



# 臺灣勞工

## Taiwan Labor E-Newsletter 簡訊



Global Cooperation &  
Training Framework



### Virtual Workshop on the Future of Work in Post COVID-19 Pandemic Economic Recovery

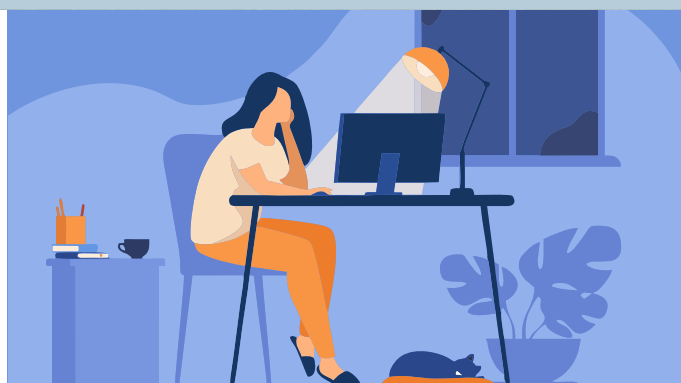


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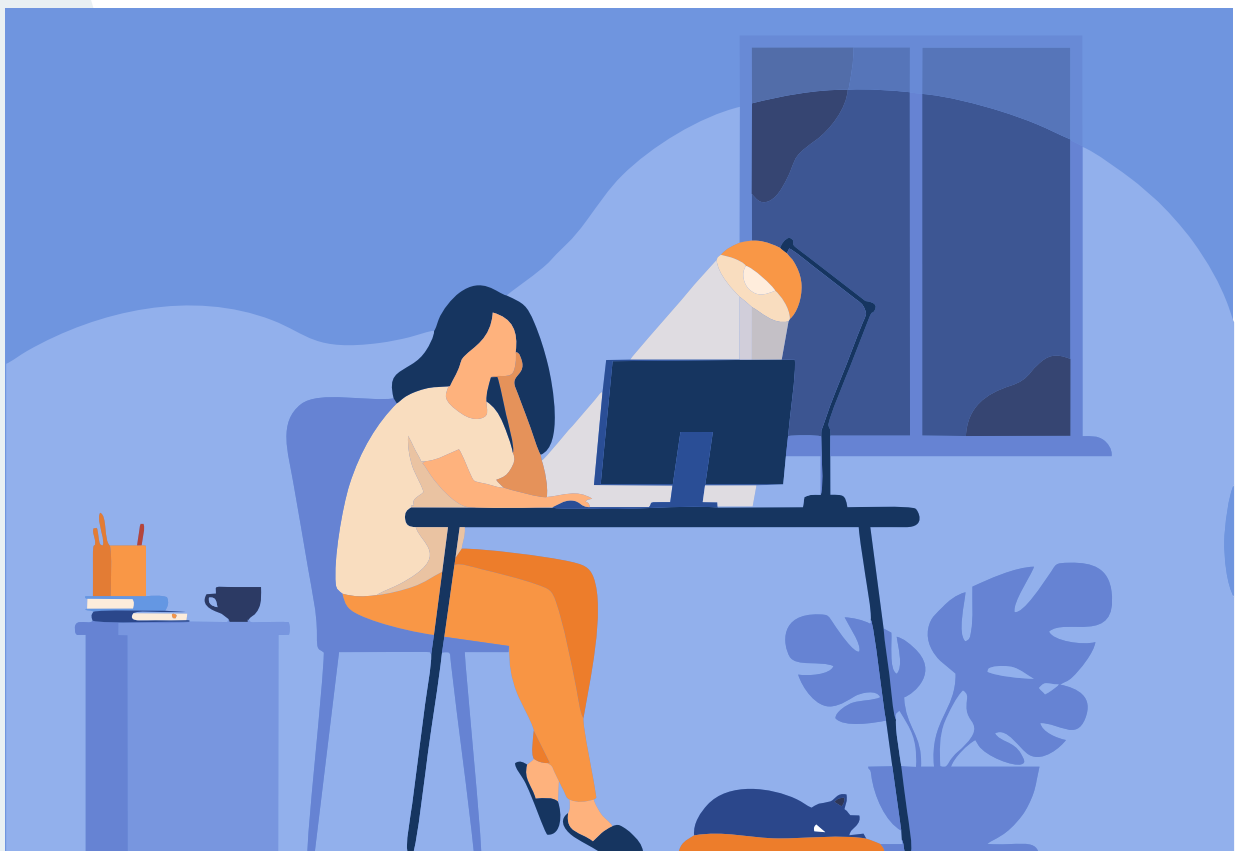
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The Chinese version rules if any contradiction in meaning exists  
between the Chinese version and English version.



# The MOL Respects the Constitutional Interpretation of the Constitutional Court, Judicial Yuan Deeming Regulations of Night Shifts for Female Workers Unconstitutional and Will Keep Reviewing the Laws That Fall Under Its Competence

- I. On August 20, 2021, the Judicial Yuan announced its Constitutional Interpretation No. 807, which deemed Paragraph 1, Article 49 of the Labor Standards Act unconstitutional. This interpretation took effect on the date of announcement. As an administrative agency, the Ministry of Labor (MOL) is certainly under the constraint of the Judicial Yuan's interpretation.
- II. However, this constraint does not affect Paragraph 3, Article 49 of the Labor Standards Act, which stipulates that female workers who are unable to work from 10 p.m. to 6 a.m. of the following day due to health or other justifiable reasons may not be forced to work by their employers. As for Paragraph 5 of the same article, which prevents female workers who are pregnant or breastfeeding from working at night, as the interpretation does not deny the necessity for maternity protection, and since maternity protection is a universal value, and specified in Article 156 of our Constitution, this paragraph shall remain valid.
- III. The MOL will continue to review the laws and policies that fall under its competence and pay attention to and promote gender equality in labor-related issues in accordance with this interpretation.



## Employers and Employment Agencies Should Respect Foreign Workers' Wishes Regarding Vaccination and Assist Them With Their Vaccination Appointments

In accordance with the vaccination guidelines of the Central Epidemic Command Center (CECC), people can now visit the "COVID-19 Vaccination Registration and Reservation" website to make a vaccination appointment according to their age group and risk level. According to the Ministry of Labor (MOL), since vaccination is not compulsory, employers or employment agencies may encourage, but not force, foreign workers to receive vaccinations. Employers or employment agencies should also assist workers with their vaccination appointments.

As the MOL explained, foreign workers may also register online to qualify for vaccination appointments in accordance with the principle of national treatment, and attend their appointments. Once a physician evaluates the worker's health condition and signs the evaluation, and the worker signs the form of intent for vaccination, a healthcare worker will administer the vaccine. For the sake of risk prevention, the MOL encourages eligible foreign workers to get vaccinated as soon as possible. The MOL has translated the booking procedure into four languages and published it on the Information Site of Foreign Worker Rights Defence, as well as on the LINE@ 1955 E-LINE to facilitate the reservation process for foreign workers.

The MOL added that if a foreign worker suffers an adverse reaction to a vaccine, his/her employer or agency should help him/her seek medical attention immediately. In the event of a severe adverse reaction or any other events caused by a vaccine, foreign workers may submit a request for compensation in accordance with the current vaccine injury relief system in Taiwan. Please rest assured that this system and the relevant procedures are very comprehensive.

For instances where employers or agencies force foreign workers to sign declarations to be vaccinated against their will, or require them to forfeit any rights, the MOL stated that foreign workers are protected just as Taiwanese nationals are by the relevant regulations from the current vaccination-incurred medical risks. If an employer directly or indirectly forces foreign workers to receive a vaccine against their will, he/she will be in violation of the provisions stated in Article 304 of the Criminal Code, will be transferred to judicial authorities for investigation, and will be punishable in accordance with the Employment Service Act.





# The United States, Taiwan, Japan, and Slovakia Cohost First Labor-centered Global Cooperation and Training Framework (GCTF) Workshop on "The Future of Work in a Post-COVID-19 Economic Recovery"

On September 9 and 10, 2021, the Ministry of Labor (MOL), the Ministry of Foreign Affairs (MOFA), the American Institute in Taiwan (AIT), the Japan-Taiwan Exchange Association (JTEA), the United States Department of Labor (USDOL), and the Slovak Economic and Cultural Office in Taipei (SECO) co-hosted a virtual GCTF workshop entitled "The Future of Work in a Post-COVID-19 Economic Recovery," which focused on labor rights. During this workshop, Taiwan shared its expertise on the "future of work" with participating countries via video conferencing. This event marked the first time Taiwan's MOL and the USDOL participated in a GCTF workshop.

Officials from the U.S., Japan, Slovakia, and Taiwan were invited to this workshop, which included topics such as, "The Impact of Post-COVID-19 Platform Economy on the Labor Market and its Regulatory Response" and "The Impact of Emerging Technologies on Occupational Safety and Health and the Development of Applied Technologies in the Post-COVID-19 Era: Occupational Safety and Health-related Risk Management in Digital Work." This workshop provided a platform for officials to discuss how to respond to the development of the platform economy, the effects on the labor market by the introduction of AI to the financial industry, and how to manage occupational safety and health in the digital workplace.

Approximately 200 government officials from 28 countries, including the U.S., Japan, Slovakia, as well as countries in the Americas, Latin America, and the Caribbean, attended the two-day workshop via video conferencing. In the future, we will continue to hold exchanges with countries around the world on labor policies and establish relevant partnerships using the GCTF as a platform for dialog and communication.



The U.S., Japan, Taiwan, and Slovakia jointly held the workshop entitled "The Future of Work in a Post-COVID-19 Economic Recovery"



# The MOL Holds Teleconferencing-based Training Events During the COVID-19 Pandemic to Improve the Competency of Mediators and Maintain the Quality of Labor-management Dispute Mediation

In July 2021, the Ministry of Labor (MOL) and the Federal Mediation and Conciliation Service (FMCS) of the United States held a virtual conference to improve the quality of mediation of labor-management disputes and to share their related expertise. In September, the MOL also organized a virtual meeting-based training course on the practice of mediation. Nearly 350 certified mediators were invited to improve their mediation knowledge and skills. While complying with COVID-19 prevention policies, the MOL and local governments will continue to train mediators, so as to provide workers with a reliable mechanism of labor dispute mediation and protect their labor rights.

To respond to the escalating pandemic, the MOL will use its now more sophisticated virtual meeting equipment to ensure the smooth progress of the courses. The Ministry has also raised the number of eligible individuals for the course and promoted instant interactions between course takers during lectures, in the hopes of bridging the gap between online learning and classroom-based learning. The MOL and local governments have always required mediators to continuously polish their skills. As for the training method, virtual trainings are indeed different from classroom-based trainings. Nevertheless, these can ensure that trainings go uninterrupted even during to the pandemic. By doing so, we can ensure that mediators acquire the skills to provide professional assistance during mediations and settle disputes accordingly between related parties.

In recent years, local governments have handled around 25,000 to over 27,000 labor dispute mediation requests every year. The overall fluctuation in the yearly number of cases is stable, with 5% increase of cases in 2020 as compared to the same period in the previous year. On the other hand, the simultaneous enactment of the Labor Incident Act did not result in a significant impact on the number of cases, which, on the contrary, shows a trend of moderate and stable growth. This trend shows that, ten years after the introduction of the mediator system, the MOL's continuous construction of a comprehensive mediator mechanism for the resolution of legal disputes out of court has won workers' trust to a certain extent.

In the future, the MOL will continue to plan and implement relevant mediator training, urge mediators to improve their skills, and review relevant practical measures with local governments when necessary to continuously refine the quality of mediation and protect workers' rights during the handling of disputes.



## Documents Required for Labor Pension Now Simplified: Translation into Chinese No Longer Required, Enhancing International-friendly Environment

The Ministry of Labor (MOL) has announced that, in line with Taiwan's "Bilingual Nation" policy, the regulations of the "Enforcement Rules of the Labor Pension Act" (New Labor Pension System) were amended and promulgated on July 12, 2021 to simplify the application procedures for applicants who cannot return to Taiwan or come to Taiwan to claim labor retirement pensions because they live abroad. If the power of attorney and identity documents attached by the applicant are in English, the Chinese translation can be waived after authentication by overseas missions or consulates of the Republic of China (R.O.C.) to achieve the effect of simplification and convenience for claimants.

The MOL further noted that, in accordance with the provisions before the amendment, in the event that a worker, his/her survivor(s), or designated person(s) reside abroad or cannot return to claim their pension payment, they may do so through power of attorney at R.O.C. embassies, consulates, representative offices abroad, or through other agencies authorized by the Ministry of Foreign Affairs of the R.O.C., or present personal identification documents from their country of residence. The power of attorney instrument and the personal identification documents should include a Chinese translation to be authenticated by an overseas mission of the R.O.C. Translations that are not authenticated shall be notarized by a court or notary public of the R.O.C. With this amendment, except where otherwise required by the Bureau of Labor Insurance (BLI) to attach the Chinese translation of the power of attorney and identity documents for review purposes, if the power of attorney and identity documents are originally in English, the applicant can directly contact the local overseas mission of the R.O.C. for authentication. The submitted documents no longer need to be translated into Chinese in order to apply to the BLI for pension payments under the new labor pension fund.





## Working Together to Protect the Job Safety of Mountain Porters

The Ministry of Labor (MOL) is concerned with the safety and health of mountain porters because of the special essence of their task. To protect their labor rights, the MOL established the Guidelines for the Occupational Safety and Health of Mountain Porter Task. These guidelines provide mountain porters and those receiving porter services with instructions and recommendations on necessary preventive equipment or scheme when implementing porter work. We call on all related parties to work together to implement the hazard prevention of mountain porter task.

Mountain porters accept commissions to carry heavy items around various mountain areas. Apart from carrying heavy items, mountain porters are also exposed to considerable hazards due to the difficulties and physiological stress caused by working in mountain areas of high altitudes and bad weather. According to the results of the "Biomechanical Study on the Workload of Porters" conducted by the Institute of Labor, Occupational Safety and Health, MOL, in 2018, 87% of mountain porters thought their porter task would cause them to musculoskeletal disorders, while 55.4% of them have suffered work-induced injuries. Therefore, these guidelines were formulated to provide a reference point. Mountain porters should develop a safety and health strategy, take necessary preventive scheme and carry appropriate equipment within a reasonable range before engaging in porter task to reduce the risk.

Through these guidelines, the MOL hopes to offer recommendations on preventive equipment or scheme for mountain porters and mountaineers receiving porter services. These guidelines allow mountain porters to avoid increased risks and accidents due to a lack of preparation, and to evaluate the costs of safety operations and risk prevention required in offering this service. In addition, through these guidelines, mountaineers receiving these services must understand the safety and health risks involved in mountain porter task, and concern the costs attached to the necessary preventive equipment and protective scheme, and the porters' labor rights. Let's work together to prevent potential hazards in mountain porter work.

