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## MIGRANT LABOR IN EAST ASIA: A COMPARATIVE STUDY OF RIGHTS IN TAIWAN AND JAPAN

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### Abstract

The official statistics for 2024 show that the number of foreign migrant workers in Japan has exceeded 2 million for the first time, while Taiwan has surpassed 750,000. Both countries are experiencing a continuous increase in the number of migrant workers. Therefore, this study aims to explore the policies and practices of Taiwan and Japan regarding the "human rights issues" of international migrant workers. The research objective is to comprehensively understand the current situation of Taiwan and Japan regarding the human rights issues of international migrant workers, and to examine the effectiveness and shortcomings of their policies. The study seeks to provide recommendations to enhance the protection measures for international migrant workers in both countries.

The research background stems from Taiwan and Japan being relatively mature economies in the Asian region. Influenced by globalization, aging populations, and declining birth rates, both countries have seen a continuous increase in the number of international migrant workers in recent years. This phenomenon is leading to various social issues such as labor utilization, population dynamics, social security, and conflicts related to race and culture. As a result, safeguarding the labor rights of migrant workers has become a focal point of societal concern. Therefore, it is necessary to conduct a comparative study of the policies and practices in both countries to provide insights and references for the formulation and implementation of relevant policies.

This study first conducts a policy analysis to compare the legal frameworks and policy regulations concerning the protection of migrant workers' labor rights in Taiwan and Japan. It aims to explore the "institutional design," "implementation effectiveness," and "existing issues" in both countries. Through a literature review, the study delves into the level of societal attention towards the "international migrant worker issue" in both countries, the involvement of the public and civil society organizations, relevant conventions and recommendations from international labor organizations, as well as the development and trends in related research.

This study aims to investigate the labor rights of foreign migrant workers in Taiwan and Japan, focusing on the policy issues and resulting social phenomena in the utilization of labor forces in both countries. Through a comparative analysis of policies, the study will examine historical backgrounds and development, legal contexts, international trends, and nationalist perspectives as key aspects for conclusions and explorations. Recommendations will be provided for policy implementation. Through this research, a deeper understanding of the similarities and differences in the human rights issues of international migrant workers between Taiwan and Japan will be gained. This study aims to offer crucial insights for policymakers in both countries to better protect the rights of international migrant workers, promoting social equity and respect for human rights.

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## 1.0 BACKGROUND

The accelerating trend of globalization has made international labor migration an important social phenomenon in major host countries such as Taiwan and Japan. These migrant workers not only enrich the local labor force but also bring diverse cultural influences to the society. However, the two countries present different situations in terms of safeguarding labor rights. Although Taiwan and Japan are both major host countries for migrant workers, there are still some differences in their relevant laws, policies, and practices. Therefore, comparative analysis of the similarities and differences between the two countries in the protection of labor rights of international labor migrants not only helps to comprehensively understand the current development of this issue but also provides valuable reference for the formulation of future relevant policies, thereby better protecting the legal rights of migrant workers.

As the number of migrant workers in Taiwan and Japan has increased significantly in recent years, Taiwan currently has 750,000 migrant workers, while Japan's migrant worker population surpassed 2 million in 2023. Against this backdrop, the labor rights and working conditions of migrant workers are often violated. Therefore, this paper will delve into the legal regulations and policies as well as international rules of the two countries from the perspective of safeguarding the human rights and working conditions of migrant workers, and compare their differences, in an attempt to find effective methods and recommendations for protecting the labor rights of migrant workers.

On the other hand, with the intensification of globalization and technological waves, international migrant workers have become an indispensable part of the societies of Taiwan and Japan. Although these migrant workers play an important role in the local economic development, their labor rights are often in a vulnerable position and face many challenges. Therefore, a comprehensive comparative study on the current status of international migrant workers' labor rights in Taiwan and Japan, with a thorough understanding of their similarities and differences, and the provision of targeted policy recommendations, holds significant theoretical and practical significance.

This paper will review the evolution of the legal systems for the protection of migrant workers' rights in the two countries, and analyze the implementation effectiveness of their current related policies. At the same time, it will systematically review the research results of domestic and foreign scholars in this field, and identify the deficiencies and shortcomings of the existing research. It will delve into the specific situations of migrant workers in Taiwan and Japan, including their working environment, remuneration, social security, and other aspects. Through comparative analysis, it will reveal the similarities and differences between the two countries in the protection of migrant workers' rights, and provide constructive references for the improvement of relevant policies.

This not only helps to enhance regional cooperation between Taiwan and Japan in the field of migrant worker protection, promoting mutual experience sharing and learning, but also will provide valuable insights for the policy-making in other countries and regions, holding important significance in promoting global migration governance.

### 1.1 Objectives and Goals

This research aims to explore the practices and differences between Taiwan and Japan in protecting labor rights for international migrant workers, using document analysis and policy exploration. The goal is to provide improvement suggestions and contribute to enhancing relevant laws and policies in both countries. Through comparative research, the study also seeks to comprehensively understand the employment and living conditions of international migrant workers in Taiwan and Japan, and provide more targeted support for protecting the rights of this special group.

In recent years, both Taiwan and Japan have faced similar challenges in protecting the labor rights of foreign migrant workers. In Taiwan, although the government has taken some measures to improve the rights of migrant workers, there are still many who face issues like wage deductions, excessive working hours, and restrictions on speech and behavior, indicating that the protection mechanisms still need further improvement (Chuang, Y. H., 2024). The high recruitment agency fees are also a major obstacle, seen as a "serious form of exploitation" by Taiwan's labor organizations. On the Japanese side, as a country long known for its strict immigration policies, there are debates between conservatives who want to maintain restrictions and progressives who support more open policies to address labor shortages and population aging. Some moderates advocate for a balanced approach of selectively introducing foreign workers while maintaining certain immigration controls.

In general, Japanese society has different positions and views on immigration issues, including conservatives, progressives, and moderate compromises. This reflects the complex attitudes and internal tensions Japan faces in dealing with immigration issues.

The sociological literature and research mainly focuses on the so-called "voluntary migration", and in the application of empirical research, a more refined and clear definition of "migration" is given in response to the research questions, such as distinguishing "internal migration" and "international migration" by referring to the field of mobility geography. Although early migration theories all assumed that the introduction of international migrants (including guest workers) to the host country may pose a threat to cultural identity and have negative impacts, (Wang, B.-Q.,2014) also believes that this phenomenon will gradually improve within one to two generations, and the two will eventually be fully integrated.

However, there are loopholes in the regulations related to migrant workers, which still lead to some migrant workers facing problems such as being forced to engage in involuntary work and verbal abuse. The "excessive control" of employers over migrant workers, such as restricting the freedom of migrant workers<sup>1</sup> and the difficulty for migrant workers to seek help independently, are the main reasons for such situations. Overall, protecting the rights of foreign migrant workers is an urgent issue that both Taiwan and Japan need to solve. Only by continuously reviewing the existing system, strengthening law enforcement, and promoting understanding and support from all sectors of society, can a fairer and more humane working environment be created for these foreign workers who contribute to the national economy.

## **2.0 METHODS**

This paper adopts document analysis and comparative research as its research methods. Document analysis (Document Analysis) is a method that comprehensively and precisely understands research problems by collecting market information, survey reports, and industry dynamics through literature data based on specific research purposes or topics. This method requires extensive collection of rich and diverse data, and then analyzes and synthesizes these data to explore the origins, causes, backgrounds, impacts, and meanings of events. Literature data can come from government reports, industrial research, document record databases, corporate organization data, books, theses and journals in libraries, news reports, etc. The steps of document analysis include four stages: reading and organizing, description, classification, and interpretation (Chu Ruo-ruo, 2000).

Then there is the comparative method, also called the comparative research approach, which is a method of establishing universal rules or theories by accumulating multiple cases and finding similarities and differences. These rules or theories are intended to have cross-national, cross-societal, or cross-cultural explanatory and predictive power. The comparative method is not just a simple contrast of differences, but sometimes involves deeper comparative analysis. Comparative research is a very valuable method for labor policy research. Its biggest feature is its transnationality, that is, by comparing and analyzing the labor policies of different countries or regions, to find their commonalities and differences. This research method is comprehensive, focusing not only on the policies themselves, but also analyzing them in depth from the perspectives of systems, laws, social culture, and other aspects. More importantly, comparative research can highlight the relative strengths and weaknesses of each country's policies, providing an objective basis for the formulation and improvement of domestic policies. In practice, scholars often use multiple methods to conduct cross-national comparisons. The most basic is descriptive comparison, which simply describes and compares the current status of policies in different countries. Further is causal analysis comparison, which delves into the background factors behind policy differences. In addition, there are also functional comparisons and typological comparisons, with the former focusing on comparing policy goals and effects, and the latter focusing on classifying and summarizing commonalities.

This paper uses the above two methods to explore the issue, hoping to clarify the differences in the labor rights challenges faced by foreign migrant workers in Taiwan and Japan, as well as the differences in policy measures between the two countries.

## **3.0 RESULTS**

In the late 1980s, due to labor shortages, Japan initially encountered "illegal employment" of foreign workers. However, the government's basic policy was to oppose the introduction of Blue-collar worker, and only grant employment qualifications to those recognized as having specialized skills. In the 1990s, with the rapid advancement of globalization, the frequency and quality of cross-border logistics, capital flows, information flows, and human flows increased significantly. After the bursting of the economic bubble in 1991, Japan entered the "Lost 20 Years". In 1998, Japan formulated the "Sixth Basic Plan for Employment Measures", aiming to introduce only high-end foreign talents and maintaining a long-term closed-door policy towards simple manual laborers. However, in reality, Japan's labor market still has a large number of foreign unskilled manual workers, through channels such as the "Technical Intern Training Program" or exceptional recognition of student part-time work, Japanese descendants, and foreign spouses.

Taiwan began importing foreign migrant workers in the 1980s due to industry demands. At that time, the Taiwan government had not yet officially approved the employment of foreign migrant workers, nor had it enacted relevant legislation. Therefore, the foreign workers hired were considered illegal employees.

Taiwan's employment of foreign migrant workers was formally opened in April 1992, when the government officially allowed the import of "foreign household caregivers" under a strict "quota" control system. Concurrently, on May 8th of the same year, the Employment Services Act was enacted and promulgated, marking the formal legalization of the import of foreign workers.

### **3.1 Major issue in Japan**

In Japan, many international students go to work part-time to earn living expenses. However, there are also many who use the pretext of being "students" to actually work, skirting the legal boundaries. Many countries impose restrictions on the work hours of international students holding "student" visas.

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<sup>1</sup> Many employers restrict the freedom of migrant workers, such as strict access controls, or a high degree of control over the migrant workers' leave and even their friendships.

Although there are such legal provisions, law enforcement agencies in reality find it very difficult to enforce them. They usually do not actively check whether students' work hours comply with the regulations. Unless the students themselves or their employers run into problems and are reported, or the students apply to renew their visas and residency status, the authorities will then examine whether their activities in Japan have been in accordance with the rules, and ensure they are law-abiding good citizens (Yamaguchi, 2021).

In managing the work hours of international students in Japan, some common violations include: exceeding the work hour limits, engaging in illegal work not matching the visa status, concealing or falsely reporting the actual job content and occupation, and some students using earning money through work as the primary purpose rather than genuine study<sup>2</sup>. Furthermore, some schools and employers have not effectively controlled and supervised the work hours and nature of work of these students. These violations can result in the revocation or non-renewal of the students' visas, so this issue requires international students, schools, and employers to jointly comply with the relevant regulations.

Compared to the "Technical Intern Training" program, "fake studying, real working" is more attractive in Japan. For international students who already have the mindset of "fake studying, real working", choosing to "study" at a Japanese language school indeed has some advantages that the "Technical Intern Training" system lacks. The process is relatively simpler, they don't need to take the "Technical Intern Training" exam, only need to obtain a "student" visa through a Japanese language school, and they don't need to have a basic Japanese ability beforehand, as the purpose of going to a language school in Japan is to learn Japanese. Compared to technical interns, international students have more "flexibility" in working in Japan, they can freely choose their workplace and change workplaces at any time, without industry restrictions. Taiwan does not have this issue as mentioned earlier.

### **3.2 Major issue in Taiwan**

Regarding the definition of runaway migrant workers in Taiwan, according to Article 56 of the "Employment Services Act", if a foreign employee is absent from work for three consecutive days and loses contact or the employment relationship is terminated, the employer shall notify the local competent authority, immigration authority, and police authority in writing within three days. If the foreign employee is absent from work and loses contact, the employer can notify the immigration authority and the police institution in writing for reference. If the foreign employee loses contact due to the employer's false report of three consecutive days of absence, the employee can file a complaint with the local competent authority. If it is verified that there is a false report, the central competent authority shall revoke the original revocation of the employment permit and order the employee to leave the country. The explanation is as follows: "Less than 3 days": If the foreign worker is absent from work and loses contact for less than 3 days, the employer can notify the Immigration Agency and the police for tracing; "Reached 3 days": If the migrant worker is absent from work for 3 consecutive days and loses contact, the employer shall notify the competent authority, the Ministry of Labor, the Immigration Agency, and the police within 3 days. If the employer fails to report within 3 days after the worker loses contact for 3 days, it violates Article 56 of the "Employment Services Act" and will be fined between NT\$30,000 and NT\$150,000. "3 consecutive days of absence and loss of contact" means the migrant worker is absent from actual work for 3 consecutive days and loses contact. And as of 2023, according to statistics, the total number of runaway migrant workers (absconders) in Taiwan has reached 84,339, which has prompted the Taiwan authorities to pay more attention to the problem of migrant worker runaway.

### **3.3 Rights of migrant workers in Taiwan and Japan**

This section examines the employment protection and deficiencies for migrant workers in both Taiwan and Japan, which can be divided into the aspects of "legal and policy gaps", "working conditions", "social security and welfare", "social and psychological support", "immigration policies", and "rights protection mechanisms". The discussion will be presented in two separate paragraphs for Taiwan and Japan.

"The Taiwan Aspect":

At the legal level, the protection of migrant workers is insufficient, especially in terms of occupational hazards, wages, and working conditions. Due to limited law enforcement, many migrant workers are unable to effectively claim their wages or enjoy the labor benefits they are entitled to. Regarding working conditions, some migrant workers, especially those employed in the fishing industry, still face poor working conditions such as long working hours, poor work environments, and lack of safety guarantees. Domestic workers (caregivers and housekeepers) are often excluded from labor regulations and lack basic labor protections.

In terms of social welfare protection, migrant workers face constraints in accessing social benefits, with their treatment in areas like healthcare<sup>3</sup>, insurance, and pensions being inferior to that of local workers. As for

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<sup>2</sup> It's easy to understand why students want to work part-time: if they don't have enough living expenses or want to earn a little more pocket money, many people choose to work part-time in their spare time. International students will need to work overtime, and there must be insufficient money. There are two kinds of insufficient money, one is that the law is too harsh, and the upper limit of 28 hours of part-time work per week is not enough; The other is that he needs more money, which may be to earn tuition, or to send it home or pay off debts, the latter is commonly known as "fake study abroad and real part-time job".

<sup>3</sup> Since Taiwan's national health insurance system is quite complete, legal foreign migrant workers also enjoy health insurance. If a migrant worker needs medical treatment before receiving the health insurance card, he or she can bring the health insurance insurance certificate and the original identity document to a designated medical institution within 14 days from the date of notification, fill in the exception medical list, and seek medical treatment under the health insurance status.

immigration policies, Taiwan's immigration policies are relatively strict, making it difficult for migrant workers to obtain long-term residence or convert to permanent resident status<sup>4</sup>. Taiwan can be said to have an inadequate migrant worker rights protection mechanism. Many migrant workers find it difficult to seek legal aid or obtain fair treatment when their rights are violated, often due to fear of retaliation from employers or brokers, which may even lead to job loss. However, Taiwan's Ministry of Labor has established a "1955 Labor Consultation and Complaint Hotline"<sup>5</sup> that many foreign migrant workers utilize to consult on related issues or file complaints.

**"The Japan Aspect":**

Although Japan has a more comprehensive legal protection framework, the supervision, management, and enforcement on migrant workers are insufficient, particularly under the "Technical Intern Training Program", where many migrant workers face problems such as excessively long work hours and low wages. During the implementation of the Technical Intern Training Program in Japan, many migrant workers face issues like long working hours, high work pressure, and wages below the minimum standard, with some employers exploiting and abusing the migrant workers. Migrant workers' coverage in the social security system is quite limited, especially the poorer treatment of technical interns in terms of healthcare and social welfare.

Japan's immigration policies are similarly strict, if not more so than Taiwan's, being relatively unfriendly to low-skilled workers. It is difficult for migrant workers to legally stay and work or live in Japan long-term. There are gaps in the protection of migrant workers' rights, especially for those under the Technical Intern Training Program, where their rights and interests are often not effectively safeguarded.

Overall, while both Taiwan and Japan have some deficiencies in protecting the human rights of migrant workers, the specific situations and problems they face differ. Taiwan mainly has issues with insufficient legal protection and enforcement, while Japan encounters more challenges in the Technical Intern Training Program and social security aspects. To address these problems, the governments of both countries need to make comprehensive improvements in policy, legislation, and actual implementation to ensure migrant workers' fundamental human rights and labor interests are properly protected.

The table below presents the migrant worker-related issues faced by both Japan and Taiwan. This text compares the two countries on the aspects of "illegal employment of migrant workers", "percentage of absconded migrant workers", and "human rights deficiencies".

**Table 1**

**MIGRANT WORKER-RELATED ISSUES FACED BY BOTH JAPAN AND TAIWAN**

	Taiwan	Japan
illegal employment of migrant workers	In Taiwan, the illegal employment of migrant workers can be divided into two types. (1) when migrant workers take on additional work outside of their approved employment, which is not permitted by the government, mainly due to issues with employment insurance and occupational accident insurance. (2) Taiwan's Employment Services Act restricts migrant workers from taking on additional jobs, as well as to avoid excessive total working hours and prevent overwork of migrant workers.	In Japan, a major problem leading to illegal employment is the "visa issue". Some foreign workers use tourist visas or other non-work visas to illegally work in Japan, which violates the visa regulations. Furthermore, the Japanese government's supervision and management of foreign migrant workers' employment is not strong enough. Some foreign migrant workers choose to abscond and work illegally in order to earn more money without government oversight, and they may even engage in illegal transactions.
Amount of absconded migrant workers	Total population of migrant workers: 753,430 people absconded migrant workers: 86,352 people. (Ministry of Labor, 2023)	Total population of migrant workers: 204,8675 absconded migrant workers : 7,9113 (Ministry of Labor, Health and Welfare, 2024)
Human rights deficiencies	The restrictions on migrant workers' freedom to choose occupations and	The visa restrictions have led to a severe problem of illegal employment of migrant

<sup>4</sup> Unless you are through intermarriage or hold a white-collar employment gold card, the procedures are still quite cumbersome and rigorous.

<sup>5</sup> In order to actively protect the rights and interests of employers and foreign migrant workers, the Ministry of Labor integrated multiple existing protection hotlines and opened the "1955 Foreign Migrant Workers 24-hour Consultation and Protection Hotline" on July 1, 2009. This dedicated line provides year-round services and accepts calls from migrant workers, employers and the general public. It is nationwide, bilingual (Chinese, English, Thai, Indonesian, Vietnamese) and toll-free. Services include legal consultation and assistance on labor contracts, wages, working hours, occupational disasters, agency, labor disputes, complaints of improper treatment or personal violation, personal violation or human trafficking protection and resettlement services, and other related department service information.

	<p>change jobs, only allowing them to engage in specific industries (especially domestic helper-type jobs). Many brokers also charge exorbitant brokerage fees, causing migrant workers to be heavily in debt. Restrictions on the length of stay for migrant workers in Taiwan, lacking long-term development opportunities.</p>	<p>workers. Some companies provide wages below the legally mandated minimum wage. There is a lack of dedicated complaint mechanisms and labor dispute resolution systems for migrant workers. Lastly, Japan's legal system has been insufficient in cracking down on human trafficking and exploitation issues.</p>
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Regarding the "channels for migrant workers to seek assistance", Taiwan is relatively more well-developed compared to Japan. In Taiwan, there are dedicated hotlines for migrant workers to consult, receive assistance, and file complaints on relevant issues, while Japan lacks such mechanisms. But still, the problem of absconded migrant workers is quite serious in Taiwan compared to Japan.

Both countries have similar issues with illegal employment of migrant workers and generally poor housing conditions and restricted living environments for them. Since Taiwan has a smaller international student population, the issue of such students working illegally is less prevalent, but the problem of migrant workers engaging in illegal employment is still very common. Japan, on the other hand, has a larger international student population, leading to more issues with student visas and work permits.

Overall, although there are some systemic differences between the two countries, the problems faced by migrant workers have certain similarities.

### 3.4 Human rights norms of international organizations

The main international frameworks for the human rights of migrant workers have been established by the International Labour Organization (ILO) and the United Nations. Firstly, the ILO has developed a series of conventions and recommendations to protect the rights of migrant workers, the most important being the Migration for Employment Convention (C097) and the Migrant Workers (Supplementary Provisions) Convention (C143). These conventions emphasize that migrant workers should enjoy rights equal to those of national workers, including fair working conditions, remuneration, and social security (International Labour Organization, 2021).

Meanwhile, the United Nations adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) in 1990. This convention underscores that all migrant workers should enjoy fundamental human rights, including the right to non-discrimination, the right to life, liberty and security, etc. (United Nations, 1990). Additionally, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has also issued the Guiding Principles on Business and Human Rights, aiming to ensure that businesses respect the human rights of migrant workers globally and take on corresponding responsibilities (Office of the United Nations High Commissioner for Human Rights, 2011).

These international frameworks in the previous paragraphs ensure the protection of basic human rights. However, labor rights are an essential component of human rights, guaranteeing workers, regardless of their nationality, gender, race or religion, equal employment opportunities, fair working conditions, and reasonable compensation. Establishing such norms helps to protect workers from exploitation, discrimination, and abuse, and safeguard their safety and health. These standards promote the sustainable development of the global economy. Sound labor rights frameworks can enhance workers' work enthusiasm and productivity, thereby facilitating economic growth and social stability.

### 3.4 Acknowledgments and Legal Responsibility

Special thanks to the anonymous reviewers, The authors take full responsibility for any errors or shortcomings in the text.

### 4.0 CONCLUSION

This study conducted a comparative analysis of Taiwan and Japan regarding the protection of human rights and labor rights of foreign migrant workers. The findings reveal that both countries face similar structural challenges, including insufficient legal protection, poor working conditions, limited access to social welfare, and ineffective support channels when migrant workers' rights are violated. However, significant differences remain in their institutional arrangements: Japan's Technical Intern Training Program has long been criticized for exploitative practices and inadequate supervision, while Taiwan faces persistent issues stemming from brokerage systems, job-transfer restrictions, and the high number of absconded migrant workers.

From the perspective of international labor and human rights standards, both the ILO and the United Nations emphasize that migrant workers should enjoy the same fundamental rights and protections as national workers. Nevertheless, a considerable gap persists between international norms and domestic practices in both Taiwan and Japan. This gap highlights an urgent need for both governments to strengthen legal frameworks, enhance

enforcement capacity, reform migrant labor systems, and establish more humane and substantial protection mechanisms.

In conclusion, future policy directions should focus on improving the clarity of legal protections for migrant workers, establishing accessible complaint and support mechanisms, promoting intercultural awareness among employers and the public, and enhancing social welfare systems. Additionally, aligning domestic policies more closely with international standards will be essential for reducing systemic disparities. Only through such efforts can Taiwan and Japan create safer, fairer, and more dignified working environments for migrant workers and genuinely recognize their contributions. This study also aims to contribute to the broader field of comparative research on labor migration in East Asia and provide practical references for future policy reforms.

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