



臺灣勞工

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"Act of Gender Equality in Employment" Amended on August 18, 2023 to Address Sexual Harassment Issues and Comprehensively Improve the Rights of Sexual Harassment Victims

Amendments to parts of the "Act of Gender Equality in Employment" were announced by the President on August 16, 2023, and the Act's name in Chinese was renamed on August 18, 2023. Due to the extensive scope of this legal amendment, certain provisions shall become effective as of the date of promulgation, and the rest of the provisions shall be enforced starting on March 8, 2024.

The provisions that came into effect on August 18, 2023, as part of this legal amendment include: the Chinese name of the Act has been changed, amendments have been made to the scope of application to workplace sexual harassment events, punitive damages have been made more severe for sexual harassers who use their authority to commit offenses, local competent authorities can provide legal advice or legal aid for sexual harassment complainants, and victim information confidentiality regulations stipulated in the Sexual Harassment Prevention Act and its related penalties are now applicable to sexual harassment events detailed in this Act.

The provisions that will come into effect on March 8, 2024, include: employers shall have "immediately effective corrective and remedy measures" for sexual harassment that falls under the jurisdiction of this Act after becoming aware of sexual harassment from "received complaints" or "not received via complaints," employers who employ 10 or more but fewer than 30 employees shall establish and openly display sexual harassment complaint channels in the workplace, employers who receive sexual harassment complaints which have been investigated and verified shall report to local competent authorities, the mechanisms for the investigation procedure and suspension for the accused and the agency head, the scope, processing procedures, investigation method, necessary actions, and appeal proceedings of workplace sexual harassment handled by a local competent authority, and the period of limitation for sanctions and penalties when the person accused of sexual harassment is the highest-level official in charge of an organization, as well as other related regulations.

The scope of the amended provisions is quite large, and the authorization act also needs to be established. To help employers and employees understand workplace sexual harassment prevention related regulations in the amended Act of Gender Equality in Employment, in addition to adding and amending related sub-laws, educational training for the investigational personnel related agencies and professional organizations will also be organized in the future. Furthermore, industry establishments' and the public's understanding of the Act will be further reinforced via promotions on diverse channels, such as seminars, websites, Facebook, and brochures.

The Ministry of Labor urges all employers to take workplace sexual harassment events seriously and implement immediate and effective improvement measures. Furthermore, proactively establishing a friendly workplace environment that is free from sexual harassment, from a prevention perspective, ensures that all employees can have a safe working environment that is free of worries.

My Chinese name has changed!

Act of Gender Equality in Employment

Employees and job applicants can raise complaints when they encounter sexual harassment in the workplace!
Protect your rights!



Employers must **take active measures** in the event of sexual harassment in the workplace, and can ask the local government for help if needed!



Together, we can build a safe employment environment, one that's friendly and equal for all!



Ministry of Labor Promotes Women Re-employment Plan to Create a Friendly Workplace, Increase Female Workforce by 140,000 within 3 Years

According to statistics from the Directorate-General of Budget, Accounting and Statistics of the Executive Yuan, the female workforce participation rate rose above 50% for the first time in 2012 and has continued to increase gradually every year, reaching 51.61% in 2022. However, the rate remains lower than in Organization for Economic Cooperation and Development (OECD) countries. Furthermore, according to estimates from the National Development Council, the working-age population aged 15 to 64 will decrease by 1.457 million within the next decade, which means workforce shortages will appear in many industries due to the trend toward multi-employment. To encourage women who leave the workplace due to family factors to return to the workplace, the Ministry of Labor (MOL) has combined its service resources with three other government agencies' resources, namely the Ministry of Economic Affairs (MOEA), the Ministry of Health and Welfare (MOHW), and the Ministry of Education (MOE), to establish the three-year "Women Re-employment Plan." The plan was launched on September 1, 2023, and it is estimated that within three years, the female workforce will increase by 140,000, and the female workforce participation rate will increase to 53.5%.

The "Women Re-employment Plan" aims to create friendly workplaces, assist women in enhancing their competencies, foster employment services, and utilize incentive measures to increase their willingness to rejoin the workforce, thereby assisting women in eliminating employment barriers. For the aspect of creating friendly workplaces, the MOHW provides service resources such as childcare and long-term care. The MOEA and MOL are collaborating to promote workplace equality in employment to order to encourage employers to create gender-equal workplace environments and provide family-friendly measures. The MOE applies diverse lifelong learning channels to satisfy women's learning needs at different career stages. Furthermore, this Plan advocates the integration of different generations and friendly workplaces, assists employees in balancing work and family, and guides women to return to the workplace.

For the aspect of enhancing women's competency, the MOL encourages women who have left the workplace for 180 days or more due to family factors to plan their own training regime to enhance their competencies. For those whose training plans have been verified and have completed the training, and have registered with job-seeking services or returned to the workplace, they will be issued with up to NT\$30,000 as a "self-training reward." Furthermore, the MOL fosters individualized employment services and utilizes the "re-employment reward" to encourage stable employment, with rewards of up to NT\$30,000. Additionally, the MOL utilizes the "work hours adjustment award" to encourage employers to offer flexible work hours or part-time jobs to women who need to take care of their families.



Five Common Overtime Wages Violations, Employers Must be Aware to Avoid Violating the Law!

The Ministry of Labor (MOL) has provided the following explanations for five common major overtime wages violations:

The first type of overtime wages violation is when the company stipulates that workers who work overtime can only choose to take compensatory leave. For workers who extend their working hours during workdays or work on rest days, employers should pay overtime wages in accordance with Article 24 of the Labor Standards Act in principle. If the worker chooses to take compensatory leave with the consent of the employer, it may be implemented in accordance with Article 32-1 of the Labor Standards Act. Employers are not allowed to stipulate that workers can only choose to take compensatory leave.

The second type of overtime wages violation is when the company calculates overtime wages only based on the worker's base wage. Wages are not limited to the base wage, any payment agreed upon by both employer and worker that meets the definition of wages for regular working time such as full-attendance bonuses and night shift allowances, should be included in the calculation of "the regular hourly wage" when computing overtime wages.

The third type of overtime wages violation is when the employer specifies that no overtime wages would be paid for working overtime less than an hour. Employers should calculate workers' wages down to the minute. When worker work overtime less than an hour, it can still be converted to a fraction of an hour, and overtime wages should be paid proportionally in accordance with the Article 24 of the Labor Standards Act.

The fourth type of overtime wages violation is when employers calculate and pay the overtime wages on the basis of 1.33 or 1.66 times the regular hourly wage on weekdays. The multiplier of the overtime wages must be in compliance with Paragraph 1, Article 24 of the Labor Standards Act. The overtime wages, in addition to the regular hourly wage, shall be at least an additional one-third or two-thirds of the regular hourly rate according to the extended working hours. If employers round off the decimal places after the third decimal place, the overtime wages will inevitably be undercalculated, and this will violate the standard stipulated in the laws and regulations.

The fifth type of overtime wages violation is when employers fail to pay overtime wages for work on rest days in accordance with the law. Worker shall have two regular days off every seven days, one day is a regular leave and the other one is a rest day, in accordance with Paragraph 1, Article 36 of the Labor Standards Act. If employers require workers to work on a rest day, overtime wages shall be paid in accordance with Paragraph 2, Article 24 of the Labor Standards Act. The Act is also applicable to daily wage or hourly wage workers.

The MOL would like to remind the public that if employers violate the aforementioned regulations, workers may file a complaint to the local competent authority of labor to protect their rights and interests.



The Ministry of Labor follow closely the Trend of Industrial Robots and Smart Automation Developments, Making Advance Preparations on Workplace Safety and Workers' Rights and Protection

On August 24, Hsu Ming-Chun Minister of the Ministry of Labor (MOL) visited "2023 Taiwan Automation Intelligence and Robot Show and Automation Taipei" at Taipei Nangang Exhibition Center, Hall 1, where she paid close attention to the trends in smart technology developments. Additionally, she reminded companies that they should reinforce the safety of human-machine collaboration to avoid unexpected occupational accidents.

Minister Hsu stated that the rise and application of industrial robots means that they will gradually replace humans in work that is highly repetitive and replaceable. The MOL will combine resources from industry, government, academia, and training to plan and organize integrated training with practice and theory. Additionally, the MOL will assist industry establishments in strengthening their understanding regarding the personnel competency requirements of smart automation, and helping employees to acquire the knowledge and skills related to human-machine collaborative operation.

The Occupational Safety and Health Administration (OSHA) of the MOL pointed out that as industrial robots and smart manufacturing systems are increasingly applied in workplaces, human-machine collaborative operation workspaces are more and more common. However, without caution, accidents such as personnel getting caught in machinery or suffering impacts can easily occur when humans and robots work closely together. Employers should conduct proper hazard assessments in the workplace and adopt appropriate safety protection measures to ensure workers' safety. Furthermore, the existing "Standards Governing Prevention of Industrial Robots Hazards" now include the safety of human-machine collaborations and health regulations. The OSHA will continue to organize the promotion of industrial using robots, provide guidance and educational training, and assist industry establishments in implementing safety in human-machine collaborations.



Hsu Ming-Chun Minister of the Ministry of Labor visited the robot arm display and took photos with the manufacturers

Overview of the 2023 Third Manpower Demand Survey Result

To obtain a full understanding of the manpower demand situation in the employment market at the end of October 2023, the Ministry of Labor (MOL) conducted "the third manpower demand survey" of industry establishments with 30 employees and above, during the period of July 3 to July 21. A total of 3,048 valid questionnaires were collected. The summary of relevant survey results is as follows:

- I. Although the inventories throughout industry chains are continuously undergoing adjustment, the demand in the end markets is still sluggish. The global economy's recovery is slow, leading to Taiwan's external trade performance remaining depressed. However, after the pandemic, renewed public activity has driven strong consumption in Taiwan. The industry establishments still require certain levels of manpower to satisfy their needs, so they still have a high demand for manpower.
- II. Compared to the end of July, 27.7% of industry establishments will increase manpower demand at the end of October 2023, 4.4% will decrease, 63.8% will remain, and 4.1% have no expectation. The demand for manpower will increase by 62,000 persons and decrease by 10,000 persons, resulting in a net increase by 52,000 persons.
- III. Compared with the end of July 2023, the demand for manpower in the service sector has increased, and it has been higher than the industrial sector for the fourth consecutive quarter. Among major industries, the highest increase of net manpower demand is for manufacturing, which has increased by 17,000 persons (the manufacture of electronic parts and components has a net increase of 5,000 persons, while the manufacture of fabricated metal products, and manufacture of machinery and equipment have net increases of 3,000 and 1,000 persons, respectively). The second highest increase is for accommodation and food service activities, which has increased by 8,000 persons.
- IV. Observations based on occupational category show that the highest increase of manpower demand is for technicians and associate professionals, which has increased by 15,000 persons, and the second highest increase is for craft, plant and machine operators, and assemblers, which has increased by 13,000 persons.
- V. In all industry establishments, the primary reason for increasing manpower is "company expansion or diversification of operations," accounting for the majority of respondents at 51.5%, followed by "replace departed employees" at 33.5%. The primary reason for increasing manpower in most industries is the former, except for the human health and social work industry, where the primary reason is to "replace departed employees."
- VI. The main reason for the increase in manpower in the manufacturing, accommodation and food service, and wholesale and retail trade industry are "company expansion or diversification of operations" (accounting for 44.5%, 56.3%, and 47.4%, respectively), while "replace departed employees" serves as the second primary reason (accounting for 36.2%, 26.1%, and 45%, respectively).



Use Ear Loop N95 Masks with Care

The Ministry of Labor (MOL) and the Institute of Labor, Occupational Safety and Health (ILOSH) conducted a fit test involving 70 subjects wearing ear loop N95 masks, in which only one subject successfully passed the test. Therefore, the ILOSH calls for business entities to be cautious when choosing the masks for use, and implement the respiratory protection plan to ensure that the workers get respiratory protection.

In accordance with the "Guidelines for Respiratory Protection Plans and Implementation Precaution" promulgated by the MOL, business entities shall effectively control hazardous substances' concentrations in the air through engineering control or administrative management. If the hazards in the environment cannot be reduced then an appropriate respiratory protection measure shall be applied according to the characteristics of the hazardous substances. To protect workers who work in high risk dust environments, business entities shall use masks that have passed inspection or been certified to ensure the filtration efficiency. Furthermore, workers should select appropriate mask types that have passed fit testing, and ensure the mask can closely attach to the worker's face to achieve effective protection.

The ILOSH tested commercially certified ear loop N95 masks and found that the filtration efficiency of the filter material met the requirements. However, only a minority of the subjects could pass the fit test when wearing them. Thus, it is clear that these types of masks may not achieve the expected protective performance. Therefore, business entities are urged to be cautious when selecting such masks. To comply with respiratory protection related regulations, high-risk workers must pass the fit test before using these masks.

