPS are seen as effective in preventing debt bondage, recruitment fees have not been entirely eradicated in South Korea.

Debt bondage through the collection of recruitment fees and related costs remains a risk amongst migrant workers bound for South Korea. As is the case for Japan and Taiwan, migrant-borne recruitment fees vary by the country of origin of the foreign workers heading to South Korea, with Filipino workers reportedly paying the least and Pakistani workers paying the highest amount of fees for their employment in South Korea.<sup>24</sup> In addition to recruitment fees, migrant workers are required to bear recruitment-related costs, such as occupational training, language lessons and tests, medical checks, visas, administrative fees, travel insurance and airfare.

In November 2024, reports revealed that Filipino farm workers faced labour rights violations during recruitment, including being charged excessive fees by unlicensed agencies and subsequently falling into debt for working on a farm in Yanggu County.<sup>25</sup> One worker reported paying up to 60,000 Philippine pesos (about US\$1,030) before leaving the Philippines, which included visa expenses, travel insurance and medical checkup. This was in addition to a processing fee of 70,000 Philippine pesos (about US\$1,205) wired to a Filipino bank account designated by a team of Korean brokers in the Philippines.<sup>26</sup>

In the countries of origin, the demand for Korean language classes creates business opportunities, which accounts for a significant cost before a migrant worker's departure. Many migrant workers pay for private tuition to learn Korean, since passing the Korean language test is essential to qualify for EPS.<sup>27</sup> A report on the cost of Nepali migration to South Korea found that workers paid on average nearly 17,000 Nepalese rupees (about US\$150) to the language institutes, though some workers paid as much as 100,000 Nepalese rupees (about US\$900).<sup>28</sup>

Despite government regulation, operation and oversight, labour recruitment through the EPS has not entirely prevented migrant workers from paying high fees to secure employment in South Korea. While migrant workers are allowed to change workplaces up to three times in the initial three years, their mobility is restricted to the same region and industry where they were initially employed.<sup>29</sup> Moreover, job changes are permitted only under specific circumstances, such as assault, business closures, delayed or unpaid wage payments, and require, in most cases, employer's consent, which can leave workers vulnerable to exploitation, including unfairly low wages, long working hours, and poor working conditions.<sup>30</sup>

The risks associated with these limitations were underscored by media coverage following a 2024 factory fire that claimed the lives of 23 migrant workers, which exposed poor working conditions as a contributing factor.<sup>31</sup> Separately, a national news article in 2024 stressed how overdue wages in South Korea had forced some migrant workers into debt, increasing their financial insecurity.<sup>32</sup> Financial burdens incurred through recruitment fees pushed some migrant workers to leave their positions, particularly after realising that their jobs paid lower wages and involved working conditions more hazardous than initially promised.<sup>33</sup>

Since migrant workers are prohibited from freely changing jobs, many choose to remain in the country irregularly to seek informal employment with better wages and working conditions. As of August 2024, media reported that South Korea had 54,898 undocumented migrant workers, amidst criticism that the E-9 visa pathway is a gateway to irregular immigration due to the weakness of its post-entry oversight and the lack of job mobility for workers.<sup>34</sup> These factors point to structural flaws in South Korea's EPS, in particular how migrant-borne recruitment fees and related costs impedes the full realisation of Migration with Dignity.

## Taiwan and Recruitment Fees

Compared to Japan and South Korea, Taiwan has perhaps the most straightforward migration pathways due to a smaller set of migration corridors. The importance of migrant workers in Taiwan's economy can be seen in their ever increasing share of the labour force. As of the end of January 2025, Taiwan's 818,467 total migrant workers represented about 6.8 percent of the total labour force,<sup>35</sup> coming from the four countries of Indonesia, the Philippines, Thailand and Viet Nam. Around 70 percent of Indonesian migrant workers are women working predominantly as domestic caregivers, while Vietnamese migrant workers are concentrated in the manufacturing sector.<sup>36</sup>

In the Taiwanese context, the most problematic—but not the only source of misalignment with ILO's standards on fair recruitment—is the imposition of a monthly service fee paid by the migrant workers to their labour brokers in Taiwan. This monthly service fee, between NT\$1,500-1,800 (about US\$50-60), is permitted under Article 6 of Taiwan's Standards for Fee-charging Items and Amounts of the Private Employment Services Institution ("Standards") and directly deducted from the worker's monthly pay.<sup>37</sup>

The collection of this monthly service fee from Taiwan's migrant workers means that this is a significant and steady revenue stream for Taiwan's recruitment sector, with one international report estimating this at about US\$484 million annually.<sup>38</sup> It remains, however, unclear what types of services are encompassed by these fees, which are officially defined in the Standards as expenses required for undertaking designated employment services matters, including transportation costs for receiving and sending off foreign person(s).

These fees are often seen as payment for services such as language translation and general human resources activities. This system of making migrant workers pay for their human resource management via monthly service fees is unique to Taiwan and underscores the power asymmetry that exists in the employment relationship between the employer and migrant worker in Taiwan. Where migrant workers would pay around NT\$18,000 to NT\$21,600 a year for service fees, in contrast, employers are only charged NT\$2,000 a year for each migrant employee under the same regulation for service from their labour broker.

Another type of fees are the de facto "recruitment fees" (招聘費), termed "registration fees" (登記費) and "introduction fees" (介紹費) that can be charged onto employers for job placement and for matching job applicants and employers.<sup>39</sup> Another term, used colloquially but not defined in law, is "brokerage fees" (仲介費). This often refers to the costs that migrant workers pay upfront in their countries of origin to secure employment in Taiwan.

Outside the permitted fees listed in the Standards, another category are the extra fees paid by employers to secure workers or paid by workers to secure new employment, extend their contract or transfer between jobs in Taiwan. Colloquially they are known as the “job purchasing fees” (買工費) that exemplify undisclosed, illegitimate costs that can pervade the labour migration process.

These various terms, each focusing narrowly on singular aspects of the recruitment process, can impede an accurate understanding of the Employer Pays Principle based on the full scope of the transnational job placement. This confusion in terminology can lead to misinterpretation about the responsibility of both the origin and destination countries towards the protection of migrant workers by fully adopting the Employer Pays Principle and promoting fair recruitment practices based on international standards.<sup>40</sup>

The problem of migrant workers being charged high recruitment fees and related costs for their employment in Taiwan, often without clear breakdowns of costs, has been extensively reported and has damaged Taiwan’s international reputation. Investigative reports released in 2024 and 2025 on labour abuse in Taiwan’s textile sector revealed that migrant workers paid high recruitment fees and related costs — up to US\$6,000 — to their home-country recruitment agents, as well as monthly service fees to Taiwanese private agents.<sup>41</sup>

The high costs incurred to secure employment significantly increase the risk of debt bondage, a key indicator of forced labour.<sup>42</sup> An open letter of September 2024 from the American Apparel & Footwear Association and the Fair Labor Association further called on the Taiwanese government to ensure that responsible business practices are consistently and sustainably applied in the recruitment of migrant workers to Taiwan.<sup>43</sup>



PHOTO BY CHENG CHANG (Taken on the Independence Day of Indonesia in Taipei)

## Challenges to Policy Reforms

Efforts to reform recruitment practices in Japan, South Korea, and Taiwan toward international standards of responsible recruitment face several challenges. This section examines the three key obstacles shared — seeing recruitment fees as an extraterritorial problem, reliance on fee regulation and caps over prohibition, and inconsistent support for international labour standards on recruitment — amidst the chronic reality of not having enough migrant workers to meet domestic labour needs across the developed economies of Japan, South Korea and Taiwan.

### Perception of Recruitment Fees as an External Problem

The governments of Japan, South Korea and Taiwan largely see recruitment fees as an extraterritorial problem arising from parties in the countries of origin. The reality is that these fees and related costs very often result in an exploitative levy borne by the migrant workers and cloaked in a range of service charges ostensibly for employment preparation and training for work in Japan, South Korea and Taiwan.

In Taiwan, this is prominently seen in how the term “labour brokerage fee” is frequently referred to as “overseas fee” (海外費), implying that such costs are primarily collected abroad. This perception is reinforced by Article 40 of Taiwan’s Employment Service Act, which prohibits domestic brokers from charging fees beyond prescribed limits, while not addressing fees imposed by foreign recruiters beyond recommending that the fees collected in the country of origin do not exceed the worker’s monthly wage.

Similarly, Japan’s Memoranda of Cooperation with migrant-sending countries rely on sending countries to regulate recruitment practices while often failing to examine excessive fees passed on to workers sent to Japan. A 2019 Memorandum of Cooperation between Japan and Viet Nam states that Viet Nam’s Department of Overseas Labour, Ministry of Labour, is responsible for selecting the sending organisations that comply with Viet Nam’s laws and regulations, with the Vietnamese government stipulating the fees and costs associated with language education, skills training, travel expenses and other expenditures.<sup>44</sup>

South Korea’s Employment Permit System (EPS) also delegates significant control to sending countries to manage recruitment fees. A Memorandum of Understanding (MoU) between South Korea and Nepal states that the Department of Labor and Employment Promotion (DOLEP), Nepal’s designated sending agency, is responsible for managing and publishing recruitment fees as part of the recruitment, selection, and deployment process.

Nepal’s DOLEP must also report the total amount and breakdown of fees to the Ministry of Labor of South Korea. While South Korea can request a reduction in fees if they are deemed excessively high, the primary authority over fee regulation remains with Nepal.<sup>45</sup> In contrast, another MoU with Indonesia states that South Korea and Indonesia will jointly determine recruitment fees, termed as “sending fee” in the MoU, for “the actual costs incurred in the process of receiving application and sending workers.”<sup>46</sup> This discrepancy demonstrates an uneven system, where the responsibility for regulating recruitment fees and costs can vary by migration corridor.



PHOTO BY DANIEL M. SHIH

### Reliance on Fee Regulation and Caps Over Prohibition

Across the three economies and largely due to the issue of recruitment fees and related costs seen as an extraterritorial issue, the governments of Japan, South Korea and Taiwan have not prohibited the collection of these fees, either in the countries of origin through MOUs or directly in their domestic law. Instead, the three governments largely seek to regulate these fees through caps.

This is notably seen in Japan, where recruitment fees are permitted under the Employment Security Act, provided that they adhere to specific caps established by the Ordinance of the Ministry of Health, Labour, and Welfare and necessary for employment placement.<sup>47</sup> South Korea's Act on the Employment of Foreign Workers includes provisions to permit the collection of fees, a system that is further reinforced by government-to-government MOUs under its national Employment Permit System.<sup>48</sup>

In Taiwan, the Standards for Fee-charging Items and Amounts of the Private Employment Services Institution stipulates the fees that labour brokers can charge for job matching and placement services. However, these fees do not fully conform to ILO standards of fair recruitment by endorsing having workers pay for some costs associated with brokerage services. Whilst this is most prominently seen in the uniquely Taiwanese system of collecting monthly service fees from migrant workers, migrant workers in Taiwan also pay other recruitment-related costs, such as medical checks, in addition to fees in their country of origin for their employment in Taiwan.

### Mixed Record on Support of International Standard Setting

The mixed record of Japan, South Korea, and Taiwan in supporting international labour standards poses another barrier to systemic reform. While both Japan and South Korea have ratified the ILO Employment Service Convention (C088), which provides general parameters for regulating the recruitment and employment of workers through public employment institutions, only Japan has ratified the ILO Private Employment Agencies Convention, 1997 (C181), which explicitly prohibits recruitment fees charged to workers. As of April 2025, South Korea has not indicated its timetable to become a state party to ILO Convention No. 181.

Taiwan faces unique challenges due to its exclusion from the UN system, which precludes it from formally ratifying ILO conventions. This exclusion has hindered Taiwan's adherence to international labour standards by making it more difficult for stakeholders in Taiwan to fully understand the content of international standards and how permitted domestic practices can contradict these higher global expectations.



PHOTO BY DANIEL M. SHIH

The exclusion of Taiwan from the UN system also blocks the avenue of intergovernmental technical assistance, such as those by the ILO and other UN bodies, to promote international standards. The localisation of international standards in Taiwan is also hindered by the fact that all official Chinese documents produced by the United Nations uses the simplified script versus the traditional Chinese characters used in Taiwan, necessitating another translation manoeuvre. Nevertheless, this knowledge gap, exacerbated by Taiwan's exclusion from the international system, cannot be a justification for any violation of fundamental labour principles and rights.

International standard setting in East Asia concerning issues of labour migration and immigration defies a straightforward categorisation. Whereas Japan and South Korea have shown some support for ILO Conventions C088 and C181 on employment service and private employment agencies, respectively, both countries are not states parties to the core human rights treaty, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW). By contrast, in 2018, a bill to domestically implement ICRMW was submitted to Taiwan's executive branch.<sup>49</sup> The bill did not subsequently advance. A new bill was submitted in October 2024 and is in the progress of being reviewed by legislative committees as of March 2025.<sup>50</sup>

The under-placement of workers in Japan, South Korea and Taiwan is a chronic reality even in light of their reliance on foreign workers. For instance, while South Korea's E-9 migrant worker quota has grown significantly in recent years, rising from 69,000 in 2022 to 165,000 in 2024, there still remained around 82 percent of the quota unfilled after only deploying 29,316 workers by the end of July 2024.<sup>51</sup>

A 2023 presentation by an official from the Japan International Cooperation Agency (JICA) noted that Japan would require 4.19 million migrant workers by 2030 to sustain the targeted annual GDP growth rate of 1.24%. At the current pace, the migrant worker population is expected to reach only 3.56 million, leaving a shortfall of approximately 630,000 workers.<sup>52</sup> Reflecting the same trend of underplacement as in Japan and South Korea, Taiwan's Ministry of Labor announced in October 2024 that national labour shortages in occupations typically filled by migrant workers in Taiwan amounted to at least 40,000 positions.<sup>53</sup>

## Conclusions

Given their broadly similar positions in the global economy and demographic challenges, Japan, South Korea and Taiwan can look to each other to model practices that ensure dignity for their migrant workforces. A comparative approach can drive a race to the top to build labour migration corridors premised on workers' rights by viewing reforms as an opportunity to address chronic domestic labour shortages.

All three economies are grappling with rapidly ageing populations that create enormous challenges for economic resilience. A rapidly declining population has significant implications for the stability of national pension systems when fewer working-age individuals are paying into the system. It can also be a national security challenge with an ever-decreasing number of military-aged men.<sup>54</sup>

There is potential to create a race to the top for a more responsible system of migrant recruitment to Japan, South Korea and Taiwan. Better recruitment, starting with the first Dhaka Principle on the Employer Pays Principle where migrant workers do not bear the cost of their recruitment, can create competition amongst the three to improve standards and attract the much-needed labour.

As regional neighbours, the past and future of Japan, South Korea and Taiwan are closely linked. Each has an ambivalent record on international standard-setting on human rights and labour rights. In large part, this is attributed to a non-citizenship notion of migration, where migrant workers' stays are timed and fixed to the employers, with limited pathways towards permanent residency or citizenship.

In recent years, advocacy for the Employer Pays Principle has seen increased traction. This landscape is increasingly being determined by regulatory action abroad, such as forced labour import bans in the US and Europe and an increasing number of extraterritorial legislation on supply chain due diligence. While new political factors internationally have resulted in some corporate pushback against the corporate responsibility to respect human rights, it is important for all stakeholders to recognise that sustained, inclusive and sustainable economic growth (Sustainable Development Goal 8) is antithetical to the reality of debt bondage and forced labour risks.

Preventing the charging of recruitment fees not only protects migrant workers from exploitation but also ensures a level playing field for business. Companies who recruit ethically are currently disadvantaged in markets where they have to compete with those who bear no recruitment costs by charging workers fees. A prohibition on charging fees to workers would mean that all companies are able to compete fairly within the law.

Good business is about more than short-term interest. Especially for Japan, South Korea and Taiwan, which are all facing a rapidly declining population, economic growth predicated on the responsible recruitment for migration with dignity is a crucial component in promoting national security and economic resilience.

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