

Taiwan Labor e-Quarterly

Ministry of Labor, R.O.C.

Publisher/Pan, Shih-Wei · Editor-in-Chief/Hao, Feng-Ming · Editorial Committee/Wang, Hou-Cheng · Chuang, Mei-C. Lee, Chung-Cheng · Executive editor/Yi, Yung-Chia Huang, Sheng-Yun · Publishing Office/ Ministry of Labor, R.O.C. Taiwan · Address/9F., No. 83, Sec. 2, Yangping N. Rd., Taipei City 10346, Taiwan R.O.C. · Production/Taiwan Institute of Economic Research · Customer service/886-2-25865000

※ The Chinese version rules if any contradiction in meaning exists between the Chinese version and the English version.

ISSN 2306-7454

Quarterly Focus



**From the Council of Labor Affairs to the Ministry of Labor
Operational Plans and Future Outlook**

Policies and Regulations

- » Ministry of Labor legislates occupational accident insurance for a comprehensive system of occupational accident coverage
- » MOL Announces Phase III Applicability of Substance Inventory Pursuant to Regulations Governing the Labeling and Hazard Communication of Dangerous and Harmful Materials and the Implementation Date Thereof
- » Ministry of Labor Provides New Training Services for the Small Enterprise Niche

News Outlook

- » Partial Revision of the Labor Pension Act Passed by legislative Yuan
- » Economic Outlook and Investment Strategy in 2014 for Labor Pension Fund
- » Amendments to provisions of the Labor Standards Act to protect child laborers and provisions of the Gender Equality in Employment Act related to menstruation leave
- » Chairman and CEO of Chilean Socialist Party Think Tank visited CLA (now Ministry of Labor) to acquire understanding of union organization situation in Taiwan



From the Council of Labor Affairs to the Ministry of Labor Operational Plans and Future Outlook

In 1951, the central administrative unit responsible for labor was under the Department of Labor, Ministry of the Interior (MOI). In 1981, Bureau of Employment and Vocational Training Council (BEVT) was established to oversee the planning of vocational training work nationwide. On August 1, 1987, the Council of Labor Affairs, Executive Yuan, was established and replaced the former MOI Department of Labor and BEVT, subsequently incorporating the work of the Bureau of Labor Insurance, Labor Insurance Supervisory Committee, the former Provincial Labor Department, and the Youth Employment Services Centers and Youth Vocational Training Center of the National Youth Commission, as well as establishing the Institute of Occupational Safety and Health and the Labor Pension Fund Supervisory Committee/Labor Retirement Fund Supervisory Commission. On February 17, 2014, the Council of Labor Affairs (CLA) was upgraded to become the Ministry of Labor (MOL), marking the official establishment of the Ministry.

The Ministry of Labor (MOL) is headed by a minister, with former Council of Labor Affairs Minister Pan Shih-Wei serving in this capacity. There are three deputy ministers: Political Deputy Minister Hao Feng-Ming, Political Deputy Minister Chen Yi-Min, and Permanent Deputy Minister Kuo Fong-Yu. Within the MOL there are six administrative departments: the Department of General Planning, the Department of Labor Relations, the Department of Labor Insurance, the Department of Employment Welfare and Retirement, the Department of Labor Standards and Equal Employment, and the Department of Legal Services. There are additional six staff departments: the Department of General Affairs, the Department of Human Resources, the Department of Civil Service Ethics, the Department of Accounting, the Department of Statistics, and the Department of Information Management. Also under the Ministry are five third-level agencies (institutions): the Bureau of Labor Insurance, Bureau of Labor Funds, the Workforce Development Agency, the Occupational Safety and Health Administration, and the Institute of Labor, Occupational Safety

and Health. Under the Workforce Development Agency there are six fourth-level agencies (institutions): the Taipei-Keelung-Hualien-Kinmen-Matsu Branch, the Taoyuan-Hsinchu-Miaoli Branch, the Taichung-Changhua-Nantou Branch, the Yunlin-Chiayi-Tainan Branch, the Kaohsiung-Pingtung-Penghu-Taitung Branch, and the Skill Evaluation Center. Each unit within the Ministry is responsible for the related affairs, with their functions becoming increasingly complete.

The Challenges and Vision of the Ministry of Labor

All citizens need to work, that is, to perform labor. The operations for which the Ministry of Labor will be responsible, therefore, will be focused on the provision of labor administration services with respect to various matters involving working people. With Taiwan's labor market currently facing challenges such as a globalized economy and shifts in the economic environment, structural unemployment, non-traditional labor, and an aging population and low birth-rate, how can human resources be developed and utilized? How can the impact of economic shifts on the labor market be reduced? How can secure and flexible labor market policies be established? How should the government respond to the new issues in the labor market brought about by demographic changes? These are all important issues facing the Ministry of Labor. Its responsibility after being upgraded to the ministry level is to increase the potential and momentum of the labor market to respond to an environment of ever-intensifying competition. At the same time, however, it must also be mindful of the negative effects for the rights and interests of workers brought about by a more flexible labor market, and the need for the balanced development of society. The Ministry of Labor intends to, on the one hand, build a fair labor system in line with both international labor conventions and the Human Rights Convention of UN that protects all citizens engaged in labor. On the other hand, it must also pay heed to Taiwan's practical economic circumstances, keeping in step with the times by raising Taiwanese citizens' income and maintaining their opportunities for employment, and allowing them to receive reasonable basic worker protections and improve the quality of their working lives.

The Ministry of Labor hopes to sketch out a positive vision of working life for workers, that is, to create a future of "decent work for all." It will hold to a policy orientation emphasizing autonomy, equality, and development, with the promotion of autonomous labor relations, the creation of a fair and just labor environment, and the building of a developing labor market as its administrative focus and vision, allowing all citizens to achieve self-actualization through their work and enjoy quality working lives, as well as helping the labor market to generate more and better job opportunities, bringing economic prosperity, realizing social fairness and justice, and allowing everyone to live with dignity.

The Ministry of Labor will actively promote nine administrative priorities. These include "promoting labor-management negotiations and dialogue and advancing harmonious labor-management partnerships," "promoting work-life balance and advancing the sustainable development of enterprises," "education that promotes decent work, shaping values of occupational ethics," "robust retirement and insurance systems, ensuring workers' financial security," "prohibiting employment discrimination and realizing gender equality, ensuring that workers enjoy equal opportunities," "creating a safe and healthy work environment, protecting the physical and mental health of workers," "enhancing the development and utilization of the workforce, boosting national worker competitiveness," "a sound employment security system, furthering labor market momentum," and "substantive

participation in international organizations to advance international exchange on labor affairs."

Planning and Structure of the Work of the Ministry of Labor

In response to changing times and workers' strong desire for government effectiveness, having been through years of comprehensive and systematic organizational review and adjustment planning, the Legislative Yuan passed the organizational acts for the Ministry of Labor and six subordinate agencies after three readings on January 9, 2014, with the Ministry officially established on February 17, 2014. In addition to strengthening the core functions of the former Council of Labor Affairs, the benefits of organizational restructuring and the promotion of decision-making level will place MOL's focus on organizational specialization and research and development capabilities, as well as strengthening the development and utilization of the workforce and the effective administration of a sound system of labor protections, increasing the effectiveness of fund utilization, and ensuring a safe and healthy workforce. The adjustments to the Ministry of Labor's organizational structure improve its ability to formulate and execute plans. The priorities and structure of the adjustments to the work of the Ministry of Labor are as follows:

1. Strengthening the development and utilization of the workforce

A country's economic development stems from enterprise growth, while enterprise growth is based on an "optimized" workforce and technical innovation. Through three main strategies of "workforce utilization," "workforce improvement," and "workforce development," the MOL Workforce Development Agency will create a national employment channel and integrate the employment services, vocational training, skill testing and business startup assistance systems, incorporate relevant resources to enhance local services, fully play its role in regional planning, and advance the development of regional workforces. In the future, the Workforce Development Agency will see that policy goes hand-in-hand with execution, strengthening interdepartmental coordination and integration in order to effectively implement workforce development policies. In its various administrative acts, it will take into account both economic and social and long and short-term benefits, more forcefully execute programs and plans, and work in the direction of its new missions of "advancing labor force development and boosting national competitiveness."

2. Effective administration of a sound system of labor protection

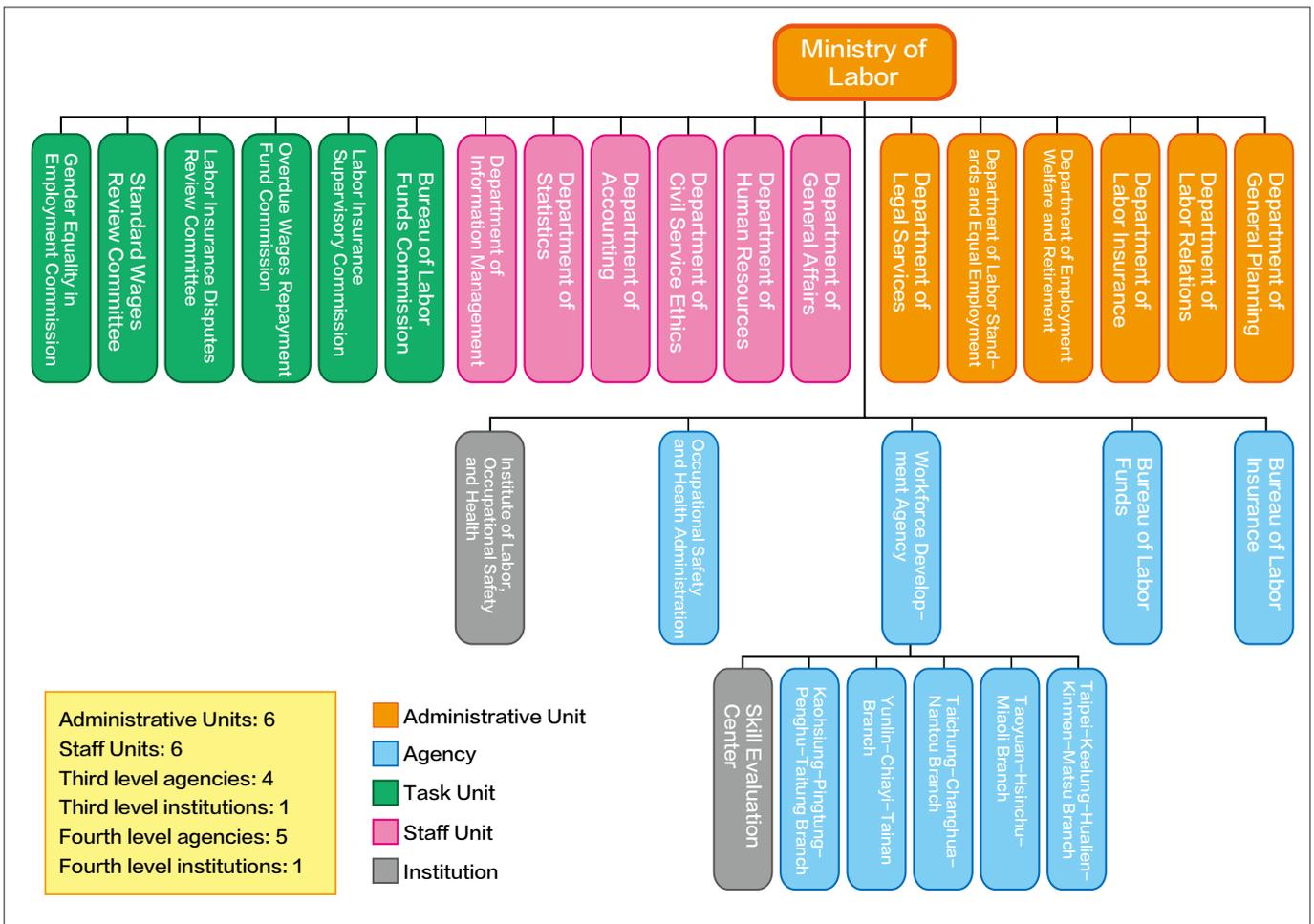
The headquarters of the Ministry of Labor is responsible for policy planning and overseeing labor protection system, allowing the functions of policy planning and supervision to be more closely integrated and improving supervisory mechanisms. The Bureau of Labor Insurance, which is responsible for managing the balance of funds, has been reclassified from a functional institution to a third-level administrative agency. In addition to improving the administrative effectiveness of the sustainable development of the funds, it is given primary responsibility for labor insurance underwriting, payments, and financial revenues and expenditures, comprehensively improving the efficacy of service. The Bureau of Labor Funds is responsible for the management and utilization of funds, overseeing the management and utilization six major labor funds: the New Scheme Worker Retirement Fund, the Old Scheme Worker Retirement Fund, the Labor Insurance Fund, the Employment Insurance Fund, the Occupational Accident Protection Fund, and the Overdue Wages Repayment Fund. It is responsible for integrating fund utilization resources, expanding the diversity of fund utilization, strengthening risk control, improving labor fund utilization performance, and ensuring the economic livelihoods

of workers, and is supervised by the Ministry of Labor. In the future, the Ministry of Labor, Bureau of Labor Funds, and Bureau of Labor insurance will together form an “iron triangle” of labor protection systems.

3. Entitling everyone to a safe and healthy work environment

The MOL Labor Occupational Safety and Health Administration is a merge of the Council of Labor Affairs Labor Safety and Health and Labor Inspection Department and the three regional labor inspection offices, incorporating the planning and execution of health and safety policy to maximize organizational effectiveness, as well as meeting the modern international requirements for “separate legislation

on occupational health and safety and the establishment of a dedicated agency.” In the future, the MOL Labor Occupational Safety and Health Administration will create an environment in which everyone is entitled to a safe and healthy work environment, with the vertical integration of the planning and execution of health and safety policy, uniform occupational accident prevention and inspection measures, and the horizontal integration of occupational injury and illness reporting, diagnosis and treatment, compensation, and rehabilitation work benefitting the planning and allocation of the entire array of accident prevention resources, accelerating the decline in the rate of occupational accidents and increase in the rate of occupational health care, and providing a complete system of worker



▲ Ministry of Labor and Subordinate Unit Organizational Chart

protections from occupational accidents, ensuring a safe and healthy workforce and boosting national competitiveness.

4. Focusing organizational specialization and expanding research and development capabilities

Institute of Occupational Safety and Health (IOSH) originally devoted its efforts to investigating workplace hazard factors, improving technological research and development, and occupational illness prevention research. After the upgrade to the Ministry of Labor, in addition to maintaining the technical research and development capacity of the IOSH, the Institute of Labor, Occupational Safety and Health will serve as a policy think-tank for the Ministry of Labor, a nationwide labor, safety and health think-tank, and a national labor, health and safety technology center, add labor market and labor relations research

to its activities, and will accommodate the research of additional relevant labor issues, making the scope of its labor research more thorough, with specialists engaged in problem-oriented practical research to provide strong support for the formulation of policy.

Conclusion

The official establishment of the Ministry of Labor reflects the level of importance that the country attaches to “labor.” In the future, the Ministry of Labor will hold to a policy orientation of autonomy, equality, and development, with the goals of improving autonomous labor relations, creating a fair and just labor environment, and building a developing labor market, in hopes of creating a new vision of “decent work ” for all.



Ministry of Labor legislates occupational accident insurance for a comprehensive system of occupational accident coverage

Labor ordinances in Taiwan involving the protection of workers suffering from occupational accidents include the Labor Standards Act, which stipulates employers' liability in providing compensation for occupational accidents, the Labor Insurance Act which contains provisions on various insurance benefits provided by occupational accident insurance, and the Labor Safety and Health Act and Labor Inspection Act which contain provisions on the prevention of occupational accidents. Since the above laws are not applicable to all workers, and in practice there are still employers who do not enroll their workers in labor insurance according to regulations, or, when occupational accidents affect their workers, do not perform their responsibility under the Labor Standards Act to provide compensation for occupational accidents, the Occupational Accident Labor Protection Act (OALPA) was implemented on April 28, 2002, to prevent the occurrence of occupational accidents, enhance the safety of workers, and ensure the livelihoods of workers suffering from occupational acts and their families or surviving dependents.

Since the implementation of OALPA, workers suffering from an occupational accident may apply for financial subsidies pursuant to the provisions of the Act regardless of whether they are enrolled in labor insurance. The implementation of the Act does not increase the burden of insurance premiums on either workers or employers, as the expenses of subsidies for workers suffering from an occupational accident who are not enrolled in labor insurance is paid from public budget compiled by the government. The implementation of this Act incorporates three major systems for occupational accident prevention, rehabilitation, and compensation, resulting in a more complete and substantive system of occupational accident coverage.

Problems facing OALPA

Although the R.O.C. has already covered employer liability for occupational accident compensation by social insurance, and implemented the labor insurance annuity system on January 1, 2009, however, labor insurance is currently a general insurance, with regulations related to occupational accident insurance limited by the finances of ordinary accident insurance, insurance premium costs, the appropriate degree of protection, and other basic principles not being able to reflect workers' earned income, and with OALPA essentially being a complementary set of protective provisions, there are issues of insufficient protections from occupational accidents. Analysis of several major issues facing the occupational accident insurance system is outlined below.

1. Insurance enrollment is not mandatory for employers with fewer than four employees, and their workers are unable to receive occupational accident benefits when accident occurs.

Since the existing labor insurance is a general insurance, some employers do not enroll their workers to avoid the burden of ordinary accident insurance premiums, resulting in workers being unable to receive insurance benefits when an occupational accident occurs.

2. Upper limits on insured earnings result in employer's compensation liability not being fully offset.

Ordinary accident insurance must take into consideration the ability of both workers and employers to afford insurance premiums, appropriate livelihood provided by social insurance, and other factors. The Labor Insurance Insured Earnings Classification Table sets upper and lower limits on earnings, where the original wages or salary of a worker suffering from an occupational

accident exceed the upper limits for insured earnings, the employer's occupational accident compensation liability will not be fully offset, resulting in a heavy burden.

3. Standards for calculating occupational accident insurance annuity payments are insufficient to protection those with less seniority

Under the current regulations, seniority is included in the calculation of disability and surviving dependant annuity payments for workers suffering from occupational accidents. Therefore, workers who entered the labor market after the implementation of the labor insurance annuity system on January 1, 2009 would only receive basic livelihood annuity when they suffer from an occupational accident, which is often insufficient for protection.

4. Continuous funding to cover occupational accident prevention and rehabilitation expenditures for a sustainable operation

Expenses required for occupational accident prevention and rehabilitation work conducted pursuant to OALPA are paid for from the 40% of the annual balance of occupational accident insurance revenues and expenditures allocated to the Occupational Accident Protection Fund. In order to provide competent agencies to enhance the conduct of OALPA occupational accident prevention and rehabilitation work, they should be included in the actuarial calculation of occupational accident premiums in order to benefit the sustainable operation of these activities.

Promoting separate legislation on occupational accident insurance

In order to establish a complete occupational accident insurance system, the Ministry is actively working toward separate legislation on occupational accident insurance. The core goals expected to be achieved are as follows:

1. Full inclusion of employed workers in occupational accident insurance protections

Following the legislative model of the Employment Insurance Act, coverage is to include all employed workers within the scope of protection of occupational accident insurance, with no distinction made regarding the scale or number of employees employed by business entities. This is to guarantee the livelihood of workers suffering from occupational accidents and their surviving dependents.

2. Convenient enrollment to allow natural person employers to take part in occupational accident insurance on behalf of their workers

As is done with travel insurance, provide convenient methods for enrolling in insurance (such as at convenience stores), allowing people such as natural person employers or hourly workers who lack channels for enrollment to be able to enroll quickly and conveniently so that their work safety is covered.

3. Appropriate increase in the upper limit on insured earnings

Increasing the upper limit on insured earnings by 1.3 times the highest bracket (approximately NT\$57,070) based on workers' actual wage and salary levels. This will cover the salary levels of 90% of workers, advancing the interests of workers suffering from occupational accidents as well as reasonably dispersing employer compensation risk from such accidents.

4. Enhanced protection on occupational accident disability and surviving dependent annuities

Increased occupational accident disability annuity and surviving

dependent annuities may be calculated at 50% of the average insured monthly salary, ensuring the security of the livelihood of workers with relatively short seniority suffering from occupational accidents and their families.

5. Integrating occupational accident insurance payments and subsidies provided under OALPA

Integrate occupational accident insurance payments and subsidies provided under OALPA, promptly and completely ensuring the livelihood of workers suffering from occupational accidents or their surviving families.

6. Sound funding for occupational accident prevention and rehabilitation expenses

A certain percentage of funds from occupational accident insurance premiums may be allocated each year to enhance occupational accident prevention and rehabilitation work and

ensure their sustainability.

Since implementing a labor insurance system in 1950, the R.O.C. has utilized a system of comprehensive insurance in which workers enrolled in registration according to regulations are entitled to occupational accident protections per the relevant provisions of the Labor Insurance Act when such accidents occur. Having now been in place for over 60 years, the system is familiar and accepted throughout society. Therefore, the separation of occupational accident insurance from ordinary accident insurance that is being deliberated is a deconstruction of the insurance system, and any issues with separate legislation on occupational accident insurance may have links to ordinary accident insurance and have knock-on effects. As this involves major systemic reforms, there is an urgent need to form a consensus in order to move forward smoothly.



MOL Announces Phase III Applicability of Substance Inventory Pursuant to Regulations Governing the Labeling and Hazard Communication of Dangerous and Harmful Materials and the Implementation Date Thereof

To ensure the implementation of GHS, the MOL, in its former capacity of the CLA, issued the Regulations of the Labeling and Hazard Communication of Dangerous and Harmful Materials on October 19, 2007. This regulation protects laborers' rights to the knowledge of manufacturing, handling and use of hazardous substances through the classification, labeling and SDSs thereof. Hazardous substances were announced in phases on December 31, 2008 and January 7, 2011, covering 2,151 substances.

To achieve international standards, CLA had announced 1,020 Phase III hazardous substances in accordance with National Standards CNS 15030 Classification and Labeling of Chemicals. The effective date shall be January 1, 2014. Business entities may

have their old and new labeling and communication measures operating in parallel until December 31, 2014.

The effective date for additional chemicals that possess physical hazards or health hazards as specified in National Standards CNS 15030 Classification and Labeling of Chemicals is January 1, 2016. Full implementation of GHS is January 1, 2016. Old and new labeling and communication measures may be adopted in parallel until December 31, 2016.

Please search under Labor Laws and Regulations of MOL <http://laws.mol.gov.tw/> or GHS website <http://ghs.osha.gov.tw/> for download of the electric files of the announcements and the list of 1020 hazardous chemical substances.



Ministry of Labor Provides New Training Services for the Small Enterprise Niche

In an ever-changing era of internationalization, the key to an enterprise's efforts to boost its competitive advantage lies with intangible assets such as knowledge, brands, and human capital; of these, "human capital" is a crucial factor in activating and generating enterprise value. Training mainly consists of instruction in the practicality of applicable skills based on the requirements of a particular position, and is focused on a variety of special organizational and working needs. Through training, the development of appropriate knowledge, skills, and attitudes will allow trainee achieve predetermined goals so that they may competently perform the work that they are currently responsible or for which they will be in the future. People are, therefore, vehicles of knowledge, and talent is the core component that forms organizational competitiveness. Strengthening the cultivation of talent, therefore, must not be overlooked if an enterprise is to boost its overall competitiveness.

Taiwanese companies are primarily small and medium enterprises (SMEs), accounting for some 97% or more of companies while providing over 78% of employment opportunities. SMEs clearly play a role of considerable importance in maintaining steady employment. Although some enterprises believe that talent can be recruited or poached from competitors, having internal



▲ The Ministry of Labor's Workforce Development Agency is implementing the Small Enterprises Talent Skill Progressive Program in 2014

training of employees is better at meeting a company's own manpower needs, and can enhance employee's skills as well as building employees' loyalty to and identification with the enterprise itself, making it even more important for enterprise innovation and sustainability. The government therefore needs to lend greater support to enterprises that value talent, assisting them in elimination obstacles to workforce development and training, and use public resources to spur private investment in human resource value mechanisms, stimulating greater desire by enterprises to invest in human resources and boosting national competitiveness.

Government assistance in joint “talent training”

Considering that small enterprises have a relatively small number of employees, they have limited resources to conduct training independently, while the costs that go into training are also relatively high. In order to reduce the cost of small enterprise investment in human capital, and to strengthen talent training and development, the Workforce Development Agency of the Ministry of Labor will conduct the Small Enterprises Talent Skill Progressive Program in 2014. The program will provide training plans, advisory services, training courses, and other resources individually tailored to businesses' operations and strategic orientations, assisting in filling in operational and management gaps and providing immediate training, or integrating the training needs common to various small enterprises to conduct joint training. This will not only serve the purpose of encouraging businesses to take part in the promotion of training, but also allow government resources to be used more efficiently.

For this program, vocational training centers will select quality service units (and management units) that are able to provide “guidance and training” through open tendering procedures, commissioning them to perform the various tasks involved in the program. Domestic private firms which have conducted establishment registration or business (tax) registration according to law, and which employ fewer than 51 workers enrolled in employment insurance will be eligible to apply for training assistance. After a vocational training center accepts an application from a small enterprise, the management entity will, based on the industry in which the business is engaged and the region in which it is located, arrange for suitable advisory consultants to visit the

company. Once a consultant understands the company's training needs required for its organizational operating strategy, industry development trends, and talent development, training courses will be planned, organized, and held for company employees to take part in. The recipients of training (employees) must be employed by the enterprise and be enrolled in employment insurance during the period in which services are provided under this program. The design of these advisory and training services will help to make up for shortcomings in small businesses' ability to plan and conduct training, with the expenses paid for by the program.

Applications accepted now through June 30, 2014 for the provision of 1,200 service cases

The Small Enterprises Talent Skill Progressive Program is projected to provide 1,200 service cases in 2014 to assist small businesses with employee training, with applications being accepted now through June 30, 2014. The period during which advisory services and training courses will be provided will last through November 20, 2014. The procedures for small businesses wishing to receive training to boost employees' professional abilities and overall quality and improve the health of the enterprise are simple and convenient; they need only submit their request to a vocational training center and cooperate by sending employees to take part in training. In addition to greatly reducing the administrative costs of training for small businesses, training will help employees to achieve a certain degree of improvement in their professional abilities, which will in turn be reflected by greater effectiveness in their work, a win-win for businesses and employees alike.



Partial Revision of the Labor Pension Act Passed by legislative Yuan

On January 17, 2014, Amendments of the Labor Pension Act came into force after three reading and passed at the Legislative Yuan. These new amendments will broaden the scope of applicability of the New Labor Pension Scheme; major amendments include:

1. Broadening the scope of compulsory applicability

- (1) In consideration that foreigners, people of Mainland China, and residents of Hong Kong and Macau married to nationals of the Republic of China (R.O.C.), have residency status and work in the Taiwan region, are indeed having a family and live with R.O.C. nationals, it is appropriate that they are given treatment as nationals of this country. Foreign spouses (including those from the China, Hong Kong, and Macau regions) are applicable to the new labor pension system and can enjoy the same protection after retirement.
- (2) Provisions regarding the applicable requirements of the old or new labor pension system to foreign spouses (including those from China, Hong Kong, and Macau regions) who obtained R.O.C. citizenship after the Act had been implemented for five years were added.

2. Broadening the scope of voluntary contributions

- (1) Considering that self-employed operators also need to prepare for retirement, this Act is now applicable to said operators. They may make voluntary pension contributions under the precondition that they are entitled to tax benefits. The Act also clearly provides that self-employed operators may make voluntary contributions through automatic withdrawal by banks.

3. Addition of mechanism by which the Bureau of Labor Insurance may make direct adjustments where employers do not verify declarations of salary contributions

In order to take active measures to deal with the issue of employers not verifying their declarations of salary contributions, a provision has been added stating that upon investigation, the Bureau of Labor Insurance may directly make corrections or adjustments to the monthly salary contributions. This is applicable retroactively from the date of the contribution or the first of the next month after the adjustment, thereby safeguarding the interests of pension holders.

4. Addition of provision allowing people with physical and mental disability to apply for early payment of pensions

Article 47 of the People with Disabilities Rights Protection Act provides that in order to respond to the premature retirement of person with disabilities, the competent central labor authority shall establish a mechanism for the early retirement of people with disabilities in order to ensure their quality of life after leaving the workplace. Having considered other foreign legislative precedents, mechanisms for the early application for pensions largely take the condition of disability as a standard for determining eligibility. As a result, a provision has been added allowing that workers under the age of 60 who meet the conditions of disability may receive their pensions early.

5. Adjustments to standards for annuity insurance schemes

The existing provisions required that the number of workers choosing to take part in the annuity insurance scheme must be at least half of the total number of workers in order for annuity insurance to be implemented. This is a difficult condition to fulfill.



Economic Outlook and Investment Strategy in 2014 for Labor Pension Fund

Since 2013, global financial markets have been affected by issues such as the U.S. fiscal cliff, political instability in Italy after the general election, chaos in the Middle East, and political disputes in East Asia. Yet, with the loosening of monetary policy and implementation of economic stimulus plans by governments worldwide, a modest pace of recovery has been maintained. With interest rates low, liquidity continued to drive stock markets up, only to begin to fluctuate and fall in mid-May on worries that the U.S. Federal Reserve might end its policy of quantitative easing (QE) early. After a September meeting of the Fed, news was released that QE would be implemented based on economic conditions and not ended prematurely, and markets began to rise again. The Taiwan Stock Exchange, meanwhile, has performed relatively stably due to favorable factors such as the government's amendments to the Securities Transactions Tax, promotion of Free Economic Pilot Zones, the signing of the Cross-strait Service Trade Agreement, and the continued loosening of restrictions on cross-strait financial flows.

Gains from total operation of Labor Pension Fund reached NT\$93.369 billion in 2013

Amidst the continued volatility of global markets, the total gains from operation of the Labor Pension Fund (LPF) reached NT\$93.369 billion in 2013, of which NT\$55.66 billion was gains by the LPF's New Scheme, and \$37.709 billion gains by the Old Scheme. After the Labor Pension Fund Supervisory Committee was formed in the latter half of 2007, it began undertaking diversified global investments in 2008. In six years of operation under principles of prudence and stability, after making up for the losses in the 2008 financial tsunami and the global stock market disaster of 2011, the fund has made net gains of NT\$184.189 billion, representing a strong effort to protect the interests of workers.

The forecasts of major global research organizations largely indicate that global GDP growth for this year (2014) will surpass that of last year (2013). In October 2013, the International Monetary Fund (IMF) estimated that global GDP growth for 2013 and 2014 would be 2.9% and 3.6%, respectively, with growth of 1.2% and 2.0% for the two years among advanced economies and 4.5% and 5.1% for developing economies. It is generally projected that the United States will be able to recover moderately, eurozone economies will be able to shift to positive growth, and emerging markets will be able to grow slightly faster. With regard to inflation, the IMF projected consumer price increases of 1.4% and 1.8% in advanced economies and 6.2% and 5.7% in developing economies. With the moderate recovery of global economic fortunes, only a slight increase in inflation is projected in advanced economies; the relatively slow pace of the recovery of advanced economies is expected to inhibit the momentum of growth in developing economies, resulting in a slight decrease in the rate of inflation. As for the growth of Taiwan's economy in 2013 and 2014, the Directorate-General of Budget, Accounting, and Statistics projects growth of 1.74% and 2.59%, and expects

Therefore, an amendment was made that for business entities consisting of 200 persons or more may, with the agreement of the union, or, where there is no union, through agreement reached by meetings between labor and management, start offering annuity insurance if the workers propose in writing that they choose to enroll in an annuity insurance scheme.



▲ On February 17, Minister Pan Shih-Wei, Political Deputy Minister Chen Yi-Min and Huang Chao-Hsi jointly conducted the opening ceremony for the Bureau of Labor Funds, Ministry of Labor.

that the continued recovery of Europe and the United States will drive growth in exports, and that the progressive warming of cross-strait contacts provides grounds for cautious optimism on Taiwan's economic outlook.

Strengthening risk management in 2014 to ensure the interests of workers

Looking forward in 2014, major issues affecting global markets include whether the United States' QE can be tapered off, whether an agreement can be reached on a Eurozone banking union, and whether reforms decided on at the 3rd Plenary Session of the 18th Central Committee of the Communist Party of China can be smoothly carried out. In response to the modest pace of global economic growth and inflation, market interest rates remain low but may increase, and with the continued volatility of financial markets due to issues such as those noted above, the Labor Pension Fund investment strategy has continued with a prudently structured investment portfolio and diversified investment outsourcing model to achieve steady performance over the long term. Current plans are to incrementally allocate funds to mandate managed investments in high-dividend global equity and global credit and bonds, in hopes of achieving relatively high and stable returns amidst in a low-interest environment, and respond to the interest rate risk of possible rising rates through credit and bond mandates, the interest-sensitivity of which is relatively low. Investment management mandates will be given for investment in global infrastructure and real estate equity, with allocations to other types of mandates incrementally increased to disperse risk. As for onshore outsourcing, both absolute returns and relative returns will continue to be employed, with investment mandates in strategic indexes added, in hope of achieving relatively high long-term returns at comparatively low risk in order to increase the fund's gains.

Faced with fickle and unpredictable global financial trends, the Supervisory Committee will continually deepen its knowledge of markets and make responsive adjustments to its investment strategy, as well as strengthen risk management, in order to ensure the well-being of workers in retirement.



Amendments to provisions of the Labor Standards Act to protect child laborers and provisions of the Gender Equality in Employment Act related to menstruation leave

Amendments to provisions of Labor Standards Act on child workers

In recent year, the rights of child workers (and stars) have begun to catch public's attention. Although provisions in the Labor Standards Act on child worker protections are quite comprehensive, to provide more refined protections, the Council of Labor Affairs, Executive Yuan made amendments to Articles 45, 47, 77, and 79-1 of the Labor Standards Act, which passed three readings by the Legislative Yuan and entered into force on December 13, 2013. The amendment inserted a clause providing that child labor protection regulations apply mutatis mutandis to persons under the age of fifteen providing labor service to a third party through others, or directly providing labor service to receive remuneration with no employment relationship. Provisions are also added to regulate child workers' daily working hours to be under 8 hours, weekly working hours to be under 40 hours, and working on regulated day off is not permitted. Penal provisions are also added to the for violations of child labor provisions.

The provisions above authorize the Ministry of Labor to formulate determination guidelines and examination procedures with regard to the age of child workers, nature of work, amount of compulsory education, and other factors. In the future, all child workers (and stars) engaged in paid work without an employment relationship must be approved by the competent local labor administration authority before commencing work. This would provide a more complete protection of the labor rights of child workers (and stars).

Revision of Gender Equality in Employment Act provision on menstrual leave

To promote gender equality in the workplace and reduce the impact of menstrual leave on the total number of days allowed for sickness leave, as well as to balance the interests of employees and employers, the Legislative Yuan passed an amendment to Article 14 of the Gender Equality in Employment Act after three

readings, which went into force on December 13, 2013. Female employee having difficulties in performing her work during menstruation period may request one day menstrual leave each month. If the cumulative menstrual leaves do not exceed three days in a year, said leaves will not be counted toward days off for sick leave. All additional menstrual leaves are to be counted toward days off for sick leave. Wages for menstrual leaves, whether said leaves are sick leaves or non-sick leaves are subject to regulations governing sick leaves. This clause allows female employees to take one day of menstrual leave each month, with a maximum of 12 total days of menstrual leave a year. Workers governed by the Labor Standards Act whose combined menstrual leaves and sick leaves do not exceed 30 days will be paid half their wages per Article 4, Paragraph 3 of the Regulations of Leave-Taking of Workers.

For example, if employee A has taken 30 days of leave before the end of September for non-hospitalized regular injury or sickness (with no menstrual leave taken), then she may still take one unpaid menstrual leave day for October, November, and December without them being deemed absences affecting full-attendance bonuses or resulting in unfavorable treatment. If employee B has taken 30 days of leave before the end of June for non-hospitalized regular injury or sickness (including six menstrual leave days), as up to three days of menstrual leave may be taken without them being counted as sick leaves, the employee may still take three days of unpaid leave for non-hospitalized regular injury or sickness for the remaining of the year. If the regulations of the business entity are more favorable than required by legislation, said regulations shall apply. In addition, the Ministry of Labor has removed provisions under Article 14 allowing employers to request the submission of relevant documentation from those requesting menstrual leave. Beginning January 18, 2014, female employees requesting menstrual leaves are no longer required to supply proves. This allows for more concrete implementation of gender equality in the workplace.



Chairman and CEO of Chilean Socialist Party Think Tank visited CLA (now Ministry of Labor) to acquire understanding of union organization situation in Taiwan

Chairman Ricardo Núñez and CEO Hugo Espinoza of the Chilean Socialist Party think-tank, Instituto de Igualdad, paid a visit to Chairman Pan (now Minister) on Thursday January 9, 2014 to exchange opinions on the current union organization situation in Taiwan and other topics. Mr. Núñez is a former chairman of the Socialist Party and an influential figure who will enter the Cabinet in March..

The two sides engaged in lively discussion of union development during the meeting. Chairman Pan stated at the meeting that, after many years of effort, the Labor Union Act draft amendment finally completed its third reading in the Legislative Yuan on June 1, 2010, and was implemented on May 1, 2011, along with the also-amended Collective Agreement Act and Act for Settlement of Labor-Management Disputes. The implementation of the "three new labor laws" represented a new era in collective labor-management relations in Taiwan and, in the future, union development will be able to meet the public's expectation. Mr. Núñez expressed admiration and gratitude at the efforts being made in Taiwan to improve labor-management relations.

Chairman Pan also added that the CLA set up an Unfair Labor Practices Adjudication Committee to help eliminate unfair labor practices and restore normal operation of labor-management relations and establish an unfair labor practice adjudication mechanism. Through this committee, unfair labor practice cases are examined to protect labor's right to organize (the right to form unions or engage in union activity), collective bargaining right (the right to sign a collective agreements with employers), and collective dispute right (the right to unfair labor practice adjudication). Also, the CLA had, according to the law, engaged professional persons familiar with labor laws and regulations and labor-management relations to serve as adjudication committee members to ensure that the committee continues to operate under the principles of neutrality and fairness and is trusted by the people.

Through this exchange, both sides acquired a better understanding of the labor relations situations for future bilateral exchange. It is also hoped that the two sides can continue to exchange and cooperate with regards labor issues in the future. 



ISSN 2306-7454

台灣勞工簡訊

中華民國勞動部
Ministry of Labor, R.O.C

Taiwan Labor e-Quarterly

發行人/潘世偉 · 總編輯/郝鳳鳴 · 編輯委員/王厚誠、莊美娟、李仲辰 · 執行編輯/易永嘉、黃聖紘
 英譯/賴凱文 · 發行所/中華民國勞動部 · 地址/10346臺北市大同區延平北路2段83號9樓
 編輯製作/台灣經濟研究院 · 電話/02-25865000 · 編者註/中英文版本內容如有出入，以中文版本為準

專題報導



從勞委會到勞動部 業務規劃與未來展望

政策法規

- 》 勞動部推動職業災害保險單獨立法，建立完整職災保障制度
- 》 勞動部公告「危險物與有害物標示及通識規則」第三階段適用之危害物質名單及全面推動時程
- 》 小型企業之利基，勞動部提供全新訓練服務

新聞瞭望

- 》 立法院三讀通過勞工退休金條例部分條文修正案
- 》 勞退基金103年經濟展望及投資策略
- 》 修正勞動基準法童工保護規定及性別工作平等法生理假相關規定
- 》 智利社會黨智庫主席及執行長拜會行政院勞工委員會（目前升格為勞動部），瞭解我國工會組織發展現況

專題報導

從勞委會到勞動部 業務規劃與未來展望

民國40年中央勞工行政主管單位隸屬於內政部勞工司，民國70年設職業訓練局統籌全國職訓工作，民國76年8月1日行政院勞工委員會成立，承接原內政部勞工司及職業訓練局業務，後續並納編勞工保險局、勞工保險監理委員會，原省屬勞工處，青輔會青年就業服務及青年職業訓練中心業務，及設置勞工安全衛生研究所及勞工退休基金監理會。民國103年2月17日行政院勞工委員會改制為勞動部，勞動部正式成立。

勞動部置部長1人，由原勞委會潘世偉主任委員擔任，置次長3人，分別為郝鳳鳴政務次長、陳益民政務次

長、郭芳煜常務次長。勞動部內設綜合規劃司、勞動關係司、勞動保險司、勞動福祉退休司、勞動條件及就業平等司、勞動法務司等6司，及秘書處、人事處、政風處、會計處、統計處、資訊處等6處；另設勞工保險局、勞動基金運用局、勞動力發展署、職業安全衛生署、勞動及職業安全衛生研究所等5個三級機關（構），並於勞動力發展署下設北基宜花金馬分署、桃竹苗分署、中彰投分署、雲嘉南分署、高屏澎東分署及技能檢定中心等6個四級機關（構），分別掌管相關業務，功能漸趨完整。

勞動部之挑戰與願景

所有國民皆需工作，工作即勞動，因此勞動部將來所執掌之業務，係針對工作國民所涉及各項事務，提供勞動行政服務的機關。當前臺灣的勞動市場面臨全球化經濟與環境變遷、結構性失業、非典型勞動、高齡化與少子女化等挑戰，因此，如何開發及運用人力資源？如何降低經濟變遷對勞動市場的衝擊？如何建立既安全又有彈性的勞動市場政策？如何因應人口結構之改變帶來的勞動市場新課題？皆為勞動部所面臨之重要議題。改制勞動部後之責任，就是要增進勞動市場的潛力與動能，以因應日益競爭的環境，但同時也必須關心勞動市場變的彈性之後帶給勞工權益的負面影響與社會發展平衡的需求。勞動部一方面要建構符合國際勞動公約及聯合國人權兩公約之公平勞動體制，保障所有從事勞動的國民，另一方面也必須注意到我國經濟的實際環境，與時俱進的向上提升我國國民的所得與就業機會之維持，讓國民獲得合理的基本勞動保障且提升工作生活的品質。

勞動部希望為勞工勾勒出一幅勞動生活的美好願景，那就是打造一個「有人性尊嚴的工作」之未來，將秉持著自主、公平與發展的政策方向，以提升自主的勞動關係、創造公平正義的勞動環境、建立具有發展性的勞動市場作為施政主軸及願景，使全體國民在投入勞動過程中能實現自我，享有美好的工作生活，並讓勞動市場創造出更多更好的工作機會，進而繁榮經濟，實踐社會公平正義，人人活出有尊嚴的生命。

勞動部將積極推動九項施政重點，包括：「推動勞資協商與對話，促進和諧勞資夥伴關係」；「推動工作與生活平衡，促進企業之永續發展」；「推動人性尊嚴之勞動教育，形塑職業倫理價值」；「健全退休及保險制度，確保勞工經濟安全」；「禁止就業歧視落實性別平等，確保勞動者機會平等」；「打造安全衛生工作環境，維護勞動者身心健康」；「強化勞動力開發與運用，提升國家勞動競爭力」；「健全就業安全體系，促進勞動市場動能」；「實質參與國際組織，促進國際勞動事務交流」。

勞動部業務規劃及架構

勞動部為因應時勢變遷及勞工朋友對政府效能殷切期盼，歷經多年對組織做全面且系統性的檢討調整規劃，已於民國103年1月9日立法院三讀通過勞動部暨所屬共6項組織法案，並於103年2月17日正式成立，除強化原有勞委會核心職能外，透過組織精簡效益、決策層

級的提升，集中組織專業度及研發能量，並強化勞動力發展與運用、健全勞動保障制度之行政效能，提升基金運用效能，確保安全健康勞動力等業務規劃，調整勞動部組織架構更具規劃力與執行力，勞動部業務調整重點及架構如下：

（一）強化勞動力發展與運用

國家經濟發展來自企業的成長，企業成長奠基於「優質化」的勞動力及技術創新，勞動部勞動力發展署透過「勞動力運用」、「勞動力提升」及「勞動力開發」三大策略，打造國家級就業通路，並整合就業服務、職業訓練、技能檢定及創業協助體系；整合相關資源強化在地服務，充分發揮區域運籌角色，促進區域勞動力發展；未來勞動力發展署政策與執行合一，強化跨部會的協調、整合，以有效落實勞動力發展政策，各項施政作為兼顧「經濟與社會」、「長期與短期」之效益，強化方案及計畫執行動能，最後朝向「促進勞動力發展，提升國家競爭力」的新使命邁進。

（二）健全勞動保障制度之行政效能

勞動部本部負責勞動保障制度之政策規劃與監理，使決策規劃與監督功能更緊密結合，並提升監理機制；勞工保險局負責基金收支保管，並由事業機構改制為三級行政機關，除提升永續發展之行政效能外，專責勞工保險承保、給付及財務收支業務，全面提升服務效能；勞動基金運用局負責基金管理運用，統籌新制勞退基金、舊制勞退基金、勞工保險基金、就業保險基金、職災保護專款、積欠工資墊償基金等六大勞動基金之管理運用事宜，整合基金運用資源，擴展多元運用，強化風險控管，提升勞動基金運用績效，保障勞工經濟生活，並由勞動部專責監理。未來勞動部、勞動基金運用局、勞工保險局將共同打造勞動保障制度鐵三角。

（三）讓人人享有安全健康的工作環境

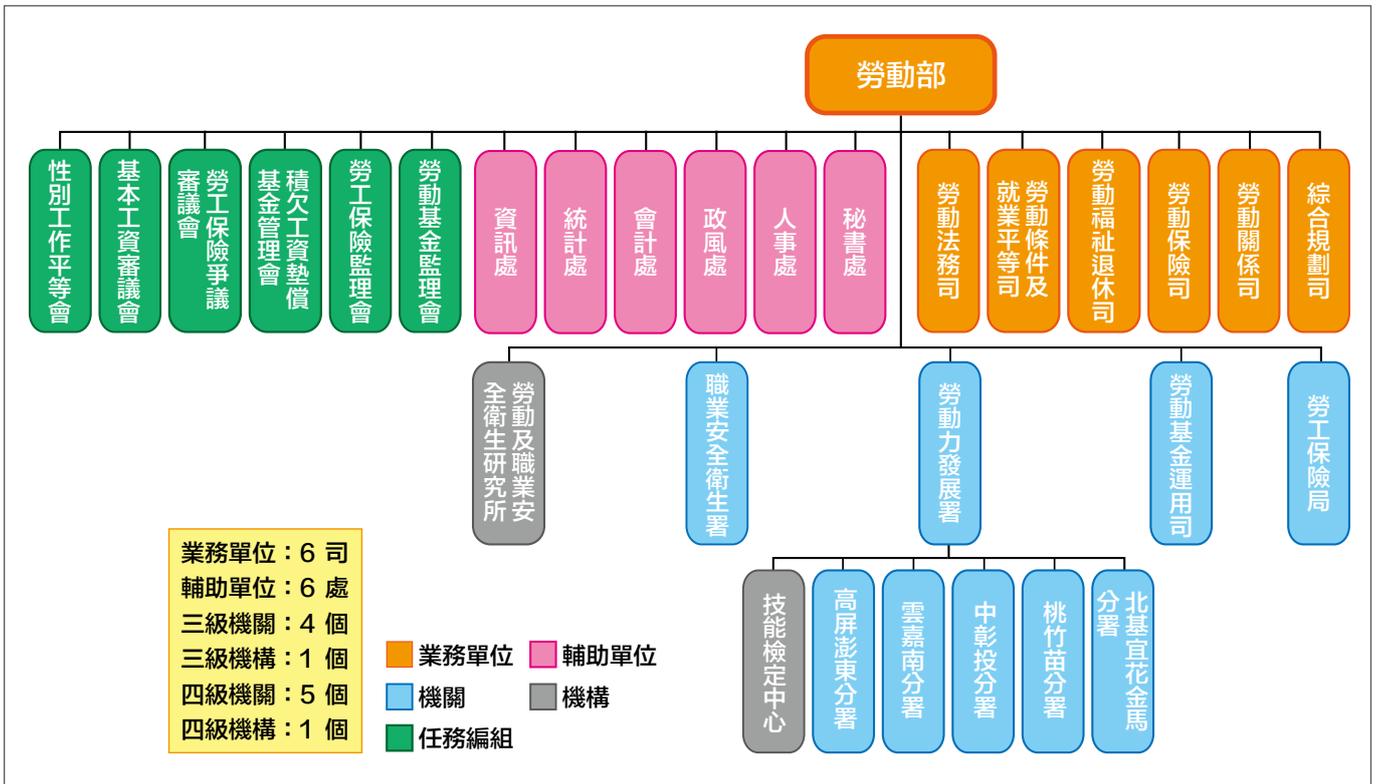
勞動部整併勞委會勞工安全衛生、勞工檢查二處及三區勞動檢查所成立「職業安全衛生署」，將安全衛生政策規劃與執行予以整合以提升組織最大效能，並落實符合國際「安衛單獨立法並設專責機構」的現代需求。未來勞動部職業安全衛生署將打造一個人人享有安全健康工作環境，藉由垂直整合安衛政策規劃力與執行力、齊一職災預防及檢查步調、水平整合職業傷病通報、診治、補償及重建業務，將有利整體防災資源之規劃與配置，加速職業災害率降低與職業健康照護率之提升，完備職災勞工保護體系，進而確保安全健康勞動力及促進國家競爭力。

(四) 集中組織專業度及擴大研發能量

勞委會「勞工安全衛生研究所」原致力於職場危害因子調查、改善科技研發與職業病預防研究，改制勞動部後，除延續勞研所技術研發能量外，未來勞動及職業安全衛生研究所將建構為勞動部之政策智庫、全國勞動與安全衛生智庫、全國勞工安全衛生技術中心，新增加勞動市場研究與勞動關係研究，將容納相關勞動議題之研究，將使勞動研究之範圍更周全，以專業人力進行問題導向的應用研究，為政策擬定最有力的後盾。

結語

勞動部已經正式成立，體現國家對於「勞動」之重視。未來，「勞動部」將秉持自主、公平、發展的政策方向，以提升自主的勞動關係、創造公平正義的勞動環境，以及建立具有發展性的勞動市場為目標，期望為全體國民打造一個「有人性尊嚴的工作」之新願景。



▲ 勞動部暨所屬組織架構圖



勞動部推動職業災害保險單獨立法，建立完整職災保障制度

我國勞動法令對於職業災害勞工之保護，於勞動基準法規定雇主職業災害補償責任；勞工保險條例定有職業災害保險各項保險給付規定；勞工安全衛生法及勞動檢查法定有職業災害預防事項。因上開各項法律目前尚未適用於所有勞工，且實務上仍有少數雇主未依規定為所屬勞工申報參加勞工保險，或於勞工遭遇職業災害時，未依規定履行勞動基準法職業災害補償責任，故

為預防職業災害之發生，加強勞工之工作安全並保障遭遇職業災害之勞工及其家（遺）屬之生活，爰於91年4月28日實施職業災害勞工保護法（以下簡稱職災保護法）。

職災保護法施行後，發生職業災害之勞工，不論是否有加入勞工保險，均可依該法規定申請補助。該法之施行，並未增加勞工及雇主之保費負擔，其補助加入

勞工保險而遭遇職業災害之勞工，及辦理職業災害預防與重建業務所需之經費，係由勞工保險基金職業災害保險收支結餘中提撥；對於未加入勞工保險而遭遇職業災害之勞工，其所需之補助經費則由政府編列公務預算支應。經由該法之施行，結合職業災害預防、重建與補償三大體系，使我國之職業災害保障體制更加完整、充實。

職災保護法面臨問題探討

我國雖已將雇主職業災害補償責任社會保險化，且於98年1月1日實施勞工保險年金制度，惟勞工保險目前為綜合保險性質，職業災害保險相關規定受限於普通事故保險財務、保費負擔、適當保障等基本原則，無法反映勞工薪資所得，及職業災害勞工保護法實質上僅為一種補充性的保護規定等，致有對職災勞工保障不足之議題，經分析目前職災保險制度面臨之主要問題，略述如下：

一、受僱4人以下之勞工尚未納入強制加保對象，發生職災事故無法獲得職災保險給付保障。

現行勞工保險為綜合保險性質，部分雇主為避免普通事故保險保費負擔，未為受僱勞工加保，致勞工發生職業災害事故時，無法獲得保險給付之保障。

二、勞保投保薪資設有上限規定，致所得較高者勞基法雇主之職災補償無法完全抵充。

普通事故保險需考量勞、雇保費負擔能力及社會保險適度生活保障等因素，故勞工保險投保薪資分級表訂有上、下限規定。勞工一旦發生職業災害事故，如其原領薪資超過投保薪資上限規定，雇主職業災害補償責任將抵充不足，造成沉重負擔。

三、職業災害保險年金給付之計算標準，對年資短者保障不足

勞工發生職業災害請領失能或遺屬年金給付，現行規定納入年資計算，致98年1月1日勞工保險年金制度實施後始進入勞動市場者，於發生職災事故時，因其年資短，所能請領之年金金額可能僅為基本保障年金，常有保障不足之議。

四、職災預防、重建之經費來源，需有固定財源挹注，以利永續經營。

目前依職災保護法辦理之職業災害預防及重建業務所需費用，係由每年職災保險收支結餘提撥40%至

職災保護專款中予以支應，為提供專責機構加強辦理職災保護法職業災害預防、重建業務，應將其納入職災保險費率精算，以利職業災害預防、重建業務永續經營。

推動職災保險單獨立法

為建立完整職災保險制度，積極推動職業災害保險單獨立法，預期達成之核心目標如下：

一、受僱勞工全面納入職災保險保障

仿就業保險法立法方式，不分事業單位規模大小及人數，將受僱勞工全部納入職業災害保險之保障範圍，以確保職業災害勞工及其遺屬生活。

二、提供簡便加保方式，讓自然人雇主為所屬勞工參加職災保險

仿旅遊平安險，提供簡便加保方式（如便利商店），讓自然人雇主或缺乏加保管道等之按日僱用者，有一簡便迅速之加保方式，保障其工作安全。

三、適度提高職業災害保險投保薪資上限

參考勞工實際薪資水準，將職災保險投保薪資上限提高至勞保最高一級之1.3倍(約57,070元)，可含括90%勞工薪資水準，俾增進勞工職業災害權益，並合理分散雇主職業災害補償風險。

四、加強職災保險失能、遺屬年金之保障

增加職災保險失能、遺屬年金可選擇按平均月投保薪資50%計算，保障年資較短職災勞工及家屬生活安全。

五、整併職災保險給付及職災保護法津貼補助

整併職災保險給付及職災保護法津貼補助，提供職災勞工或遺屬及時完整生活保障。

六、健全職災預防及重建經費之挹注

每年可從職災保險費中提撥一定比率金額加強辦理職災保護法預防、重建業務，永續經營。

我國自民國39年實施勞工保險制度，即採綜合保險性質，勞工依規定辦理加保，發生職業災害時可依勞工保險條例相關規定享有職災保險之保障，制度施行迄今60餘年，廣為各界熟悉、接受。因此，研議將職災保險獨立於普通事故保險外，係將勞工保險制度解構，且職災保險單獨立法之任何議題皆可能對普通事故保險造成連動、拉抬效應，事涉制度重大變革，亟需凝聚共識，方能順利推動。



勞動部公告『危險物與有害物標示及通識規則』 第三階段適用之危害物質名單及全面推動時程

為配合聯合國化學品全球分類與標示調和制度（GHS）之推動，並使勞工藉由危害性化學品之分類標示及物質安全資料表，知悉製造、處置或使用危害物質之安全衛生資訊，保障勞工知的基本權利，勞動部前身行政院勞工委員會於96年10月19日發布「危險物與有害物標示及通識規則」，以分階段方式公告指定適用之危害物質，分別於97年12月31日及100年1月7日公告第一、第二階段適用之危害物質共計2,151種。

為持續與國際接軌，勞動部前身行政院勞工委員會已公告指定第三階段適用之危害物質名單計1,020種，

並自103年1月1日起適用，事業單位於103年12月31日止，其新舊標示及通識措施得併行；另指定之危害物質外，其他符合「國家標準15030化學品分類及標示系列」具有物理性危害或健康危害之化學物質，自105年1月1日起適用，意即自105年1月1日起，我國工作場所化學物質之分類及標示，將全面採行GHS制度，事業單位其新舊標示及通識措施得併行至105年12月31日止。

上述公告電子檔及危害物質名單，請至勞動部勞工法令查詢系統（<http://laws.cla.gov.tw/>）或GHS化學品全球調和制度網站（<http://ghs.cla.gov.tw/>）下載。



小型企業之利基，勞動部提供全新訓練服務

在日益變遷的國際化時代下，知識、品牌及人力資本等無形資產已是企業提升本身競爭優勢的關鍵所在，其中又以「人力資本」更是活絡並創造企業價值的首要因素。訓練是以教授實際應用的技能為主，以特定的職務為主要內涵，著眼於各種組織上與工作上的特殊需要，藉由訓練以發展適當的知識、技能和態度，使受訓者的表現能達成所需的預定目標，以勝任其目前或未來所負責之工作，「人」即是知識之載具，而人才也是形成組織競爭力的核心要素，因此，若要提升企業整體競爭力，對於人才培育的強化，即不容小覷。

臺灣企業型態以中小型企業為主，約佔97%以上，同時提供78%以上的就業機會，顯見中小型企業對於穩定就業是相當重要的角色，雖然部分企業認為可透過招募或挖角即可獲得人才，但其實自行培訓員工更能符合企業本身的人力需求，不但可強化員工技能，無形中亦增加了員工對企業本身的忠誠度、認同感及歸屬感，對於企業創新、永續經營更具重要性。因此政府需對於這些惜才的企業予以更多支持，協助排除人力發展與培訓障礙，並透過公共資源促進民間投資人力價值之機制，激發企業人力資本投資意願與行動，提升國家的競爭力。



▲ 勞動部勞動力發展署於103年度推動辦理小型企業人力提升計畫



▲ 該計畫預估103年度將提供1,200件以上之服務案量

政府協助辦理聯合「人才訓練」

另鑒於小型企業對於人力資本投資，因員工人數相對較少，自行辦理訓練的資源條件較為有限，訓練的成本支出亦相對較高，為協助減輕小型企業投資人力資本之成本運用，並強化健全人才培訓發展，勞動部勞動力發展署於103年度推動辦理「小型企業人力提升計畫」，透過提供符合營運策略方向的客製化人力培訓規劃、輔導服務和訓練課程等資源，協助補充經營管理之缺口及提供即時性之訓練，或是整合各小型企業的共同訓練需求，聯合辦理訓練，不僅達到鼓勵企業參與推動訓練目的，也讓政府資源的運用更加有效率。

本計畫由職訓中心經由公開招標評選程序，擇定可提供「輔導訓練」之優質服務單位（彙管單位），委託辦理本計畫各項庶務事項。適用對象為國內依法辦理設立登記或營業（稅籍）登記，且受僱勞工參加就業保險之人數未滿51人之民間企業。職訓中心受理小型企業提出申請後，將由彙管單位依企業所屬產業別、區域別，安排適宜之輔導顧問進場，在瞭解企業組織營運策略、

產業發展趨勢及人才發展等所需之訓練需求後，規劃安排訓練課程之執行，以提供企業員工參訓，訓練對象（員工）須為本計畫提供服務期間，受僱於企業且具就業保險被保險人身分者。此項輔導訓練服務的設計，能彌補小型企業在規劃與辦訓能力上的不足，且相關費用由本項計畫提供。

提供1,200件以上服務案量，即日起受理申請至103年6月30日止

小型企業人力提升計畫 預估103年度將提供1,200件以上之服務案量，以協助小型企業辦理員工訓練，即日起受理申請至103年6月30日止。提供輔導服務與訓練課程辦理期間則至103年11月20日止。希望透過訓練來提升員工專業能力及素質，並強化企業體質的小型企業，只要向職訓中心提出需求，並配合指派員工參加訓練，作業相當簡便。除了大幅度地減輕小型企業訓練行政成本，也可以在員工接受訓練後，獲得員工專業能力及素質上一定程度的提升，及在工作成效展現的回饋，對企業及員工都是雙贏。



立法院三讀通過勞工退休金條例部分條文修正案

為使勞工退休新制更加完整周延，勞工退休金條例部分條文修正草案業經立法院三讀通過並於103年1月17日施行。該修法重點主要内容說明如下：

一、擴大強制適用對象

- (一) 考量與我國國民結婚，且獲准居留而在臺灣地區工作之外國人、大陸地區人民、香港及澳門居民，係與我國國民組織家庭共同生活，宜以國民待遇相待，故將外籍配偶（含大陸、港澳地區）納入適用勞退新制，保障其退休生活。
- (二) 增訂外籍配偶（含大陸、港澳地區），與本條例施行5年後始取得本國籍之勞工，其適用勞退舊制或新制之要件規定。

二、擴大自然自願提繳範圍

考量自營作業者亦有為老年生活預為準備之需，允許適用本條例，可在享有稅賦優惠之前提下，自願提繳退休金，並明定自營作業者得以銀行自動扣繳方式自願提繳退休金。

三、增訂勞保局於雇主未覈實申報提繳工資時得逕予調整之機制

為積極處理雇主如未覈實辦理勞工工資申報及調整問題，爰增訂勞保局查證後，得逕行更正或調整月提繳工資，並溯自提繳日或應調整之次月1日起生效之規定，以貫徹勞工退休金權益之保障。

四、增訂身心障礙者提早請領退休金規定

身心障礙者權益保障法第47條規定，為因應身心障礙者提前退休，中央勞工主管機關應建立身心障礙勞工提早退休之機制，以保障其退出職場後之生活品質。經參酌國外立法例，其提早請領退休金機制，多輔以失能情形為認定標準者，爰增訂勞工未滿60歲，符合失能情況時，得提前提領退休金。

五、調整年金保險制度規範

考量現行規定選擇參加年金保險之勞工人數需達全體勞工人數2分之1以上，始得實施年金保險，較難成就要件。爰修正200人以上之事業單位，經工會同意，無工會者，經勞資會議同意後，如有勞工以書面提出選擇投保年金保險，即可開辦年金保險。



勞退基金 103 年經濟展望及投資策略

102年以來全球金融市場歷經美國財政懸崖、義大利大選後政局不穩、中東局勢動盪、東亞政治紛爭等事件，然全球經濟在各國政府寬鬆貨幣政策及景氣刺激方案下仍可維持緩步復甦，低利率下的資金行情持續推升股市，惟5月中旬在市場預期美國FED 量化寬鬆(QE)政策可能提前退場的疑慮下，開始震盪走低，至9月FED會議釋放訊息，將視實際經濟情況而不會過快退場，市場開始止跌上漲；而台股則在政府釋出修正證所稅、推動自由經濟示範區、推動簽署兩岸服務貿易協議、兩岸金融往來持續鬆綁等利多因素下，表現相對穩健。

102年勞退基金整體運用收益達933.69億元

102年勞退基金在全球市場持續波動下，整體運用收益達933.69億元，其中新制基金獲利556.60億元、舊制基金獲利377.09億元。勞退基金監理會在96年下半年成立後，自97年起展開全球多元投資，6年來在審慎穩健操作原則下，經彌平97年金融海嘯及100年全球股災虧損後，淨賺1,841.89億元，戮力維護勞工權益。

依全球主要研究機構預測，普遍顯示今(103)年全球GDP成長率將優於去(102)年。IMF(國際貨幣基金)102年10月預估102、103兩年的經濟成長率，全球為2.9%及3.6%，其中先進國家為1.2%及2.0%，新興國家為4.5%及5.1%，一般預期美國可溫和復甦、歐元區經濟可轉為正成長、新興市場可以稍高速度成長。至於通膨部分，IMF預估消費者物價成長率，先進國家為1.4%及1.8%，新興國家為6.2%及5.7%，隨著全球經濟景氣溫和復甦，103年先進國家通膨僅略為回升，新興國家亦因為先進國家復甦溫和，其成長動能受到抑制而微幅回落。至於台灣102、103年的經濟成長率，主計總處預估為1.74%及2.59%，預期在歐美持續復甦下可望帶動出口成長，以及兩岸往來持續加溫下，景氣前景審慎樂觀。

103年強化風險控管，以保障勞工權益

展望103年，影響全球市場的主要議題包括美國QE能否有序縮減退場、歐元區能否達成銀行聯盟協議、中國18屆3中全會改革決定能否順利啟動等。為因應全球溫和成長及通膨，市場利率仍低但可能上升，且金融市場因上述議題而持續波動的環境下，勞退基金的投資策略仍持續審慎建構投資組合及多元化委外型態，以追求長期穩健績效。目前規劃國外委外將視市場情況分批撥款辦理全球高股息股票型及全球信用債券型委任，冀以在低利的環境下透過高股息股票可獲取較高及穩定的報酬，及藉由對利率敏感性較低的信用債委任以因應利率可能上升的利率風險；並將辦理全球基礎建設及不動產股票型委任，逐步增加另類委外配置以分散風險；至於國內委外仍採絕對報酬與相對報酬型態並重，並將新增策略性指數的委任，冀以在較低風險下追求較高的長期報酬，以提升基金收益。

面對詭譎多變的全球金融情勢，監理會將持續深化對市場的掌握與投資策略的因應調整，並強化風險控管，以保障勞工朋友退休生活之福祉。



▲ 103年2月17日勞動部潘部長世偉、陳政務次長益民、黃局長肇熙等共同舉行勞動部勞動基金運用局揭牌典禮



修正勞動基準法童工保護規定及性別工作平等法生理假相關規定

修正勞動基準法童工保護規定

近年童工(星)工作權益逐漸受到社會大眾的重視，勞動基準法童工章雖訂有相當完善之規定，惟為使童工(星)有更細緻化的保障規範，行政院勞工委員會修正勞動基準法第45條、第47條、第77條及第79條之1條文，

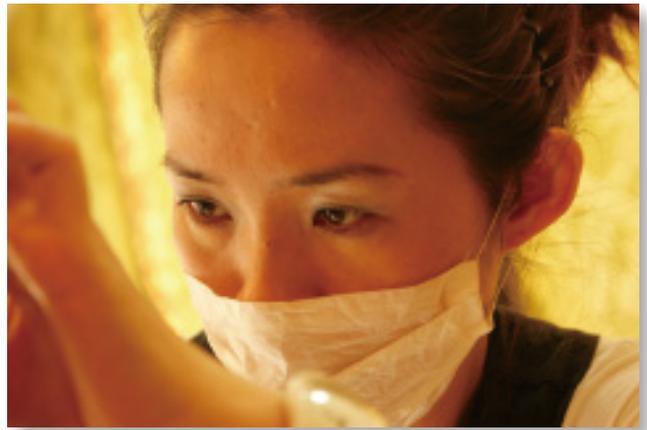
業經立法院三讀通過並於102年12月13日施行。增修未滿15歲之人透過他人取得工作為第三人提供勞務，或直接為他人提供勞務取得報酬而未有僱傭關係者，準用童工保護規定，並增訂罰則。明定童工每日之工作時間不得超過8小時，每週之工作時間不得超過40個小時，例假日不得工作。

依上開規定，授權勞動部會考量童工年齡、工作性質、受國民義務教育的時間等因素，訂定認定基準和審查程序。未來，所有童工(星)如從事有酬工作，縱未具勞僱關係，須經當地勞工行政主管機關審核許可後始得工作，將使童工(星)勞動權益保障更為完備。

修正性別工作平等法生理假相關規定

為積極促進性別工作平等，減輕女性受僱者因請生理假致影響其病假天數之情形，並兼顧勞雇雙方權益平衡，立法院三讀通過性別工作平等法第14條修正條文，並於102年12月13日施行。女性受僱者因生理日致工作有困難者，每月得請生理假1日，全年請假日數未逾3日，不併入病假計算，其餘日數併入病假計算。前項併入及不併入病假之生理假薪資，依各該病假規定辦理。該條文規定女性受僱者每月得請生理假1日，一年最多共計得請生理假12日。適用勞動基準法之工作者，生理假連同普通傷病假全年請假日數未逾30日部分，依勞工請假規則第4條第3項規定，工資折半發給。

例如某甲於9月底前已請畢未住院普通傷病假30日(未請生理假)者，則10月、11月及12月仍得依法分



別請無薪之生理假1日，惟仍不得視為缺勤而影響全勤獎金或予不利待遇；某乙6月底前已請畢未住院普通傷病假30日(含請生理假6日)者，因全年請生理假日數未逾3日不併入病假計算，爰該受僱者全年仍得請無薪之未住院普通傷病假3日。又事業單位如有優於法令規定者，從其規定。此外，勞動部刪除受僱者依性別工作平等法第14條規定請生理假，雇主得要求提出相關證明文件之規定，103年1月18日起女性受僱者請生理假時免附相關證明文件，將使性別工作平等更加具體落實。



智利社會黨智庫主席及執行長拜會行政院勞工委員會(目前升格為勞動部)，瞭解我國工會組織發展現況



智利社會黨智庫「平等基金會(Instituto de Igualdad)」主席努涅斯(Ricardo Núñez)及執行長艾斯比諾沙(Hugo Espinoza)乙行2人，於今(103)年1月9日(星期四)拜會時任前主委的潘部長，就「我國工會發展現況」等議題交換意見，努涅斯主席曾擔任社會黨主席，且將於本(103)年3月入閣，深具影響力。

席間雙方針對工會發展熱烈討論，時任前主委的潘部長首先表示，歷經多年的努力，「工會法」修正草案在99年6月1日完成三讀程序，並於100年5月1日併同已修訂完成的「團體協約法」與「勞資爭議處理法」同日施行。新

◀ 智利社會黨智庫「平等基金會(Instituto de Igualdad)」主席努涅斯(Ricardo Núñez)及執行長艾斯比諾沙(Hugo Espinoza)拜會時任前主委的潘部長

勞動三法的施行，正式開啓台灣集體勞資關係的新紀元，工會未來的發展值得國人期待。努涅斯主席對於我國致力於改善勞資關係的用心表示感佩。

此外，時任前主委的潘部長亦表示，為了迅速排除不當勞動行為，回復集體勞資關係的正常運作，建立不當勞動行為裁決機制，本會組成「不當勞動行為裁決委員會」，透過其審理不當勞動行為案件，以保障勞工組織工會或參與工會活動的團結權、與雇主簽訂團體協約之團體協商權及不當勞動行為裁決之團體爭議權。此外，勞委會(目前升格為勞動部)依法遴聘熟悉勞工法令、勞資關係事務之專業人士擔任裁決委員，以確保裁決制度能夠在中立、公正、公平的原則下持續運作，獲取民衆對此制度的信賴。

雙方藉由此次交流，對於彼此國內的勞資關係發展概況有了更進一步的認識，對雙邊的交流互動極有助益，也期望未來雙方能就勞動領域議題持續交流與合作。✎