

# 兩岸服務貿易協議「自然人移動」的 勞動市場調控機制分析

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本文採取「制度比較分析」的研究途徑，分析兩岸服務貿易協議內關於「自然人移動」的勞動市場調控機制。研究發現，臺灣依照「自然人移動」條款所建構的規範，已經形成一種「相對不平衡」的勞動市場調控機制，即兩岸服務貿易協議與現行法令，對於中國的跨國企業內部調動人員及履約人士的限制規範，相較於臺灣提交世界貿易組織的入會承諾和臺灣已簽署的其它六項自由貿易協定的限制規範，相對都比較少。建議政府應該重新檢討兩岸服務貿易協議對於中國的跨國企業內部調動人員及履約人士進入臺灣的規範，使兩岸服務貿易協議朝向臺灣提交世界貿易組織的入會承諾原則趨於一致。

關鍵字：自然人移動、勞動市場調控機制、兩岸服務貿易協議

# **The Analysis of Labor Market Regulation Mechanisms for Movement of Natural Persons in Cross-Straits Agreement on Trade in Services**

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## **ABSTRACT**

This article adopts the institutional comparative research approach, and aims to analyze labor market regulation mechanisms in the Cross-Straits Agreement on Trade in Services. The finding is that Taiwan's regulations have been relatively imbalanced according to the provisions of "cross-border mobility of natural persons", that is, the restrictive regulations in the Cross-Straits Agreement on Trade in Services and regulations for Chinese intra-corporate transferees are fewer than Taiwan's World Trade Organization membership commitments and the regulations of six Free Trade Agreements signed by Taiwan. There are suggestions as follows: government should review and correct the regulations for Chinese intra-corporate transferees and contractual service suppliers in the Cross-Straits Agreement on Trade in Services, and make the regulations for Chinese intra-corporate transferees and contractual service suppliers consistent with Taiwan's World Trade Organization membership commitments.

**Key Words:** movement of natural persons, labor market regulation mechanisms, cross-straits agreement on trade in services