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Quarterly Focus

Toward a New Era in Collective Labor Law Revision of Taiwan's Three Labor Laws

Taiwan's "three labor laws" (Labor Union Act, Collective Agreement Act, and Settlement of Labor Disputes Act) are vital to the realization of the right of workers to organize, collective bargaining, and dispute, and to the protection of workers' rights to life and to work. The implementation of these three laws also serves as a foundation for the maintenance of stable economic development as well as an important mechanism for assuring that the fruits of economic development are shared by all the people.

Principles for the current revision of the three laws:

1. Adoption of the principle of low-degree regulation, with a focus on protection of workers' rights to organize, autonomous operation of labor union affairs, and democratization of labor union operations.
2. Elimination of controls and restrictions on the organizing of labor unions, and use of their group power to protect their legal interests and freedom of association.
3. Strengthening of protection of labor unions and their members, and elimination of restrictions on the freedom of association.
4. Establishment of a trustworthy negotiation mechanism under the principle of labor-ownership self-governance.
5. Establishment of a bargaining mode of labor-management relations and provision of a new legal environment that will

promote the booming development of self-governing labor unions that have the ability to bargain and serve a real function in collective labor-management relations.

6. Establishment of a diversified and effective labor-management dispute settlement mechanism that can resolve disputes speedily.
7. Simplification of strike procedures and appropriate regulation of collective dispute behavior.
8. Establishment of a mechanism for unfair labor practices so as to effectively resolve labor-management disputes.

The intention and spirit of the current revision is to consider both social order and the public interest, and to assure the thorough implementation of the "Three Rights of Workers" (that is, the right of association, the right of collective bargaining, and the right to strike). The revision of the three laws is aimed at making the system of Taiwan's labor-management relations more comprehensive, as explained below:

Labor Union Law

The principles of revision are protection of workers' right to association, self-governance in labor union affairs, and democratization of labor union operations, and the key points of revision are as follows:

1. Protection of workers' right to association: Reduction of entities forbidden to organize labor unions, diversification of organizational types of basic-level labor unions, and restrictions on unfair labor practices by employers.

The revisions stipulate that workers and teachers have the right to organize and join labor unions, with restrictions only on active-duty military personnel as well as munitions industries under the Ministry of National Defense or legally subject to MND supervision. In light of their duty relationship with the government under public law, the right of association of civil servants will be determined by other laws and regulations.

To provide for the diversified development of labor unions, and establish the concept of common benefit that union members should enjoy, besides maintaining the right of natural persons employed by factories and enterprise units to organize basic-level labor union, in the future the workers of companies under the control of or subsidiary to enterprise groups and financial holding companies, or parent-subsidiary companies, will be able to collectively organize company unions. Based on the principle of common benefit, workers in related industries or with related vocational skills will be allowed to collectively organize multi-enterprise industry or craft unions.

At the same time, to avoid improper firing, demotion, or other unfavorable treatment of job-seekers, union officials, or union organizers by employers, the revisions will clearly specify the modes of unfair labor practice in reference to American and Japanese laws on unfair labor practices, and will use the unfair labor practice adjudication mechanism detailed in the Settlement

of Labor Disputes Law to protect the right to association of job seekers and labor union officials.

2. Self-governance in labor union affairs:

The establishment of labor unions will be switched to a registration system, and union affairs and the selection of staff members will be handled in accordance with the rules stipulated in their charters by the unions themselves.

To meet the practical needs of self-governance by labor unions, the revisions stipulate that a preparatory committee should register the union with, and submit evidence relevant to the union's establishment to, the competent authority of the municipality, county, or city where the union is located, and procure a certificate of registration, within 30 days of the union's inaugural general meeting.

The revisions stipulate the matters which must be included in a union's charter, and that the charter must be passed by a vote of at least two thirds of the union's members or their representatives during an inaugural general meeting attended by not less than half of the members or their representatives.

3. Democratization of labor union operations:

(1) Rights and responsibilities of general meeting of members, general meeting of members' representatives, meeting of the board of directors, and meeting of the board of supervisors.

The revisions stipulate that the general meeting of members is the governing body of a labor union, and that if a labor union establishes a general meeting of members' representatives then that meeting will exercise the rights of the general meeting of members. They also stipulate that during times when a general meeting of members or general meeting of members' representatives is not in session, meeting of the board of directors will handle the labor union's affairs via a collegiate system of operation.

(2) Oversight of labor union finances

To make labor union finances more transparent and protect the interests of members, unions should follow the rules on the handling of union finances set by the competent authority of the central government and establish an autonomous mechanism for the use and auditing of revenues and expenditures. The union should also present a written report on its assets during a general meeting of members or general meeting of members' representatives every year. In addition, with the signing of a set number of members or their representatives, a representative may be sent to check union assets together with a supervisor.

Collective Agreement Act

The newly revised Collective Agreement Act adds rules and accompanying measures for good-faith bargaining. In the future, when either labor or management asks for collective bargaining, the other side may not refuse without proper reason; otherwise, the administrative agencies can adopt consecutive fines against



the side that is determined via the adjudication mechanism of the Settlement of Labor Disputes Law to have engaged in improper labor practices, so as to bring both sides into the bargaining process. This will boost the willingness of both labor and management to sign collective bargaining agreements. The key points of the revision are as follows:

1. Establishment of a good-faith bargaining mechanism

To bring the collective bargaining mechanism smoothly into operation, the revision stipulates that neither side may refuse collective bargaining without suitable reason. For an employer to engage in fake bargaining, to delay bargaining, purposely boycott the bargaining procedure, or refuse to provide information necessary for bargaining will be considered refusal to bargain without suitable reason.

A party that refuses to enter into bargaining without appropriate reason may, following a determination by the adjudication board, be fined and ordered to engage in bargaining; if that party still refuses to bargain, it may be subject to consecutive fines. This enforces the obligation of both labor and management to engage in good-faith bargaining and achieves the effect of compulsory bargaining.

2. Strengthening the rights of members to participate

The revision stipulates that when a union or employer group signs a collective bargaining agreement in the name of the group, it must carry out collective bargaining in accordance with one of the following procedures:

(1) The group's charter should be followed, if it already contains a stipulation for delegation of authority. (2) The labor union should pass a resolution by a vote of at least two-thirds of the members or members' representatives during a general membership meeting or representatives' meeting attended by more than half of members or members' representatives. (3) The party notifies all of its members, and three-fourths or more give their written agreement.

3. Protection of the results of union bargaining

To avoid an employer affording non-union members the same results as those resulting from union bargaining, which would lead to improper competition among laborers and do direct harm to the union's bargaining rights and dampen the willingness of workers to join unions, the revision stipulates that collective bargaining agreements may stipulate that an employer may not, without suitable reason, adjust labor conditions for non-union employees in accordance with group bargaining agreements.

4. Realizing the spirit of labor-management self-governance

The effectiveness of an agreement reached by collective bargaining should be founded on agreement by the two parties to the bargaining, and not on the approval of any administrative agency. With the exception of public units such as state-owned enterprises, therefore, the revision deletes the provision stipulating



that collective bargaining agreements are not effective until approved by the competent authority.

Settlement of Labor-management Disputes Law

The key points of the recently passed revision of the Settlement of Labor-management Disputes Law are as follows:

1. Addition of a single mediator and arbitrator system

To upgrade the quality of labor-management dispute mediation and convert the past non-legal mechanism into a legal procedure, the revision calls for the establishment of a single mediator system, sets up active and passive mediator qualifications, and establishes a training, evaluation, certification, and recurrent education system for people with practical experience in the settlement of labor disputes in order to strengthen their professional dispute-settlement abilities. The revision provides an additional right allowing labor and management to agree to submit a dispute for arbitration, and establishes a single arbitrator system to avoid the expense of judicial proceedings.



2. Establishment of an adjudication mechanism for unfair labor practices

To effectively resolve unfair labor practices in labor-management disputes, the Council of Labor Affairs has set up an "unfair labor practices adjudication board" to serve as a dispute settlement mechanism for cases of unfair labor practice that arise when employers fail to engage in good-faith bargaining as



required by Article 35 of the Labor Union Act and Article 6 of the Collective Agreement Act. Once a decision of the adjudication board is approved by the court, it will have the force of a court judgment. Through adjudication and relief orders, the parties to a labor-management dispute can be asked to resolve the dispute as quickly as possible, thus protecting workers' rights to organize and to negotiate.

3. Rule of Industrial Actions

The newly revised Settlement of Labor-management Disputes Act stipulates that labor disputes involving adjustment issues

may not be established as disputes unless they have undergone the mediation procedure, and that workers may not strike over disputes involving rights issues. The revision also simplifies strike procedures, stipulating that a union may not call a strike unless the action is ratified by a direct secret ballot in which more than half of all members approve.

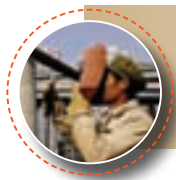
Strikes are forbidden for teachers and employees of schools and agencies under the Ministry of National Defense. Employees in water-, electricity- and gas-supply industries; hospitals; financial information service industries that handle the transfer and settlement of funds between banks; securities and futures transaction, settlement, and custodial industries; and other industries that operate payment systems must sign essential-service provisions before striking. If a labor dispute involving adjustment issues in any of the above-listed industries for which strikes are forbidden or restricted fails to be settled through mediation, either party to the dispute may request that it be submitted to the arbitration relief system.

4. Elimination of obstacles to labor litigation

A new provision temporarily eliminates the collection of one-half of the judgment fee, as provided in the Code of Civil Procedure, when a case regarding the determination of an employment relationship or the payment of wages is initiated by workers or a labor union. When workers are undertaking judicial provisional remedy proceedings, the amount of guarantee bond mandated by the court in accordance with the Code of Civil Procedure may not be more than one-tenth of the amount claimed.

5. Establishment of a labor rights fund

To settle labor disputes and protect the interests of workers, the competent agency of the central government should sponsor the establishment of a labor rights fund to provide support for workers involved in labor-management disputes, court cases, or arbitration under the Arbitration Act.



Policies Regulations

New Labor Retirement System: Five Years of Achievement

The Labor Standards Act that Taiwan implemented in 1984 set up a labor retirement system (the old system) aimed at encouraging workers to be dedicated and content in their jobs, reducing worker turnover rates, and assuring the livelihoods of retired workers. It adopted an individual employer responsibility scheme, with the employer paying the retirement pension. Under that system a worker was originally required to work for the same business entity when the worker attains the age of 55 and has worked for 15 years, or when the worker has worked for more than

25 years, before being eligible for retirement; in 2009, the Act was revised to add a new provision allowing for voluntary retirement after working for the same business entity when the worker attains the age of 60 and has worked for 10 years.

Since companies in Taiwan are mostly small or medium in size and since their average operating life is not very long, however, plus the high rate of labor turnover, it was not easy for workers to meet the conditions for retirement. Work on reforming the system was initiated in 1990, therefore, and in June of 2004 the Legislative

Yuan passed the Labor Pension Act, establishing a new labor retirement system when the Act was implemented in July of 2005. The new system uses defined contributions, and its retirement pension is linked to income. For national workers who are subject to the Labor Standards Act who take jobs and receive salaries, the employers are required to contribute not less than 6% of the workers' monthly wages into the workers' individual pension fund account.

Features of the New Retirement System

The new labor retirement system has the following characteristics:

1. Portable seniority

The new system represents a liberalization of conditions compared with the old system, which specified that the years of service needed to qualify for retirement all have to be with the same business entity. Under the new system, a worker is able to accumulate the required years of service without regard to whether he or she changes jobs, resigns, or is laid off. Years of service are portable, and can be accumulated through employment with different enterprise units.

2. Compulsory employer contributions under the new system; tax-free voluntary worker contributions

The Labor Pension Act calls for the parallel implementation of the individual pension fund account and annuity insurance systems, under which employers are responsible for allocating an amount not less than 6% of a worker's monthly wages as a contribution to the retirement fund or premiums. Workers who choose the individual account system may also contribute up to 6% of monthly salary into their accounts, for which tax benefits are provided.

3. Pension fund income guaranteed by the National Treasury

The law stipulates that the National Treasury must guarantee that the return rate generated from the use of workers' pension funds contributed shall not be less than that of the interest paid for a two-year term time deposit by local banks.

4. Workers given the right to choose between the new and old systems

Because the conditions and standards of pension payments under the new and old retirement systems are different, when the new system was implemented workers originally covered by the Labor Standards Act were allowed to choose between the new and old systems so as to provide a smooth transition between the two. Workers eligible for retirement pensions under the old system could, if they wished, continue to use the old system, so that their rights to pensions under the old system were not affected. Those who chose the new system retained their years of service accumulated under the old system, and when they meet the conditions for retirement they are given pensions in accordance with the Labor Standards Act.



5. Expansion of coverage

Employers who actually perform labor work, commissioned managers, and national workers who are not subject to the Labor Standards Act may voluntarily participate in the new labor retirement system.

6. Ease of operating cost calculation by employers

The cost of employing workers is easy to calculate, thereby reducing labor disputes over the dismissal or firing of personnel, with or without severance pay, to avoid having to make pension payments. This helps strengthen competitiveness.

Results of the New Retirement System

By April of 2010 the number of entities paying into the new retirement pension system numbered 406,526 and the number of participating workers stood at 4,911,285. Those paying into the system voluntarily numbered 287,123. By June 10, 2010 a total of more than NT\$512.6 billion in retirement fund premiums had been received, for an average collection rate of 99.60%, and payouts totaling NT\$4,387,959,724 had been disbursed to 84,663 retirees.

Strengthening Utilization of the Labor Retirement Fund

Since the new labor retirement system is a defined-contribution system, with employers being required to contribute an amount equal to at least 6% of the workers' monthly salaries, and since the amount of the pensions that workers receive when they retire has a direct effect on the assurance of their livelihoods, it is essential that the pension fund be managed and utilized in such a way that it grows in value and is able to assure retirees an income sufficient to keep them in their old age.

A Labor Pension Fund Supervisory Committee was set up on July 2, 2007 to provide for the management and utilization of the retirement fund. Under the Committee's supervision, from the Fund's inception in July of 2005 up to the end of December 2009 the Fund's average real rate of return on investment was 3.3632%, yielding a total income of NT\$32.578 billion. The average guaranteed annual rate of return is calculated at NT\$17,557,360,000, showing that the Fund's actual income was

higher than the guaranteed income, which is equal to the bank interest rate on two-year time deposits. Under the present model, the Fund will continue to be ruled by professionalism and its management will be strengthened to assure its efficient utilization,

and the multi-level assurance of economic sources for elderly laborers will boost the incentive to pay into the fund voluntarily. This system comprises a vital mechanism for supplementing the retired livelihoods of individual workers.



Policies Regulations

Action Plan of National Chemical Substance Register and Information Application

The development, production, and application of chemical substances bring great benefits to economic development and human welfare, but the potential threats to human health and the environment that chemical substances pose cannot be taken lightly. The threat of serious chemical disasters—fire, explosion, leakage, poisoning—because of unclear hazard identification, inadequate equipment, or improper handling can cause damage to life and property. The unsafe use of chemical substances can also lead to chronic health threats; for example, exposure to such substances as asbestos, benzene, formaldehyde, dioxin, or polycyclic aromatic hydrocarbons can cause cancer.

Spraying by tetra-methyl ammonium hydroxide (TMAH solvent) in high-tech industries caused two major disasters in Taiwan from 2003 to 2007, resulting in the death of three workers. Substances like TMAH are regularly used in semiconductor manufacturing, but most people are unfamiliar with their hazards. The existence of chemical substances that are not under the oversight of any government agency reveals a loophole in Taiwan's management of new chemical substances. To close that loophole, the Council of Labor Affairs and the agencies in charge of different chemical substances have mapped out a promotion program for a Action Plan of National Chemical Substance Register and Information Application (running from 2009 through 2012) and submitted it to the Executive Yuan (Cabinet) for approval and implementation. The aim is to establish a comprehensive registration mechanism for chemical substances and use a common platform for the interministerial sharing of consistent information on the physical hazards, health hazards, and environmental hazards posed by chemical substances. This mechanism can reinforce the root management of chemical substances and achieve the safe use of chemical substances, protect the health of the nation's people, and link with international development trends.

Major Current Implementation Measures

1. Regulatory revision

A legal basis for a registration and management system will



be added to the Labor Safety and Health Act. Manufacturers, importers, and sellers will be required to register with the competent central authority and submit a risk assessment report prior to manufacturing or importing new chemical substances that are not included on the central competent authority's existing inventory of chemical substances. The central competent authority will, when necessary, publicize information on risks and preventive measures; this will not apply, however, to statements that involve national security or trade secrets as determined by the central competent authority. This will build a mechanism for the reporting of new chemical substances along with their hazard threats and risk assessments, and will enable the competent authorities to maintain a full understanding of the risks appertaining to new chemical substances.

2. Establishing a inventory of Taiwan's existing chemical substances

Pursuant to a resolution passed at an interministerial

coordinating committee meeting, the Council of Labor Affairs promulgated the "Direction for Existing Chemical Substance Nomination" on Nov. 2, 2009 and established a chemical substance nomination and notification information system to take reports voluntarily submitted by manufacturers and institutions. An inventory containing more than 20,000 existing substances in Taiwan is expected to be established by the end of 2010, and the Safety and Health Technology Center was commissioned to set up a National Chemical Substance Register Office and conduct 20 promotion meetings for 4,000 participants. By June of 2010, a databank had been completed with a list of 16,000 chemical substances and identification data and 2,400 dangerous chemical substances.

3. Strengthening of international exchange

The implementation of the program has attracted enthusiastic attention from a number of important international organizations, including the European Chemical Industry Council (Cefic) and International Regulatory Compliance Network (IRCN) of Europe; the American Institute in Taiwan (AIT), American Chemistry Council (ACC), and Synthetic Organic Chemical Manufacturers Association of the United States; Japan Chemical Industry Ecology-Toxicology & Information Center (JETOC); and Ministry of Environment and Chemicals Management Association of Korea. All of these organizations have communicated by letter or visited personally to learn about the latest developments in this program, and have

provided relevant experiences and suggestions. The CLA has also participated in numerous APEC chemical dialogues and reported on progress in establishing Taiwan's Existing Chemical Substances Inventory, thus fulfilling the obligation of a member and keeping up with international trends.

Future Planning

To provide for the control of highly hazardous chemical substances and hazardous chemical substances with a high operating amount, the CLA has completed a survey of reported operating amount demand for hazardous chemical substances pinpointed for priority control by the relevant competent agencies. It has also compiled the suggestions of competent authorities along with information from at home and overseas, and has completed preliminary planning for a reporting platform for operating amounts of hazardous chemical substances. After the National Existing Chemical Substances Inventory is completed, the CLA will work in line with the revision of relevant laws with the aim of using the hazardous chemical substances operating amount reporting platform to set up mechanisms for gathering information on the distribution of hazardous chemical substances, for the prevention of chemical hazards, and for the assessment and management of chemical hazards and risks. The goal is to complete national basic construction for the safety management of chemical substances in Taiwan.



Policies Regulations

The Directions of Vocational Training Act Revision

The Vocational Training Act that was promulgated on December 5, 1983 and the subsequent implementation of subsidiary laws and regulations laid down a legal framework for vocational training in Taiwan, making exceptional contributions to the supply of technical manpower needed for economic development. The Act now needs to be revised to further promote the development of vocational training, skills testing, and skills competitions.

Main Directions of Revision

1. Addition provision for scope of vocational training to stimulate private participation in training

The revision aims to deregulate the rules so that some vocational training operations can be given to private organizations related to manpower training so as to bring in more various, and diversified training resources and allow the people of Taiwan to enhance their vocational abilities. To assure the quality of training provided by non-vocational training institutions that are

commissioned to carry out training, a training quality evaluation system will be set up in accordance with the training quality specifications of vocational training institutions.

After the regulations are revised and deregulated there will be more service station for vocational training carried out in accordance with the Vocational Training Act, making it more convenient for people to participate and saving their travel time to and from classes. People will be able to join the training classes they need closer to home and the scale and content of training courses will be diversified, thereby enhancing the occupational skills of the people.

2. Establishment of a vocational training service information platform

To upgrade human resources, the revision will, with reference to the experiences of advanced industrial nations, add competence criteria for use as a reference for individual skill training. The new criteria will be more able to meet the needs of manpower requirement for industrial development.



The central government agency in charge of labor administration and the agencies in charge of different target industries have implemented vocational training and ability assessment measures in order to promote employment and the development of the target industries. To carry out vocational training, the agencies need to first determine competence standards and develop training curricula and certification rules in accordance with their target jobs or tasks. These are the products of inputs in preliminary vocational training R&D; to make use of the knowledge assets produced by vocational training and realize synergies in the use of resources to help the public and private sectors plan and develop the knowledge needed for vocational training, it is necessary to add provisions setting standards for the integration of related service information by the competent agency of the central government. The revision will add provisions for the competent agency of the central government to coordinate and integrate the competence standards, vocational training curricula, and ability assessment standards set by the different central government agencies in charge of the target industries, as well as their vocational training

service information, in order to implement the vocational training and Skills Certification needed for employment of the people.

3. Addition of a vocational category skill accreditation system

Applications for skill accreditations will be taken by the agencies in charge of the target industries and by national non-profit professional organizations. Units that receive accreditation will be allowed to issue "vocational category skill certificates," which will carry the same qualification as technician certificates, to people who pass qualification testing. Many different and complicated types of vocational category skill certificates were issued in the past, all by government agencies, and the establishment of the accreditation systems required large investments of money and manpower. The commissioning of non-profit professional organizations to handle this task will boost professionalism and will effectively reduce administration costs. Items for preliminary input include rulemaking, system establishment, personnel development, and promotion, with advancement toward professional certification year after year. The scope of qualifying conditions, examination procedures, examination fees, grades and validity periods of certificates, termination of commission, and other management procedures for applicants and commissioned organizations will be set by regulatory order to avoid unbridled expansion and assure the value of vocational category skill certificates.

With the quality assessment inherent in vocational category skill testings, the vocational category skill certificates that workers hold will serve as certificate of their skill and ability. The utility of the certificates in showing academic equivalence, academic advancement, promotion, and employment, etc. will be the same as that of technician certificates. This will boost public acceptance and strengthen the occupational competitiveness of Taiwanese.

The revision of the Vocational Training Act is now being reviewed by the Executive Yuan (Cabinet). The CLA will continue reinforcing Taiwan's legal framework for vocational training in accordance with the opinions that arise in the course of review in the Executive Yuan and Legislative Yuan, and in conformity with the vocational training needs of the public.



Policies Regulations

Measures for Assisting to Enterprises Develop Human Resources

To help workers to retain employability, the Council of Labor Affairs is working with private training institutions to provide workers with a diversity of learning opportunities on the one hand, and on the other hand is providing various measures to encourage enterprises to invest in their employees. This double-barreled approach, with "workers eager to learn voluntarily and enterprises eager to equip workers," enhances the competitiveness of enterprises and workers alike.

Using Private Training Resources to Develop Workers' Learning Habits

To enhance the knowledge and skill of on-the-job workers, the Bureau of Employment and Vocational Training has mapped out an Industrial Human Resource Investment Program designed to integrate private training institutions to carry out diversified, practice-oriented curricula that provide workers carried under

labor and farmer insurance status with a chance to participate. The program also offers subsidies for training costs of up to NT\$50,000 (equivalent to U.S.\$1,600) per person over three years to encourage on-the-job workers to undertake independent study.

The training courses and the program's are carried out by labor groups, colleges and universities, business and industrial groups, and professional organizations. The courses consist of 16 to 144 hours of trainings and, in addition to professional and technical subjects, cover management, languages, information application, R&D and innovation, and common core competencies such as work ethics, entrepreneurship, communication and coordination abilities, team spirit, and problem analysis skills. The program, which is designed to meet the broad and diverse needs of on-the-job workers, is able to train 60,000 workers a year.

Providing Incentives for Investment in Human Capital

The internal problems that Enterprises face in carrying out employee training include insufficient consensus, a lack of dedicated human capital units, and the difficulty of determining return on investment in human resources. External problems include inadequate information about instructors and training support, a problem which is particularly pertinent to the small and medium enterprises that make up 97.7% of Taiwan's businesses. For these reasons, help is needed to cultivate the practice among business units of investing in human capital on their own initiative.

The Bureau of Employment and Vocational Training is carrying out the Plan to Help Business Entities Upgrade Human Resources, which is designed to encourage Enterprises to come up with operating strategy directions and manpower needs, and work out customized personnel training plans. (They can also expand the effects of their training efforts by working with other Enterprises having industrial or regional development linkage in carrying out joint training activities.) Seminars are held throughout the country and free guidance consulting services are offered to help enterprises plan personnel training courses, and subsidies are offered to cover 40-70% of training costs up to a maximum of NT\$950,000 (equivalent to U.S.\$30,400) for each enterprise or NT\$1.9 million (equivalent to U.S.\$60,800) for pool training carried out by different enterprises. These efforts help an average of about 1,400 Enterprises every year.

Establishment of a Training Quality Assessment System

In 2005 the Bureau of Employment and Vocational Training worked out, with reference to ISO 10015, England's IIP (Invest in People) system, and the status quo of Taiwan's training industry, a training quality system dubbed the "Taiwan TrainQuali System" (TTQS, was established). This system addresses the different stages of training programs—planning, design, execution, review, and outcome—and provides indexes for assessing the processes

of training plans that are carried out by Enterprises, training institutions, and trade associations.

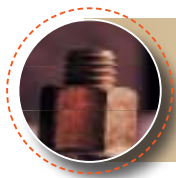
In addition to upgrade the training capability and performance of enterprises and training institutions, TTQS is also used with pre-employment and on-the-job training plans as an identification tool for training carried out by training organizations. Business units and training institutions can also link their operating strategies with the implementation of TTQS, set up a complete and systematic strategic training system in accordance with the planning-design-execution-review-outcome assessment process environment, and then implement a mechanism for the continuous improvement of training quality. This will enhance the operating performance of their training system and reinforce their competitiveness.

National HRD InnoPrize Recognizes Outstanding Human Resources and Corporate Innovation

The National HRD InnoPrize was established for the selection and commendation of Enterprises and individuals with good performance or innovative methods in the field of human resource development (HRD), and for the promotion of public understanding of HRD. The aim is to encourage business units, organizations, and individuals to use innovative methods to train high-quality manpower, and thus to drive business units, organizations, and the people to pay attention to human resources development. This will bring about the benchmarking and sharing of learning, and mold a good environment for manpower investment.

The first National HRD InnoPrizes were awarded in 2005, and by 2009 a total of 83 organizations and individuals had been recognized for their outstanding HRD performance. To continue recognizing the benchmark achievements and leading effects of human resources training organizations and individuals, and to expand the publicity effect, the 6th InnoPrize awards will be held in 2010 along with experience-sharing seminar, benchmark enterprise visits, and other promotional activities.





News Outlook

Government Works for "Perfect Occupational Safety · Zero Accidents" Public Construction

To reinvigorate the economy and expand investment in infrastructure, the government has substantially increased the number of public construction tenders. This means that contract specifications and safety inspections in regard to public construction design, supervision, and construction work should receive more and more attention. On June 23, 2010, the Council of Labor Affairs held a "public construction accident reduction pledging activity" at the "Taoyuan International Airport MRT Plan, CE02 Construction Tender for A9 Station" of the Bureau of High Speed Rail, Ministry of Transportation and Communications. About 300 people of agencies in charge of public construction, officials, and related personnel were invited to participate. During the activity, Premier Wu Den-yih personally presented "occupational safety banners" symbolizing "Perfect Occupational Safety, Zero Accidents" to the heads of the CLA, Public Construction Commission, Ministry of Transportation and Communications, Ministry of Economic Affairs, Ministry of the Interior, and Council of Agriculture. The Premier also led the leaders and other participants from agencies in charge of construction in pledging their determination to reduce accidents and work together to upgrade the safety and health of public construction work.

During his speech at the event, Premier Wu emphasized that occupational safety is the ultimate requirement, and that agencies in charge of construction, as well as the construction industry itself, should "operate in accordance with standard operating procedures," "take preventive steps to keep accidents from happening, and carry out supervisory work properly," and "allow the government agencies to take concrete action to set an example for the people" in order to assure the safety of workers.

The CLA's Minister Wang Ju-Hsuan announced during the event that all public construction projects costing NT\$200 million or more would be subjected to "construction safety inspections" within two months. After the event, she immediately chose four relevant



construction sites for joint inspections to show the government's determination to cooperate in reducing public construction accidents.

The CLA appeals to agencies in charge of public construction to make sure, during the typhoon season, that workers engaged in operations near or on the water make preparations for safety facilities such as safety vests and motor boats, and strengthen their emergency response measures. In addition, it is easy for workers to be affected by the summer heat, so drinking water should be supplied to prevent heat stroke and dizziness. The CLA hopes that all agencies in charge of construction will adopt a worker-friendly orientation concept and not hesitate to invest the resources needed to protect the safety and health of workers, create a safe, happy, and dignified working environment, and extend the "Perfect Occupational Safety, Zero Accidents" concept to all public construction projects.



News Outlook

Training Plus Learning: Youth Employment Flagship Plan Initiated

To help youngsters better understand their job competitiveness and how well they fit in with the needs of industry, gain a deeper knowledge of their competence, and make early career preparations, the Bureau of Employment and Vocational

Training of the Council of Labor Affairs has inaugurated a Youth Employment Flagship Plan aimed at youngsters aged 15 to 29. The plan is designed to bring industrial, academic, and training resources together to provide youngsters with practical and useful

employment training services, and to provide training subsidies that will attract more private enterprises to participate.

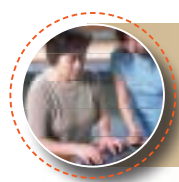
Most of the students who participated in the Youth Employment Flagship Plan in 2009 reported that the training provided them with an opportunity to learn about and adapt to the special characteristics, corporate cultures, and nature of work in the industries involved, and that through the process of experience and practice they were able to understand the reasons for their weaknesses in their own specialized fields. This made the training different from the relatively one-way "reception learning" available in schools; the internship training and real work environment, plus the interactive learning with work partners and customers, enhanced their employability. The training plan was most helpful to the participating youngsters.

The 2010 Youth Employment Flagship Plan is under way. youngsters aged 15 to 29 can register their resumes on the plan's special website and search for job openings and training plans, and do their interviews online. Participating private enterprises will be given training allowances. Training organizations wishing to apply for participation in the plan must be legally registered professional organizations; legally registered foundations (whose

donation charter or organizational charter includes the provision of training among its service items or missions); enterprises that have company registration or business registration, or are insured under employment insurance; and public or private senior high schools, vocational schools, colleges, or universities. Applicants must take the required documentation and apply to the Vocational Training Center at the location where their training is to be offered, and submit their training plans along with their applications for subsidized training.

Box

Private enterprises and interested youngsters are welcome to apply for this program. For more detailed information, please call any Training Center under the Bureau of Employment and Vocational Training (Northern Training Center: 02-8990-3608; Taoyuan Training Center: 03-485-5368; Central Training Center: 04-2359-2181; Tainan Training Center: 06-698-5945; Southern Training Center: 07-821-0171), or visit the dedicated plan website: <http://youngjob.etraining.gov.tw/>.



News Outlook

Serving an Ageing Population Government Boosts Employment Services for Older Workers

With the advent of an ageing society, the Council of Labor Affairs has mapped out policies for "provision of hiring incentives for employers," "strengthening of employment preparation and adaptation," and "lowering of obstacles to employment" to help the underprivileged middle-aged and elderly workers aged 45 to 65. The CLA has adopted a double-barreled approach of legislation and administrative measures to get rid of obstacles to the employment of middle-aged and elderly workers and help them to find jobs.

By way of legislation is being used to remove and eliminate obstacles to employment concerns that employers may have. The main reason why middle-aged and elderly job seekers run into problems is age limits, and legislation passed on May 23, 2007 encompasses "age" among the items listed in Article 5 of the "Employment Services Act" for which age discrimination is prohibited. Employers may not violate this provision, either in recruitment or hiring; otherwise, they will be subject to a fine of NT\$300,000 (equivalent to U.S.\$10,000) to NT\$1.5 million (equivalent to U.S.\$50,000) under Article 65 of the same Act. To assure the right of older people's right to work, Article 54 of the Labor Standards Act as amended on May 14, 2008 raises the compulsory retirement age from 60 to 65. Further, to guarantee workers their retirement pay and avoid employers' concerns about having to make higher pension-fund payments for older workers, the Labor Pension Act that was implemented on July

1, 2005 removes any gap in hiring costs for employers because of age differences in their employees; all the employers have to do, according to the Act, is make monthly payments into the pension fund during the actual period of employment. To assure the livelihoods of older workers during periods of unemployment, Article 16 of the Employment Insurance Act as amended on Apr. 24, 2009 lengthens the maximum period of unemployment payments from six months to nine months.

Administrative measures are being used to provide subsidy tools such as a travel allowance of NT\$500 (equivalent to U.S.\$15) to NT\$1,250 (equivalent to U.S.\$40) each time an older worker applies for a job; free vocational training, with a living allowance of NT\$10,368 (equivalent to U.S.\$323) per month during the training period; an increase in the amount grants for the hiring of each older worker from NT\$10,000 (equivalent to U.S.\$311) to NT\$12,000 (equivalent to U.S.\$373) per month for a maximum of 12 months (this provision is incorporated into the Employment Insurance Implementation Rules for the Promotion of Employment, which took effect on May 5, 2010); and the Workplace Learning and Re-adaptation Plan, which provides the employer with a month hiring-cost subsidy of NT\$17,280 (equivalent to U.S.\$537) for three months and with an NT\$5,000 (equivalent to U.S.\$155) training management allowance which requires the employer to send professionals to provide on-the-job training. For disadvantaged older workers who are urgently in need of jobs, the government

itself directly provides job opportunities paying NT\$800 (equivalent to U.S.\$25) per day under the Multi-Employment Promotion Program, Temporary Work Allowance Program, and other programs to alleviate the pressure of livelihood for older unemployed workers. Re-employment abilities are developed during periods of short-term employment to help unemployed workers return to the workplace.

Furthermore, in view of the steady improvement of the

unemployment situation while senior workers are still facing severe unemployment, the CLA carried out a variety of employment promotion plans in 2010 to boost the employment assistance provided to senior workers. These plans include The subsidy for sustainable employment Program, which provides a year-long incentive (NT\$17,280 equivalent to U.S.\$537 for the first three months and NT\$10,000 equivalent to U.S.\$311 for the following nine months) to encourage employers to hire older workers.



News Outlook

Warming Economy Boosts Manpower Demand: Employment Reaches New High

The impact of the international financial tsunami that was aroused by the American sub-prime mortgage crisis and ravaged the world beginning in the second half of 2008 pushed Taiwan's consumption and investment into a slump, leading to severe unemployment. With the global economy and the island's exports and imports heating up, however, the corporate demand for manpower has strengthened; and, with the government implementing short-term employment promotion measures, carrying out the Stimulus Program to Expand Domestic Demand by Enhancing Local Infrastructure, and organizing a Job Expo, the unemployment situation has been controlled and is improving, and the labor market is turning upward.

The employment population of July, 2010 is 10,538,000 which is increased by 55,000 or 0.52% comparing with last month, owing to the economical booming, new graduated student and summer vacation part-time workers who entered this market. It was the record high for 280,000 or 2.72% more comparing with the same month last year. As to the unemployment population is 578,000, it increased 8,000 comparing with last month. And the unemployment rate is 5.20%, 0.04% more for last month. It is the lowest increased rate of the same month over the years, and it decreased 0.87% comparing the same month last year.

1. Labor force status

In July 2010 Taiwan's labor force stood at 11,116,000, up 63,000 or 0.57% over the previous month; compared with the same month of the previous year, the figure was up 194,000 or 1.78%. Males accounted for 6,251,000 of the labor force and females 4,865,000, up 66,000 and 128,000, respectively, for growth rates of 1.07% and 2.71%.

The labor force participation rate in July was 58.29%, up 0.27 percentage points over the previous month and 0.39 points over July 2009. The male participation rate was 66.59%, and the female participation rate was 50.25%. It was the first time to break through 50%.

2. Employment situation

In July 2010 total employment stood at 10,538,000, an increase of 55,000 or 0.52% over the month before; compared with July



(Photo Courtesy of Office of President)

2009, unemployment increased 280,000 for a growth rate of 2.72%. In July 2010 male employment stood at 5,894,000 and female employment at 4,644,000; these figures represented increases of 131,000 and 149,000, respectively, compared with the same month last year, for growth rates of 2.26% and 3.32%.

Employment in services stood at 6,199,000, employment in industry stood at 3,790,000, and employment in agriculture amounted to 548,000. The increases, compared with July 2009, were 164,000 or 2.72% for services, 107,000 or 2.91% for industry, and 8,000 or 1.42% for agriculture.

3. Status of unemployment

Under the impact of new graduates entering the labor force, unemployment in July 2010 rose to 578,000, an increase of 8,000 over the previous month. Of the total, new jobseekers increased 15,000; the number of those who they were unsatisfied with their jobs, increase by 6,000, and those who lost their jobs because establishment closed or business shrunk or seasonal or temporary work of that job completed declining by 14,000 and 1,000. Compared with July 2009, unemployment was down 85,000 in the same month of 2010.

The unemployment rate in July stood at 5.20%, up 0.04 percentage points from the previous month but down 0.87 points from the same month of 2009. The unemployment rate was 5.71% for males and 4.55% for females, down 1.10 points and 0.56 points, respectively, compared with the same month of 2009. ♣

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行政院勞工委員會

Council of Labor Affairs, Executive Yuan

專題報導

- ◆ 邁向集體勞動法制新紀元
談勞動三法之修正



政策法規

- ◆ 勞退新制實施5年成效
◆ 國家化學物質登錄管理與資訊
應用機制推動方案
◆ 「職訓法」修正方向
◆ 協助事業單位發展人力資源相關
措施

新聞瞭望

- ◆ 政府打造「工安百分百·
零災害」公共工程
◆ 訓練加學習，啟動青年
就業旗艦計畫
◆ 因應人口高齡化 中高齡就業服務措施
◆ 景氣回溫，企業人力需求增強，
就業人數創新高



專題報導

邁向集體勞動法制新紀元 談勞動三法之修正

勞動三法（工會法、團體協約法、勞資爭議處理法）係具體實踐勞動團結權、協商權及爭議權，保障勞動者之生存權及工作權之重要法律。另一方面，上開三法之實施係維持經濟穩定發展之基石，並為確保經濟發展成果及全民共享之重要機制。

此次勞動三法修正之原則包括：

- 一、以「勞工團結權保護」、「工會會務自主化」及「工會運作民主化」為主軸，採低度規範原則。
- 二、解除組織工會的管制與限制，藉集體力量以保障合法權益之結社自由。
- 三、加強對工會及會員之保障，排除對結社自由之限制。
- 四、以勞資自治為原則，建立誠信協商機制。
- 五、建立協商式勞資關係，提供一個新法律環境，使具有協商能力的自主工會得以蓬勃發展，在集體勞資關係中能發揮實際作用。
- 六、建立專業、迅速、有效之勞資爭議處理機制。

七、簡化罷工程序，並對於集體爭議行為的行使，予以規範。

八、對不公平勞動行為建立裁決機制，有效解決勞資爭議。

此次修法之規範意旨及主要精神在於兼顧社會秩序及公共利益，確保勞動三權之行使，爰修正工會法、團體協約法及勞資爭議處理法，使我國集體勞資關係制度臻於完備。

工會法部分

以「勞工團結權保護」、「工會會務自主化」及「工會運作民主化」為修正原則，其修正要點為：

一、勞工團結權保護

放寬組織工會之限制、基層工會組織類型多樣化、雇主不當勞動行為之限制。

明定勞工及教師均有組織及加入工會之權利，僅針對現役軍人國防部所屬及依法監督者之軍火工業限制。 ▶▶

而公務人員之團結權，鑑於其與國家間為「公法上職務關係」，則依其他法律規定。

為使工會組織多元化發展，並建立工會會員應具共同利益之理念，以自然人組織之基層工會組織類型，除維持廠場、事業單位得組織工會外，關係企業及金融控股公司之控制公司及從屬公司或母子公司的勞工亦可以共同組織企業工會。另相關產業或相關職業技能之勞工基於共同利益理念，得跨廠場、企業共組產業工會或職業工會。

同時，為避免雇主對於求職者、工會幹部或工會發起人有不當解僱、降調等不利之待遇，爰參酌美日不當勞動行為立法，明定雇主不當勞動行為之態樣，並配合勞資爭議處理法不當勞動行為裁決機制，以保障勞工、求職者及工會幹部團結權之行使。

二、工會會務自主化

工會設立改採登記制、會務及職員之選任由工會自主於章程內規範。

為配合工會自主運作實務之需要，爰明定工會之籌備會應於成立大會後30日內檢具工會成立之相關事證，向會址所在地之直轄市、縣（市）主管機關登記請領登記證書。



明定工會章程內容之記載事項，其訂定應經由工會成立大會會員或會員代表過半數之出席，並經出席會員或會員代表三分之二以上之同意，始得訂定。

三、工會運作民主化

（一）明定會員大會或會員代表大會、理事會及監事會權責

明定工會會員大會為工會之最高權力機關，工會如設會員代表大會時，則由會員代表大會行使會員大會之職權。其次，明定理事會於會員大會或會員代表大會休會期間，由以合議制方式處理工會一切事務。

（二）工會財務監督

為使工會財務透明化，以確保會員權益，工會應參照中央主管機關訂定之工會財務處理準則，建立工會自我之財務收支運用及稽核機制，同時工會每年應在會員大會或會員代表大會中就財產狀況提出書面報告。其次，經會員或會員代表一定數額之連署，亦得選派代表會同監事查核工會之財產狀況。

團體協約法部分

新修正之團體協約法中增訂誠信協商規範與配套，未來勞資之一方要求進行團體協約之協商，他方無正當理由不得拒絕，否則經勞資爭議處理法裁決機制認定為不當勞動行為者，行政機關可採取連續罰方式，促使勞資雙方進入實質協商程序，有助於提高勞資雙方簽訂團體協約之意願。其修正重點如下：

一、建立誠信協商機制

為使團體協商機制得以順利啟動，明定勞資雙方無正當理由不得拒絕協商；另雇主佯裝協商、拖延協商、刻意杯葛協商程序或拒絕提供協商之必要資料者，亦屬無正當理由拒絕協商。

無正當理由拒絕協商，得經由裁決委員會認定者，處以罰鍰並令其進行協商，仍不進行協商者，將可按次連續處罰規範，以落實勞資雙方誠信協商義務，達到強制協商效果。



二、加強會員參與權益

明定工會或雇主團體以其團體名義簽訂團體協約時，應依下列程序之一辦理：

（一）若團體章程已有授權規定；（二）工會應先經其會員大會或會員代表大會之會員、或會員代表過半數出席，經出席會員或會員代表三分之二以上之決議；

（三）或通知其全體會員，經四分之三以上會員以書面同意。

三、保障工會協商成果

避免雇主對非會員勞工，給予工會努力協商之相同成果，導致勞工間不正當競爭、直接損害工會協商權及阻卻勞工加入工會意願，明定團體協約得約定雇主非有正當理由，不得對非工會會員，就團體協約所約定之勞動條件事項，予以調整，以保障工會協商成果。

四、落實勞資自治精神

團體協約效力之發生，應係基於雙方當事人之合意，而非行政機關之認可。故除國公營事業等公家單位外，刪除現行團體協約需報請主管機關認可始生效力之規定。

勞資爭議處理法部分

新修正通過之勞資爭議處理法修正重點如下：

一、增設獨任調解人及仲裁人制度

有效提升勞資爭議調解專業品質及將以往非法制之協調機制轉化為法制上之調解程序，特別增設獨任調解人制度，並對其建立積極資格與消極資格之要求，另對於調處勞資爭議實務經驗者，建立一套訓練考核認證機制及回流教育制度，以強化其處理勞資爭議之專業能力。另外對於權利事項增列勞資雙方可以合意交付仲裁，並建立獨任仲裁人制度，避免司法訴訟程序的耗費。

二、建立不當勞動行為裁決機制

為有效處理勞資爭議中之不當勞動行為，特別於勞委會中新設不當勞動行為裁決委員會，專責處理雇主因工會



法第35條或勞資雙方因團體協約法第6條之未履行誠信協商所產生之不公平勞動行為時之爭議處理機制，裁決委員會之裁決決定書經法院核定後，形同法院之判決，勞資爭議可以透過裁決及救濟命令方式要求勞資雙方儘速解決糾紛，維護勞工之團結權及協商權。

三、建立爭議行為之規範

新修正通過之勞資爭議處理法中明定調整事項之勞資爭議非經調解不成立，不得為爭議行為，並明定權利事



項之勞資爭議不得罷工。另外簡化罷工程序，明定工會非經會員以直接、無記名投票經全體會員過半數之同意，不得宣告罷工。

另外對於教師及國防部所屬機關（構）、學校為禁止罷工之行業，其他如自來水事業、電力及燃氣供應業、醫院、經營銀行間資金移轉帳務清算之金融資訊服務業與證券期貨交易、結算、保管事業及其他辦理支付系統業務事業，須簽定必要服務條款始得罷工。並提供上開禁止或限制罷工之行業如有調整事項之勞資爭議經調解不成後，可一方申請交付仲裁之救濟制度。

四、排除勞工訴訟障礙

增訂勞工或工會提起確認僱傭關係或給付工資之訴時，暫免徵收依民事訴訟法所定裁判費之二分之一，另勞工進行相關司法保全程序時，法院依民事訴訟法所命供擔保之金額，不得高於請求標的的金額或價額之十分之一。

五、建立勞工權益基金

為處理勞資爭議，保護勞工權益，中央主管機關應捐助設立勞工權益基金，維護勞工相關勞資爭議或事涉及司法訴訟或依仲裁法提起仲裁時之扶助。



政策法規

勞退新制實施5年成效

我國在1984年施行之勞動基準法即已建立勞工退休金制度（勞退舊制），當時立法背景係為鼓勵勞工敬業安位，減少流動率並保障勞工退休生活而定；其設計採個別雇主責任制，由雇主給付退休金。由於勞退舊制依法勞工原必須符合「在同一事業單位工作滿15年且年滿55歲」或「在同一事業單位工作25年以上」之條件（2009年4月22日修正公布另增一項「在同一事業單位工作滿10年且年滿60歲者」亦得自請退休），才能夠向雇主請領退休金。

然而，由於我國企業規模以中小企業為主，企業平均經營期間不長，且勞工流動率高，所以不易成就法定退休條件。故我國自1990年7月以來，積極推動改革，2004年6月30日立法院三讀通過勞工退休金條例（勞退新制），2005年7月1日正式施行；勞退新制採確定提撥，新制退休金與工作所得連動，適用勞基法之本國勞工如有受僱工作獲致工資之事實，雇主均需為其提繳「不低於每月工資6%」之退休金於其個人帳戶。

勞退新制特色

勞退新制具有以下特色：

一、年資為可攜式

較諸舊制退休規定，新制鬆綁了勞動基準法所規定「退休年資須於同一事業單位累積之限制」，未來勞工退休要件之成就，不受轉換工作、離職、資遣而影響，年資變成可攜式，將可於不同事業單位間累積。

二、新制係課雇主責任強制提撥，勞工自願提繳可免稅

「勞工退休金條例」係採「個人帳戶」和「年金保險」二制並行之方式，雇主每月提撥之數額或負擔之保費均不得低於勞工每月工資6%；且選擇「個人專戶制」之勞工亦可在每月工資6%的範圍內自願提撥，享有稅賦上之優惠。

三、國庫保障退休金運用收益

法律明定，國庫需負責保證「勞工退休基金」運用之收益不得低於「當地銀行2年定期存款利率」。

四、賦予勞工選擇權，勞退新舊制並存

由於勞退新制、舊制之退休金給付要件及標準不同，故新制施行時，為利勞退新、舊制銜接，原適用勞動基準法之勞工得就新舊勞工退休制度擇一適用。依勞退舊制，領得到退休金的勞工，可以選擇繼續適用勞退舊制，依勞退舊制請領退休金之權利不受到影響；選擇適用勞退新制者，舊制之工作年資先予保留，符合退休要件時依勞動基準法計給退休金。

五、擴大適用對象

實際從事勞動之雇主、委任經理人或不適用勞動基準法之本國籍勞工，得自願參加勞退新制。

六、雇主經營成本明確

僱用勞工成本易估計，減少為規避退休金而藉故資遣、解僱員工之勞資爭議，有利競爭力提升。



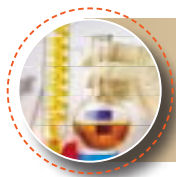
勞退新制辦理成果

截至2010年4月，提繳單位數達40萬6,526個，參加新制人數達491萬1,285人，其中個人自願提繳者28萬7,123人。截至2010年6月10日止，已收退休金達5,126億餘元，平均收繳率達99.60%；支出部分共8萬4,663件核發案，核發43億8,795萬9,724元。

加強勞工退休基金之運用

因勞退新制屬於確定提撥制，雇主每月提撥工資不得低於每月工資6%，勞工退休時所領取之退休金之數額，直接影響勞工老年生活之保障是否足夠；因此，如何透過勞工退休基金之保管、運用，使勞工退休金增值，確保勞工老年領取之退休金數額足夠，即為現階段重要之工作。

為保管、運用新制勞工退休基金，2007年7月2日設立勞工退休基金監理會，在監理會保管、運用下勞工退休基金之投資收益，自2005年7月開辦以來，截至2009年12月底止之歷年收益數為325億78萬元，實際收益率平均為3.3632%，而歷年平均保證收益率所計算之保證收益數為175億5,736萬元，顯示勞工退休基金實際運用收益高於銀行2年定期存款之保證收益。在目前模式下，未來持續以專業化為依歸，強化健全之退休基金監理，使退休金有效運用，配合勞工老年經濟來源之多層保障，強化自願提繳誘因，將是補充勞工個人退休生活之重要機制。



政策法規

國家化學物質登錄管理與資訊應用機制推動方案

化學物質的研發、生產製造和應用，造就了經濟發展與人類福祉的增進，然而化學物質對人類健康與環境潛在的危害卻是不可輕忽，因危害特性辨識不明，設施不足或處理不當，發生火災、爆炸、洩漏、中毒等重大化學災害，造成人員生命財產損失。而化學物質不安全的使用，亦造成長期慢性健康危害，例如已確認暴露於一些化學物質如石棉、苯、甲醛、戴奧辛、多環芳香烴族等化合物都可能引發癌症。

2003年及2007年國內分別發生科技產業因氫氧化四甲銨（TMAH溶液）噴濺造成2起重大職災案例共3名勞工死亡，如TMAH溶液經常使用於半導體製程但多數人卻不知其危害性亦無部會主管之化學物質，凸顯出我國對新化學物質管理之漏洞，基此，勞委會及各化學物質相關主管機關，共同研擬「國家化學物質登錄管理與資訊應用機制」推動方案（2009年至2011年度）並報院核備實施，以建置完整之化學物質登錄機制，藉由共同資訊平台，跨部會分享化學物質之物理危害、健康危害及環境危害等一致性資訊，強化化學物質源頭管理，以達成化學物質安全使用及保護國民健康並與國際發展趨勢接軌。

現階段方案重要執行措施

一、法規之配合修正

將於勞工安全衛生法中增訂化學物質登錄管理制度之法源，重點為：

製造、輸入、販賣者對於中央主管機關公告之既有化學物質清單以外之新化學物質，應於製造、輸入前向中央主管機關登記與繳交危害及風險評估報告，中央主管機關於必要時，得公開危害風險及預防措施等資訊，但聲明涉及國家安全或商業機密，經中央主管機關核定者，不在此



限，以建構新化學物質之申報及繳交危害及風險評估報告機制，並使主管機關能完整掌握新化學物質之風險。

二、建立我國既有化學物質清單

透過跨部會協調會報決議，由勞委會於2009年11月2日發布「既有化學物質提報作業要點」，並建置「化學物質提報及申報」資訊系統，受理相關廠商或機構之自願性質提報作業，預定於2010年底前建置20,000種以上國家既有化學物質清單，並委託財團法人安全衛生技術中心成立「國家化學物質登錄管理專案辦公室」，分區辦理宣導會計20場次，4,000人參加，至2010年6月計已完成16,000筆化學物質清單及2,400種危害化學物質辨識資料庫。

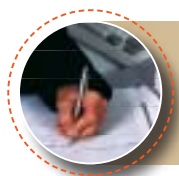
三、強化國際交流

該方案推動後獲得國際間許多重要組織之熱烈關

注，如歐洲化學產業協會（Cefic）及國際化學品管理聯盟（IRCN）、美國在台協會（AIT）及化學工業協會（ACC）、國際化學製造商聯盟協會（SOCMA）、日本化學物質管理情報中心（JETOC）、韓國環境部及化學品管理協會等，均來函或親自來訪瞭解本方案最新發展並提供相關經驗及建議，另勞委會並多次參加APEC化學對話會議（Chemical Dialogue），於會議中報告我國「既有化學物質清單」建置進度，善盡會員體之義務並與國際趨勢接軌。

未來規劃

對於高危害及高運作量危害化學物質之管制，目前已完成現階段相關主管機關就優先管控危害化學物質運作量申報需求調查，結合相關主管機關建議及國內外資訊，完成危害化學物質運作量申報平台初步規劃。未來於國家既有化學物質清單建置完成後，配合相關法源之修訂，期結合危害化學物質運作量申報平台，進行危害化學物質流佈資訊掌握、化學災害預防及化學物質危害及風險評估管理等機制，以完備我國化學物質安全管理之國家基礎建設。



政策法規

「職訓法」修正方向

職業訓練法自1983年12月5日公布施行後，相關附屬法規亦陸續發布施行，奠定我國職業訓練法制基礎，並對經濟發展所需之技術人力，卓有貢獻。惟為促進職業訓練、技能檢定及技能競賽之發展，確需修正職業訓練法。

主要修法方向

一、增列職業訓練辦理範圍，促進民間參與辦理職業訓練

此次修法，擬藉由法規鬆綁，將部分訓練業務賦予設立宗旨與人才培訓有關之民間單位，以結合更多元豐富的訓練資源，提供國民參訓，達成增進國民職業能力之效益。至於非職業訓練機構接受委託辦理訓練者，為確保其實施職業訓練之品質，將參照職業訓練機構之訓練品質規範，施以訓練品質評核制度。

預計法規鬆綁修正後，依職業訓練法辦理訓練之據點將更多，可增加民衆參訓之方便性，減少民衆交通往返時間，使民衆能就近及時參加所需之職業訓練，且辦訓之規模及辦訓內容可更多元化，有助提升民衆之就業技能。

二、建構職業訓練服務資訊平台

參考產業先進國家之經驗，其為提升人力資源，多訂

有產業職能基準，做為個人職能訓練之參考，且訂定職能基準亦較能契合產業發展用人所需。

我國勞政中央主管機關為促進國民就業及各中央目的事業主管機關為促進目的事業之發展，已依各管法規推動職業訓練及能力鑑定相關措施。另各機關為實施職業訓練，需依訓練之目標職務或目標任務，先確定「職能基準」，發展「訓練課程」及「能力鑑定」之規範，前三項為職業訓練前置研發投入之產出，為運用職業訓練研發產出之知識財，發揮資源運用綜效，以輔助公、私領域規劃發展職業訓練所需知識，宜增訂相關條文，規範由中央主管機關將相關服務資訊予以整合。此次修法即新增條文規範中央主管機關應協調、整合各中央目的事業主管機關所定之職能基準、訓練課程、能力鑑定規範與其辦理職業訓練等服務資訊，以推動國民就業所需之職業訓練及技能檢定。

三、增訂技能職類認證制度

此項制度為各目的事業主管機關或依法設立非營利為目的之全國性專業團體為申請對象；依規定經認證單位得對測驗合格者核發「技能職類證書」，其效力比照「技術士證」，以往所核發技能職類證書（照）種類多元且複



雜，全由政府機關辦理，需投入大量經費與人力建置認證作業系統，此項事務以委託非營利為目的認證專業機構方

式，最具專業性且有效降低行政成本。初期須投入經費包括：法規制定、體制建立、人才培育、推廣行銷等，逐年朝專業認證方向發展，並依申請者及受委託者之資格條件、審查程序、審查費數額、認證之等級及期間、終止委託及其他管理事項之程序，經由法規命令明確訂定範圍，避免無限制擴張，以確保技能職類證書的價值。

藉由技能職類測驗施以品質評核，持有技能職類證書的民衆，得做為個人技能能力之證明，且由於證書效力比照技術士證，實際作用如：學力比照、升學、升遷、進用、比敘等，皆與技術士證相同，可增加民衆認同度，並提升國人就業競爭力。

職業訓練法刻正由行政院審議中，勞委會將因應行政院及立法院審議之意見，廣續建構職業訓練法制環境，以及符合社會大眾對職業訓練需求。



政策法規

協助事業單位發展人力資源相關措施

勞委會希望協助勞工維持勞動價值，一方面結合民間訓練機構提供勞工多元的學習機會，另一方面透過各式措施讓事業單位樂於投資員工，在「勞工有意願自主學習，事業單位也有意願造就人才」的雙重引擎下，提升事業單位與勞工的競爭力。

結合民間訓練資源，養成勞工學習慣性

為提升在職勞工知識及技能，職業訓練局特訂定「產業人才投資方案」，結合民間訓練單位，辦理多元化、實務導向之課程，提供15歲至65歲具勞、農保身分之在職勞工選擇參加，並補助參訓勞工每人3年內最高新台幣5萬元之訓練費用，以激發在職勞工自主學習。

該方案之訓練課程由勞工團體、大專校院、工商團體、各行（職）業專業團體等單位辦理。每班訓練時數至

少16小時以上，最高以不超過144小時為原則，課程內容範圍除了各式專業技術課程之外，還包括管理類、語言類、資訊應用類、研發創新類以及共通核心職能課程（如工作倫理、專業精神、溝通協調能力、團隊合作精神、問題分析技巧等），以期滿足在職勞工廣泛而多元之需求。每年約可訓練6萬人次。

提供人力資本投資誘因

事業單位實施員工訓練之困難，內在因素包括共識不足、未設人資專責單位、難以確認投資人才所產生的投資報酬率（ROI）；外在因素包括師資及訓練支援相關資訊不足（尤其是中小型企业占全國的97.7%），所以事業單位自發性地投資人才的風氣尚有待協助。

職訓局推動辦理「協助事業單位人力資源提升計 ▶▶

畫」，鼓勵事業單位找出營運策略方向與人才需求，量身訂定員工訓練計畫（也可以結合具產業或區域發展關聯性之事業單位辦理聯合訓練活動，拓展訓練效益）。一方面透過全國各地的說明會、免費輔導諮詢服務，協助事業單位規劃員工訓練課程，另一方面則補助40~70%的訓練費用，最高補助個別事業單位新台幣95萬元或聯合其它事業單位辦訓最高補助190萬元，以提高事業單位參與意願。每年度平均約可協助1,400家事業單位辦理。

建置「訓練品質評核系統」

職業訓練局自2005年起參酌「ISO10015」、英國「IIP」制度及我國訓練產業發展情形，就訓練之規劃（Plan）、設計（Design）、執行（Do）、查核（Review）、成果（Outcome）等階段，制訂訓練品質評核系統（Taiwan TrainQuali System, TTQS），做為評估事業單位、訓練機構與工會團體辦理各訓練計畫流程之指標。

TTQS除可提升事業機構與訓練單位辦訓能力與績效外，亦被運用於職前訓練及在職訓練計畫，做為訓練單位辦訓體質之辨識工具。同時事業單位及訓練機構可藉由

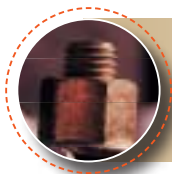
TTQS之推動實施，連接其經營策略，並依PDDRO評量流程循環，建立完整且系統化的策略性訓練體系，循序推動訓練品質持續改善機制，提升人力培訓體系之運作效能，強化競爭力。

「國家人力創新獎」表彰卓越人資與企業創新

為選拔、表彰具有人力資源培訓與發展（Human Resources Development, HRD）實績或創新具體作法之事業單位及個人，同時促進社會大眾對HRD的瞭解，特別設置「國家人力創新獎」（National HRD InnoPrize），鼓勵事業單位、團體及個人以創新手法培訓優質人才，並藉以帶動事業單位、團體與社會大眾對人力資源發展之重視，促成標竿學習及分享，型塑投資人才優質環境。

「國家人力創新獎」選拔表揚活動自2005年開始舉辦，至2009年已選拔出83名之HRD績優單位及個人；為延續推動HRD績優辦訓單位及個人在人力資源之標竿典範產出與引導效果，並擴大宣傳效益，2010年將廣續推動第6屆之選拔、頒獎典禮表揚活動、經驗分享研討會及標竿企業參訪等推廣活動，以收綜效。





新聞瞭望

政府打造「工安百分百・零災害」公共工程

政府為振興經濟擴大投資公共建設，公共工程標案量明顯增加。因此，公共工程不論在設計、監造、施工等契約規範及安全查核方面，都應該越來越加以重視。勞委會於2010年6月23日假交通部高鐵局之「台灣桃園國際機場聯外捷運計畫CE02施工標A9車站」辦理公共工程減災誓師活動，邀請公共工程主辦機關首長、主管及相關人員共約300人參加與會，活動中特邀請行政院院長吳敦義親自將象徵工安百分百、零災害之工安旗授予勞委會、工程會、交通部、經濟部、內政部及農委會等部會首長，並帶領首長及各工程主辦機關參加人員宣示減災決心，共同為提升公共工程之施工安全衛生水準努力。

吳院長在致詞中表示工安是最高的要求，各工程主辦機關及營造業經營者應做好「按照標準作業程序作業」、「應有事前預防災害發生之安全措施，更要做好監督工作」、「政府單位應採取具體行動以為民表率」等三件重要工作，保障作業勞工的安全。

勞委會主委王如玄並於活動中宣布，對造價新台幣2億元以上之公共工程於2個月內全面完成施工安全總體檢，同時在活動結束後立即抽4個相關部會之工地來實施聯合檢查，展現政府團隊合作降低公共工程災害的決心。

勞委會呼籲，颱風季節，請各公共工程主辦機關對於勞工鄰水或水上作業應備妥救生衣及動力艇等安全設施，並加強緊急應變之措施；另天氣炎熱勞工易心浮氣燥，應供應飲水，以防止熱中暑及暈眩現象，希望所有工程主辦機關「以人為本」，不吝對勞工工作安全與健康之維護投入必要資源，替勞工朋友打造一個安全、快樂、有尊嚴的工作環境，讓「工安百分百，零災害」觀念推展到所有的公共工程。



新聞瞭望

訓練加學習，啟動青年就業旗艦計畫

為使青年可以瞭解自己的就業競爭力與產業的契合度，且對自我職能有更深一層的瞭解，並提早為職涯做準備，行政院勞工委員會職業訓練局針對提升15歲以上29歲以下青年推動辦理「青年就業旗艦計畫」，結合產、學、訓資源提供青年務實致用的就業訓練服務，另也補助相關訓練費用，以吸引更多民間事業單位加入。

針對參與2009年青年就業旗艦計畫的多數學員，皆反應該訓練計畫可為他們提供對該產業特性、企業文化以及工作性質之認識及調適的機會，並透過經由「體驗」及「實作」的過程，學員才得以瞭解自己專業領域不足之處為何，且不同於學校教育較單面之「接收式學習」，經由見習訓練與真實工作環境、工作夥伴及顧客之「互動式學



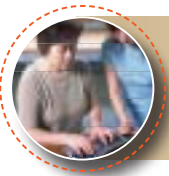
習」，可提升自我之專業職能，該計畫對於參訓青年大有助益。

2010年青年就業旗艦計畫已經啟動，只要符合15歲以上29歲以下年齡資格的青年，可上專屬網站登錄履歷，主動搜尋職缺與訓練計畫，線上投遞履歷面試，青年參與訓練計畫，民間事業單位將發予訓練津貼；在訓練單位申請資格方面，凡符合此計畫規定領有立案登記證明文件之各行（職）業專業團體、領有法人登記證明文件之財（社）團法人（其捐助章程或組織章程須具辦理訓練之服務項目或任務）、領有公司登記、商業登記證明文件，或為就業保險投保單位之事業機構、公私立高中（職）或大

專校院，皆可備齊相關文件向訓練辦理地點所在地之職業訓練中心提出訓練計畫辦理補助申請作業。

Box

歡迎民間事業單位及有意參訓之青年踴躍申請，詳情可電洽職訓局所屬職訓中心（北區職訓中心電話：02-8990-3608；桃園職訓中心電話：03-485-5368；中區職訓中心電話：04-2359-2181；台南職訓中心電話：06-698-5945、南區職訓中心電話：07-821-0171），或至本計畫專屬網站查詢（<http://youngjob.etraining.gov.tw/>）。



新聞瞭望

因應人口高齡化 中高齡就業服務措施

隨著高齡化社會的來臨，為協助45～65歲弱勢的中高齡族群，勞委會以「提供雇主僱用誘因」、「強化就業準備及適應」及「降低求職障礙」為政策主軸，採立法與行政措施雙管齊下，以排除中高齡就業障礙及協助中高齡者就業。

有關直接立法部分，可以分為排除就業障礙及消除雇主疑慮二個部分：中高齡者尋職困難主要因為「年齡限制」，2007年5月23日直接立法將「年齡」納入就業服務法第5條就業歧視之禁止項目，不論是雇主招募或僱用員工，不得違反本項規定，否則將依同法第65條規定處新台幣30萬元以上150萬元以下罰鍰等。另為保障中高齡者之工作權益，於2008年5月14日修正勞動基準法第54條，將強制退休年齡延長由60歲至65歲。再者，為保障勞工之退休金及避免雇主擔心僱用中高齡者必須負擔較高退休金之疑慮，2005年7月1日實施勞工退休金條例，使雇主的僱用成本不因受僱者年齡不同而有所差異，雇主僅需依法於實際僱用期間為所僱用之勞工按月提繳退休金。且為保障中高齡失業者失業期間的生活，於2009年4月24日修正就業保險法第16條，將中高齡失業者失業給付請領期間從最長6個月延長至9個月。

有關行政措施部分，提供各項津貼補助工具，例如提供中高齡者每次500元至1,250元之求職交通津貼；參加職業訓練時，訓練費用全免，並提供約每月10,368元的訓練生活津貼；辦理僱用獎助措施，其中雇主僱用中高齡獎助額度由每人每月新台幣1萬元提高至1萬2千元，最長以發給12個月為限，本項獎助措施整併定於「就業保險促進就業實施辦法」，並自2010年5月5日生效，而「職場學習及再適應計畫」除補助雇主僱用成本每月17,280元，最長3個月外，另外加給雇主5,000元管理訓練津貼，要求雇主必須指派專人提供在職訓練；對於弱勢中高齡失業勞工而急需就業者，由政府直接提供每日800元工作機會，包括多元就業開發方案、臨時工作津貼等方案，以紓緩中高齡失業者於失業期間之生活壓力，並於短期就業安置期間培養其再就業之能力，進而協助其重回一般職場。

再者，有鑑於失業情勢已逐漸紓緩，但中高齡者之就業情形仍然嚴峻，勞委會於2010年辦理各項就業促進計畫加強協助中高齡者就業，包括「就業啓航計畫」，透過前3個月每月補助雇主17,280元、後9個月每月補助雇主1萬元、補助期長達1年的誘因，以鼓勵雇主僱用中高齡者。



新聞瞭望

景氣回溫，企業人力需求增強， 就業人數創新高

97年下半年起，受美國次級房貸風暴衍生之國際金融海嘯衝擊，國內消費與投資低迷，就業市場嚴峻，惟隨著全球景氣與國內進出口逐漸增溫，企業人力需求增加，復以政府推動短期促進就業措施、加強地方建設擴大內需方案、辦理就業博覽會等，失業情勢已受到控制並趨於緩和，勞動市場轉趨熱絡。

受景氣好轉及應屆畢業生與暑期工讀生投入勞動市場影響，99年7月就業人數1,053萬8千人，較上月增加5萬5千人或0.52%；較上（98）年同月亦增28萬人或2.72%，創歷史新高；7月失業人數為57萬8千人，較上月增加8千人；失業率5.20%，較上月增加0.04個百分點，係歷年同月最低之增幅，較上年同月則減少0.87個百分點。

一、勞動力狀況

99年7月勞動力人數為1,111萬6千人，較上月增加6萬3千人或0.57%；如與上（98）年同月比較，亦增19萬4千人或1.78%。其中男性勞動力人數為625萬1千人，女性為486萬5千人，分別較上年同月增加6萬6千人與12萬8千人或1.07%與2.71%。

勞動力參與率為58.29%，較上月上升0.27個百分點，較上年同月亦升0.39個百分點。其中男性勞動力參與率為66.59%，女性為50.25%，女性勞動力參與率首次突破50%。

二、就業概況

99年7月就業人數為1,053萬8千人，較上月增加5萬5千人或增0.52%；如與上年同月比較，亦增加28萬人或增2.72%。其中男性就業人數為589萬4千人，女性為464萬4千人，較上年同月分別增加13萬1千人與14萬9千人或2.26%與3.32%。

服務業部門就業人數619萬9千人，工業部門379萬



（總統府機要室提供）

人，農業部門則為54萬8千人，與上年同月比較，服務業部門增加16萬4千人或2.72%；工業部門與農業部門亦分別增加10萬7千人與8千人或2.91%與1.42%。

三、失業情勢

受應屆畢業生投入尋職影響，99年7月失業人數為57萬8千人，較上月增加8千人，其中初次尋職失業者增加1萬5千人，對原有工作不滿意而失業者亦增加6千人；因工作場所業務緊縮或歇業與季節性或臨時性工作結束而失業者則分別減少1萬4千人與1千人；與上年同月比較，失業人數計減8萬5千人。

7月失業率為5.20%，較上月上升0.04個百分點，係歷年同月最低之增幅；如與上年同月比較，則降0.87個百分點。男性失業率為5.71%，女性為4.55%，分別較上年同月下降1.10、0.56個百分點。❖