

論區域貿易協定下勞工議題之規範因應策略

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摘要

因應美國拜登政府「以勞工為中心的貿易政策 (Worker-Centered Trade Policy)」,「勞工議題」亦係我國與美國正在談判中的「臺美 21 世紀貿易倡議 (U.S.-Taiwan Initiative on 21st-Century Trade)」之重要議題。向來世界貿易組織 (World Trade Organization, WTO) 多邊架構下之「貿易與勞動標準 (Trade and Labor Standards)」議題具有高度爭議性,本文分析多邊貿易架構討論勞動議題之困難與挑戰,關注世界貿易組織關於「貿易與勞動標準」之談判現況與問題。

本文嘗試探討在區域貿易協定架構下美國對於貿易與勞工議題之處理,以及為促進保障勞工權利建立之機制或規範。基於前述目的,本文先從世界貿易組織多邊規範對於勞動標準機制之因應與規範現況,探討貿易與勞動議題之重要性及其所面臨之困難與挑戰。其次,就區域貿易協定下有關勞動之規定,例如《美墨加協定》(United States-Mexico-Canada Agreement, USMCA) 關於勞工專章之重要規範內容、《美墨加協定》「快速回應勞工機制 (Rapid Response Labor Mechanism, RRLM)」、「印太經濟架構供應鏈協定 (IPEF Supply Chain Agreement)」關於勞工之重要規範內容進行評析。關於臺美 21 世紀貿易倡議之勞工議題之美方提案及針對未來我國律師就區域貿易談判或雙邊貿易談判中關於勞工議題之角色,本文亦探討我國經貿談判律師團之成立必要性。

關鍵字: 貿易與勞工、臺美 21 世紀貿易倡議、美墨加協定、快速回應勞工機制、強迫勞動

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Abstract

In response to the "Worker-Centered Trade Policy" of the U.S. Biden administration, "labor issues" also serves as important agenda in the Taiwan-U.S. 21st Century Trade Initiative currently being negotiated between United States and Republic of China. The issue of "Trade and Labor Standards" under the multilateral framework of the World Trade Organization has always been highly controversial. This article analyzes the difficulties and challenges in discussing labor issues within the multilateral trade framework, and explores the trade topic. "Trade and Labor Standards" under the WTO framework. This article attempts to explore how United States handles trade and labor issues within the framework of regional trade agreements, as well as the mechanisms or norms established to promote the protection of labor rights. Based on the aforementioned purpose, this article first discusses the importance of labor under trade issues and the difficulties and challenges it faces under the World Trade Organization framework. Secondly, this article provides the labor provisions under regional trade agreements, such as the important normative contents of the labor chapter of the United States-Mexico-Canada Agreement (USMCA), the Rapid Response Labor Mechanism (RRLM) of the United States-Mexico-Canada Agreement, and the Indo-Pacific Economic Framework. Regarding the U.S. proposal on labor issues in the Taiwan-U.S. 21st Century Trade Initiative and regarding the role of Taiwanese lawyers on labor issues in future regional trade negotiations or bilateral trade negotiations, this article also elaborates the necessity of the formation of Taiwan's economic and trade negotiation lawyer group.

Keywords: Trade and Labor, Taiwan-US 21st Century Trade Initiative, US-Mexico-Canada Agreement, Rapid Response Labor Mechanism