

Taiwan Labor E-Newsletter

勞動者



簡訊



中英文版本內容如有出入，以中文版本為準。
The Chinese version rules if any contradiction in meaning exists
between the Chinese version and English version.

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The Ministry of Labor Amended the "Guidelines for Employment of Part-Time Workers" to Continue to Protect the Labor Rights of Part-time Workers

The Ministry of Labor (MOL) amended the "Guidelines for Employment of Part-Time Workers" (hereinafter referred to as the Guidelines) on the 26th of October. The focus of this revision is to avoid misunderstandings. If the Table of Grades of Labor Insurance Salary is amended, followed by the Guidelines also needing to be amended, then the time difference between the amendments could easily cause mismatches between the two documents and result in misunderstandings. Thus, provisions concerning the Insured Amount Grading Table have been removed. If the Insured Amount Grading Table has been amended, the amended provision shall prevail. Some of the wording has also been amended to clarify the meanings of the text. The MOL has also sent letters to the local labor administrative authorities to inform relevant agencies of the amendments for their reference.

The Labor Standards Act and relevant laws and regulations do not exclude part-time workers. Their labor rights are no different full time workers. To protect the labor rights and interests of part-time workers, since the promulgation of the Guidelines in 2014 on relevant issues including wages, holidays and leaves, termination of employment and retirement, benefits, labor insurance, and occupational safety and health, the MOL has adopted an ongoing adaptive approach to reviews of the Guidelines and make amendments that correspond to relevant laws and regulations. This is to remind businesses and workers of the labor rights protection offered by the laws and regulations. Should a business violate relevant provisions, penalties for such a violation should be handled by the corresponding provision. The document is open to the public for reference and can be downloaded from the MOL website.

The MOL would like to emphasize that the labor rights of part-time workers and full-time workers are both protected by the Labor Standards Act and relevant labor-related laws and regulations. If an employer violates the relevant regulations, workers may appeal to their local labor administrative authority and the Bureau of Labor Insurance to protect their rights and interests.



The Ministry of Labor Amended the Attachment of the Labor Insurance Disability Benefit Payment Standards to Increase Payment to Workers

On the 21st of October, the Ministry of Labor (MOL) amended and promulgated the "Attachment to Article 3 of the Labor Insurance Disability Benefit Payment Standards". The revision gave a disability level of 8 to the disability type of "Head, Face, Neck" regardless of gender, and also broadened the scope of the disability state for heart transplants.

The MOL has stated that due to changes in society, in order to realize gender equality, this amendment amended the current regulation for the disability type of "Head, Face, Neck", that assigns a disability level of 8 (360 days of payment) to female workers and 10 (220 days of payment) to male workers. The provision is now gender-neutral and a disability level of 8 is assigned for both genders. In addition, considering the increased number of workers who meet the criteria for a heart transplant but choose ventricular assist device implantation instead, the disability state of Item 7-10 has been broadened from "heart transplant" to include "ventricular assist device implantation" to increase payment to the insured.

The MOL would like to remind all workers who are covered by the labor insurance that if you become disabled due to injuries or illnesses that meet the criteria set in the Labor Insurance Act and relevant regulations, you may apply for labor insurance disability benefit payment from the Bureau of Labor Insurance. Please contact the Bureau (Tel: 02-23961266) for relevant application forms or procedures.



To Emphasize the Obligation of Workers and Management to Conduct Collective Agreements in Good Faith, the Ministry of Labor has Compiled an Online Reference Manual for Reference Purposes

The Ministry of Labor (MOL) has compiled the "Reference manual on the obligation of bargain in good faith in accordance with the Collective Agreement Act". The reference manual provides a variety of examples of unfair labor practices that violate the obligation to conduct collective agreements in good faith or represent a refusal to conduct collective agreements without justifiable reasons. Now, both management and workers can download the reference manual from the MOL website. This reference manual can serve as an important reference for fulfilling the obligation of conducting collective agreements in good faith for businesses and labor unions.

The MOL has stated that since the amendment and enforcement of the Labor Union Act, the Collective Agreement Act and the Act for Settlement of Labor-Management Disputes on May 1, 2011, if either party violates its obligations to conduct collective agreements in good faith or refuses to conduct collective agreements without justifiable reasons, the "Collective Agreement Act" allows the other party to seek remedies through Decision on the Unfair Labor Practices mechanisms. Since the establishment of the Decision on the Unfair Labor Practices mechanisms, there have been over 100 unfair labor practice cases concerning the obligation to conduct collective agreements under Article 6 of the "Collective Agreement Act". Thus, the MOL has commissioned the Stellex Law Firm, which specializes in practices of labor-related laws and regulations, to help collect relevant decisions, court judgments, and the opinions of administrative agencies over the years. The results summarized 43 examples of unfair labor practices and the examples are arranged and classified into 4 categories in the following order, "Parties to the collective agreement" (10 items), "Bargaining representatives of the collective agreement" (5 items), "What is the obligation to conduct collective agreements in good faith (including refusing to conduct collective agreements without justifiable reasons)" (9 items) and "Unfair labor practices violating the obligation to conduct collective agreements in good faith" (19 items). The reference manual also contained excerpts of key points from the decisions, judgments, and circular letters. The manual was jointly prepared by the Ministry and several professional lawyers and scholars with expertise in labor-related laws and regulations. Apart from providing the current key legal opinions on collective agreements to the workers and management, the reference manual also seeks to guide workers and management to conduct collective agreements in a rational manner to achieve a win-win situation, avoid the occurrence of unfair labor practice cases on the part of either party, and reduce the occurrence of disputes between the parties.

The MOL's supplementary statement emphasized that promoting collective agreements between workers and management to create relationships and working conditions most suitable for the workers and management is currently one of the most important policies of the MOL. In addition to preparing the reference manual, the Ministry also provides professional training on collective agreements, expert counseling on specific cases, and incentives for executing collective agreements.



Keywords: Reference Manual on the Obligation of Bargain in Good Faith in Accordance with the Collective Agreement Act, Negotiate in Good Faith, Collective Agreements

The Workforce Development Agency, Ministry of Labor Organized the "Embracing Asia-Pacific Digital Future International Forum" to Promote Quality Growth in the Asia-Pacific Region

In order to explore innovative strategies for skill development in the post-pandemic era, the Workforce Development Agency of the Ministry of Labor (MOL) organized the "Embracing Asia-Pacific Digital Future International Forum" on October 14 and 15, 2020. Director-General Shih Chen-Yang and the Representative from the Australian Office Taipei, Gary Cowan, signed the "Memorandum of Understanding on Vocational Education and Training Cooperation between the Workforce Development Agency, MOL, Taiwan and the Australian Office, Taipei" with the Minister of the MOL, Hsu Ming-Chun, as the witness.

The theme of the event was "Taiwan-Australia VT Collaboration during the Pandemic" on October 14. The Chief Executive Officer and the Director of International Engagement of TAFE Directors Australia (TDA) and Australian vocational training experts were invited to exchange views with vocational training experts in Taiwan through remote videoconferencing, and discuss the promotion of vocational training collaboration with Australia in the future. They also shared research results on the recruitment and progressing system of vocational mentors and vocational-skill-oriented certifications thereby assisting in the development of world-class systematic certification programs in four areas: mentors, training courses, vocational training institutions, and vocational training institution management. These measures would enhance the international competitiveness of Taiwan's vocational training industry.

On October 15, the theme of the event was "Building a Resilient Workforce in the Post-pandemic World". The chair of the World Federation of Colleges and Polytechnics (WFPC), Craig Robertson; Director for Productivity Development Division, Directorate General of Training and Productivity Development of the Ministry of Manpower, Indonesia, Fachrurozi; President of Thai-German Institute (TGI), Somwang Boonrakcharoen; and Associate Research Fellow and Deputy Director of the Taiwan WTO and RTA Center of Chung Hua Institution for Economic Research, Lee Roy Chun exchanged their views on the innovative skills development strategies of various countries, including digital training, digital talent cultivation, etc.

Despite the pandemic, this forum still invited industry representatives, government officials, and academic representatives of human resource development from the Asia-Pacific region to explore, via video conferencing, future work modes and strategies for the development of digital skills in various countries in the post-pandemic era. This would help build an international collaboration and exchange platform and promote quality growth in the Asia-Pacific region.



Taiwan's OSHA Attends XXII World Congress on Safety and Health at Work, and Discusses COVID-19, OSH and Work Injury Insurance

Due to the worldwide impact of COVID-19, the organizers of the XXII World Congress on Safety and Health at Work, the International Labour Organization (ILO) and International Social Security Association (ISSA), hosted a Special Session on October 5-6, 2020. This live event brought together international experts to share their opinions about COVID-19 and occupational safety and health. Occupational Hygiene and Health Division Director Chang Kuo-Ming and Occupational Accident Labor Protection Division Director Yu Yi-Chun represented Taiwan's OSHA at this conference, enhancing Taiwan's international participation in occupational accident prevention and occupational rehabilitation services.

Day 1 sessions featured innovations in addressing COVID-19, including the role technology is playing, the importance of rapid response workplace infection prevention practices, and regulations to address potential workplace legal, ethical and privacy issues. A second panel session then focused on the changing world of work due to the pandemic. Break-out sessions discussed the culture of prevention, the importance of good governance and social dialogue, and new vision zero indicators and training programs. Day 2 sessions were organized by the ILO and ISSA. These sessions profiled the short-listed entries of the International Media Festival for Prevention, Global Forum for Work Accident Insurance and Decent Work through Safety and Health in the New Normal Preparing. Through valuable experience sharing among other countries, it helps Taiwan to refine the occupational safety and health strategies in response to COVID-19.

Essentially, COVID-19 pandemic has not yet ebbed. Taiwan's OSHA has cooperated with Central Epidemic Command Center continuously to promote various epidemic prevention strategies in the workplace, such as establishing a crisis management mechanism, increasing awareness of risk management and prevention of biological hazards. Taiwan's OSHA will dedicate to maintaining zero infections in the workplace and protecting workers' safety and health.



Design for the Workforce! ILOSH Developed Virtual Reality-based Interactive Education System for Machinery Operation

The Institute of Labor, Occupational Safety and Health, Ministry of Labor (hereinafter referred to as ILOSH) is continuing to develop virtual reality (VR) materials, which have proven very popular with businesses in the past. VR technology was applied to the field of machinery operation safety, and simulations were constructed and key issues that may lead to occupational accidents were designed based on actual cases. The content includes workplace hazard identification and experiencing occupational accidents, allowing students to experience the work environment and develop hazard identification skills before employment.

Occupational accidents cause illnesses, injuries, disabilities or death, thus they can cause untold losses to the country's overall economy. To avoid occupational accidents, improve the safety awareness of workers, and cease unsafe practices, the ILOSH has thought outside the box and abandoned the traditional ways of occupational safety education and training via classroom lectures; instead, it uses immersive VR technology to promote students' awareness of hazards in the workplaces by safely experiencing them. Through investigating and analyzing the operating environment, pre-work inspections, actual operations, and cases of occupational accidents in factories with powered machinery, power tools, and powered movers, the ILOSH found that the most common types of occupational injuries are injuries caused by pinching, piercing and cutting; the most commonly injured body parts are the hands and fingers. Thus, the VR safety materials for human-machine interactions focuses on this type of occupational injuries.

The Simulated scenes adopt "hand-held grinder operation", "punching and shearing machine operation", "conveyor belt handling operations" as the themes for their content (please refer to Figure 1 to 3). Three sections have been constructed for each theme: "putting on personal protective equipment", "pre-work inspection", and "operation". The simulation captured the essence of human-machine interactions in VR safety education and completed the design and construction of relevant work environment scenarios, construction of machinery models, and the VR simulation and human-machine interaction programs for machinery operating checkpoint inspections. In addition, prototype applicability evaluation was conducted. The content of relevant surveys included checkpoint hazard inspections, design defects, the artwork of the simulation, somatosensory characteristics of interactions, and other safety awareness and safety knowledge. The system and the contents were adjusted based on users' evaluations and feedback.

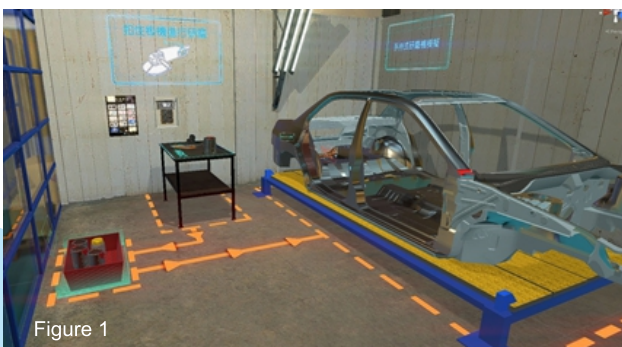


Figure 1

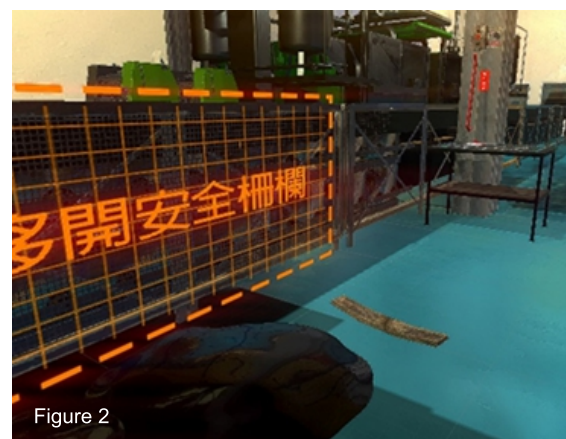


Figure 2



Figure 3

Figure 1/ Simulated scene of hand-held grinder operations
Figure 2/ Simulated scene of punching and shearing machine operations
Figure 3/ Simulated scene of conveyor belt handling operations