

Taiwan Labor e-Quarterly

Council of Labor Affairs, Executive Yuan

Publisher/Pan, Shih-Wei · Editor-in-Chief/Chung, Lin-Hui · Editorial Committee/Wang, Hou-Cheng · Lin, Iung-Yu · Executive editor/Tsai, Yi-Chien · Translation/Lax Kevin · Publishing Office/Council of Labor Affairs, Executive Yuan Taiwan · Address/9F., No. 83, Sec. 2, Yangping N. Rd., Taipei City 10346, Taiwan R.O.C. · Production/Taiwan Institute of Economic Research · Customer service/886-2-25865000

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

ISSN 2306-7454

Quarterly Focus



Moving towards autonomy- a new look for labor-management relations

Policies and Regulations

- » The CLA Implements the Foreign Caretaker Outreach Care Service Pilot Program
- » The CLA Striving for the establishment of the Occupational Safety and Health Act to expand safety and health protection for all workers
- » Explosion prevention electrical equipment type approval scheme promotion situation and results

News Outlook

- » Learning from Japan— The CLA invites Japanese scholars and experts to Taiwan to engage in unfair labor practice handling experience
- » The CLA wins the first prize in the Improving the quality of work life category in IFTDO's Global Human Resource Development Awards 2013
- » CLA's Minister Pan Shih-wei shows concerns for the work situation of Filipino workers in Taiwan when he visits Chih Kang Material Company in Tainan



Moving towards autonomy- a new look for labor-management relations

Facing the challenges of the global financial crisis, the impact of global economic integration, changing demographic structure, and rapidly changing product market, the labor market's globalization and flexibilization trend is putting labor-management in Taiwan under pressure.

In the last few years, the global financial situation has been volatile. Although the overall economic situation is gradually picking up, there is still much uncertainty, making the government's work even more challenging and complex. To make the labor-management relations in Taiwan more flexible, the three new labor laws were implemented on May 1, 2011, the aim being, though autonomous labor relations, to meet the challenges posed by the global financial crisis, the impact of global economic integration and rapid and massive changes in the domestic labor market and population structure. Consequently, there were high expectations from all quarters of society that the implementation of the three new labor laws would lead to union autonomy and provide a channel through which the voices of workers can be heard, creating equal and harmonious labor relations.

Promoting the autonomous development of unions

The Labor Union Act amended and implemented on May 1, 2011 gave workers the right to organize and join a union; after a union is formed according to the law, they have the legal right to engage in collective bargaining with the employer; not only is their right to organize protected in related labor laws, so is their right to bargain. Also, with respect to business in various industries that employ fewer than 30 employees, although employees cannot form a company union because employee numbers are too low, they can still join an industry union, and their right of association is also given a certain level of protection.

To effectively guarantee execution of the right of association, taking into account the spirit of the International Covenant on Economic, Social and Cultural Rights, International Covenant on Civil and Political Rights and Freedom of Association and the International Labor Organization (ILO) Protection of the Right to



Organize Convention (No. 87), as well as relaxing restrictions on labor right of association, including allowing teachers to organize and join a union, restrictions on the nationality of union officials were also relaxed, allowing foreign workers to organize and join a union and, as long as they are 20 years of age or over, they have the right to be elected as an union secretary general or supervisor.

Unnecessary restrictions on union operation have also been lifted; firstly, union regulations have been relaxed; for example union member qualification, the production of union representatives, the selection and dismissal of union officials and other restrictions, with the aim of allowing unions to operate autonomously; and to promote union united organization affairs develop normally and sustainably, union unity and union affairs autonomy have been increased; union affairs work should be the responsibility of a special person who plans and promotes work so that union internal operations move towards greater autonomy.

With respect to union organizations, from May 1, 2011 to April 30, 2013, 389 unions have been established and registrated (including 19 federations, 64 company unions, 80 industry unions and 226 occupational unions), growth of 9.3% compared to before the new law was implemented. Of these, 19 were teachers' unions and 14 were education industry unions, four were teachers' industry unions and one was a teachers' union federation (The National Federation of Teachers Unions held its establishment assembly on July 11, 2011 and has over 80,000 members), 38 organizations in all.

Union development is diverse at present; to allow unions to be able to play a more important role in labor-management relations., the CLA will actively move in the direction of promotion autonomous development of union organization, strengthen the professional knowledge and skills of union officials and thus guarantee labor rights and interests; at the same time the Labor Union Act and its enforcement rules will be reviewed and guidance given to workers to help them organize unions to really increase the execution of the right of association.

Increase labor-management autonomous bargaining

With regards to collective bargaining, after the revised Collective Agreement Act was announced and implemented on May 1, 2011, the CLA has actively promoted a collective agreement good faith bargaining system and has implemented the Factory Labor-management Collective Bargaining Plan. In 2011 and 2012, 32 businesses and unions applied to participate and factory on-site guidance was completed in 30 cases; in addition, at the end of 2011 and 2012, 43 companies and unions, re-signed a collective agreement or signed for the first time; as of the end of December 2012, 83 companies and unions had a collective agreement in place, covering a total of 53,596 workers, up by 252% on the 21,247 of May 1, 2011.

Also, for a number of years the CLA has, through training of collective bargaining talent, publishing of a collective agreement handbook, carrying out collective bargaining guidance in factories and providing guidance to labor and management for the signing of collective agreements, has raised the level of labor conditions. After the implementation of the Collective Agreement Act on May 1, 2011 the contents

of several newly-signed collective agreements included: overtime pay calculation, fixed period negotiation of salary increase rate, merger and acquisition or transfer related rights and interests, preferential lay-off and retirement schemes, work right guarantee, occupational accidents compensation amount and provision of collective insurance to union members, and other matters better than legal requirements. The Collective Agreement Act's mandatory bargaining standards and good faith bargaining principle have clearly increased the willingness of labor and management to engage in collective bargaining and sign collective bargaining agreements.

Protecting the rights and interests of labor

To increase the effectiveness of labor dispute handling and establish a diverse and professional mechanism, the Act for Settlement of Labor-Management Disputes has been revised and regulations including sole mediator, arbitrator system, and unfair labor practice settlement mechanism have been added. Since the law was revised, the CLA has carried out labor dispute mediator training and certification activities, and establishing a unified certification standard to increase the professionalism of mediators. To date, 300 people have taken part in training and 278 have been issued with mediator certificate.

From May 1, 2011 when it was implemented to January 31, 2013, 40,782 labor dispute cases were received by the competent authority, with 51.4% dealt with by a mediation committee formed by the competent authority. 48.6% of cases were mediated by a private group mediator commissioned by the competent authority. The success rate of mediation has increased from 54% in 2010 to 66%, showing that the "coordination" mechanism that existed before the law was revised has smoothly been transformed into a mediator system, having clear benefits with respect to the efficiency of the handling of labor disputes, service quality increase and winning the trust of the public.

With regards the unfair labor practice settlement mechanism, up to April 30, 2013, the Tribunal of Unfair Labor Practices had received 121 cases for adjudication; apart from 56 cases in which an adjudication decision was made, differences between labor and management bridged and a return to the normal operation of collective bargaining made, thus promoting harmonious labor-management relations, in 19 cases conciliation was achieved through the efforts of the adjudication committee; 27 cases were withdrawn by the applicant, the Committee having the effect of preventing litigation and resolving disputes.



▲ The CLA held the "Union Leaders' Seminar 2013" during which the opinions of every level of unions regarding labor policy were listened to and union operation and related problems were discussed.

The "Three New Labor Laws" ensure that labor relations are moving in the direction of "maturity and order, cooperation and competition"

In summary, the implementation of the three new labor laws, based on the protection of labor rights and interests while also paying attention to the development of domestic enterprises, has established a labor relations system that suits the current economic development situation in Taiwan and, in the two years of implementation, has produced clearly positive effects on labor relations. Looking to the future, in addition to actively guiding the formation of union organizations at every level and ensuring their sound development, and encourage labor and management to engage in bargaining following the principle of good faith and to sign collective agreements; we will continue to work to improve the professional skills and knowledge of professional labor dispute mediators, strengthen the carrying out of certification and flow back training, and strengthen the central and local labor dispute

handling mechanism. The CLA will continue to implement the three new labor laws to ensure that labor-management relations in Taiwan continue to move in the direction of "maturity and order, cooperation and competition." Finally, providing guidance so that unions develop soundly, labor-management autonomous bargaining and protecting the related rights and interests of workers is the consistent stand of the CLA and also a mission that we are duty bound to carry out.

In future, the CLA will continue to follow its belief in "fairness, autonomy and development," actively promotion labor-management bargaining and build a labor market which has guarantees and is also competitive, the aim being to set down a foundation for more harmonious labor relations, not just giving protection to workers, but also benefitting enterprises. After all, only in the soil of a win-win situation for labor and management can our society grow tall and healthy trees that bear plump sweet fruit. Let us all look forward to this.



The CLA Implements the Foreign Caretaker Outreach Care Service Pilot Program

To evaluate the establishment of multiple employment modes of foreign caretakers, to solve problems related to family care and to raise care service quality through non-profit organization training, supervision and management; the CLA promulgated the "Foreign Caretaker Outreach Care Service Pilot Program (hereinafter referred to as the Outreach Pilot Program)" on March 13, 2013. The non-profit organizations can file applications to the CLA before September 13, 2013; to be reviewed by panel sponsored by the CLA with scholars, experts, and representatives from social associations and related agencies, the non-profit organizations will hire foreign caretakers and dispatch them to the family-in-need to carry out daily care and related work.

Establishing diverse hiring methods

Foreign caretakers were introduced into Taiwan since 1992, their number has increased rapidly and, as of the end of March, 2013 there were 207,820 foreign caretakers in Taiwan, 46% of 451,202 foreign workers in total. The current foreign caretaker employment mode is that the person to be cared or their family member is the employer and the caretaker lives together with the care recipient, providing long-term service. Due to the job description is hard to have a clean demarcation between job and livelihood, in addition to cultural differences between foreign caretakers and their employers, misunderstanding in communication results in frequent complaints, requests for change of employer and undocumented caretakers.

Some families do not need long-time care because family members share the care burden and other factors and, at the same time, to reduce the working hours of caretakers (including time spent on call) and to reduce the aforementioned management problems for the employer, the CLA plans the establishment of a more diverse employment mode, which foreign caretakers will be employed by a non-profit organization and then dispatched to provide care service to the qualified family-in-need.

Considering the shortage and the affordability for families of long-term care resources in Taiwan at present, there is still need to maintain the current employment mode for foreign caretakers, therefore the CLA will implement the pilot program and then assess its feasibility.

Units qualifying for participation in pilot program: eligible stakeholders include foundation, non-profit organizations or other public welfare associations commissioned by local competent authorities in charge of domestic care services.

The Outreach Pilot Program is an innovation service mode, which involves professional domestic service, the accommodations of the family-in-need, the management capability of organizations etc., to ensure service quality and protect the rights of the care recipients, the Outreach Pilot Program stipulates that only foundations, non-profit organizations and other public welfare associations that have been commissioned by the local competent authorities to provide domestic care services in the past year are eligible for the pilot program.

After being approved to take part in the program, the qualified provider must follow the administration procedure and apply to the CLA to recruit foreign caretakers and obtain employment permits and alien residence certificates, arrange regular health check-ups and handle other related matters of foreign caretakers. With regards the management aspect, the participating provider must be liable for fulfillment of all legal requirement, such as follow-up life management, entry reporting, acceptance of inspection and other obligations, payment of employment security fee and other employer responsibilities resulting from the employment of foreign caretakers, and arrange long-term in-service training for the foreign caretakers and carry out supervision of service. With regards the service provision aspects, the participating provider must sign a service contract (including service method, service fee and other related items) in accordance with the application of the family-in-need and dispatch a Taiwanese or a foreign caretaker accordingly; the participating provider shall be responsible for providing foreign caretakers with accommodation or transport.

The tenure for Outreach Pilot Program will be three years

With regards the service receiving end, in accordance with Article 42 of the Employment Service Act, the recruitment of foreign

workers to Taiwan may not jeopardize the work opportunities and labor conditions of ROC citizens, national economic development and social stability. Therefore, with the principle of "supplementary" as the precondition, to avoid affecting the work opportunities of Taiwanese caretakers, the Outreach Pilot Program stipulates that the receivers of outreach care services shall meet the qualification requirements for applying for a foreign caretaker (those who have one of items listed in the specified serious physical or mental diseases or those who are evaluated professionally by a medical team to require care). Service fees will be wielded by the market mechanism, to be jointly agreed upon by the service receivers and non-profit organizations in accordance with the service method and

hours of service provided.

The CLA is implementing the Outreach Pilot Program with the aim of offering an alternative employment mode to the public, in addition to the institutional care mode and traditional mode of hiring foreign caretakers, and to promote the industrialization of the care services, and increase job opportunities for Taiwanese caretakers. The outreach pilot program will be held for three years and then be assessed, and the results will be used as reference for policy evaluation. If the policy turns out feasible, in line with the development of domestic long-term care service system, the foreign caretaker policy will be reviewed.



The CLA Striving for the establishment of the Occupational Safety and Health Act to expand safety and health protection for all workers



▲ The CLA Minister Pan Shi-wei (middle) visited Winson Machinery Casting Co. in Lugang in Changhua.

The Labor Safety and Health Act was promulgated on April 16, 1974, and was fully revised in 1991; in the 22 years since it has undergone no significant further revision. According to the implication of "the right of working in safe and healthy environment" revealed in the International Covenant on Economic, Social and Cultural Rights and the ILO's Occupational Safety and Health Convention (No. 155) (1981) and the regulation that there should be no difference between industries, however, this Act is applicable to only 14 industries, including the construction and manufacturing industries, and is only directed at employed workers, and is thus clearly mismatch the international consensus on protection of worker health and safety being a fundamental human right; the Act thus being revised.

Against a backdrop of globalization in recent years, the pursuit of international competitiveness by enterprises has left workers facing a working environment, long working hours and heavy workload; in addition, the innovation of new materials, new substances and new technologies might expose workers to new risks so as to make occupational health and safety face new challenges.

International organizations have, in succession, taken concrete action and achieved real progress with regards to workers' mental and physical health, safe utilization of chemicals and intrinsic safety design of machines, equipment and appliances and other issues; for example, many countries have adopted source control

to prevent machinery, equipment, appliance or chemical risk causing hazard, establishing laws that stipulate that manufacturers and importers must not manufacture or import machinery, equipment or appliances that does not meet the requirements of health and safety standards. Laws have also been established to standardize chemical product registration, assessment and licensing system. With regards to machinery safety and hazardous chemicals, the existing law only covers end-of-pipe management when employer makes labors work, a situation that lags behind the international trend and is not beneficial to guaranteeing labor health and safety and the raising of international competitiveness.

To strengthen occupational accident prevention and health and safety protection for workers the CLA, Executive Yuan has put forward a draft amendment to the Labor Safety and Health Act and amends the name to the Occupational Safety and Health Act. The bill was submitted to the Legislative Yuan by the Executive Yuan for examination on November 22, 2012, and has been passed third reading on June 18, 2013.

This amendment bill has 55 articles, with the following six amendment focus:

1. Expand health and safety protection for workers

The applicability of this Act to employed workers in all industries, the self-employed and all others whose labor is directed or supervised by a workplace responsible person is clearly stated. The number of protected persons has been thus increased from 6.9 million to just over 10.67 million. As well as making clear the responsibilities of the employer, the safety responsibilities or manufacturers and importers and other related parties are all made clear.

2. Establish a machinery, equipment, appliance and chemical source management system

- (1) Machinery, equipment and appliances designated by the central competent authority cannot be manufactured or transported out of the factory or imported if not meet safety standards or not been certified; with respect to machinery, equipment and appliances that has not been announced as type testing verified and meets the requirements of safety standards, manufacturers or importers should publicize it by means of registration and safety label.
- (2) Establish evaluation, authorization and future-reference management mechanisms for new chemical substance, controlled chemical and priority-management chemical; add the obligation of providing or disclosing safety data sheet,

preparing inventory list and implementing training and education for hazardous chemical manufacturers, importers, suppliers or employers of workers working with such chemicals, and in accordance with their hazard, dispersion and utilization quantity, assess exposure risk and adopt control banding management measures.

3. Build a complete occupational disease prevention system, strengthen protection of the mental and physical health of workers

- (1) To prevent worker over fatigue, mental stress and musculoskeletal disorder, protection of worker physiological and psychological health will be strengthened, clearly stating that with respect to prevention of work related diseases brought on by long working hours or over abnormal workload, illegal infringement of mind or body as a result of the actions of other when carrying out work, musculoskeletal disorder brought on by repetitive work, and other matters, appropriate plans should be formulated and the necessary health and safety measures adopted.
- (2) For the potential health-hazard work place, employers should carry out work place monitoring; the monitoring plan and results should be publicly announced and reported to the central competent authority.
- (3) Strengthen worker health management, clearly stating that employers cannot use the results of health examinations for any purpose other than health management, and should adopt ranked management of health examination results.
- (4) Stipulate that, when the number of workers reaches a certain level, businesses that have been designated by the central competent authority as being required to do so should hire or commission a medical professional to carry out worker health management, occupational disease prevention and health promotion and other worker health protection items.

4. Pay attention to both maternity protection and employment equality, revising maternity protection regulations for female workers

In coordination with the revisions of the ILO's Maternity Protection Convention 2000 and the implementation of Taiwan's Enforcement Act of The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the rule that prohibits ordinary female workers from engaging in dangerous or harmful

work will be revoked; the types and scope of dangerous or harmful work that pregnant women or women who have given birth in the last year are prohibited from engaging in will be adjusted; the stipulation that businesses designated by the central competent authority should adopt hazard assessment, control and ranked management measures with respect to work that could be a threat to maternal health will be added; with respect to pregnant women or women who have given birth in the last year, work adjustment or change health protection measures should be adopted.

5. Strengthen high-risk business regularly implementing process safety assessment and supervision and increase penalties for illegal matters

- (1) With respect to petroleum cracking industries, add the stipulation of carrying out regular process safety assessment and reporting to the relevant labor inspection agency.
- (2) In coordination with the revision of the Act's clauses, revise penalty provisions taking into account the practical situation and add publicly announcing the names of business units and responsible persons and other penalties.

6. Promote workplace health and safety culture and the development of related industries

- (1) To encourage local competent authorities and the competent authority for industry to actively plan the promotion of occupational health and safety measures, add the regulation that central competent authority can implement performance evaluation and reward.
- (2) Add a stipulation that, with respect to improving of matters that do not conform to regulations, business units can contract consulting organizations approved by the central competent authority to provide specialized technical assistance to ensure service quality.

With the changes in industrial structure and society in recent years, labor health and safety faces stern challenges. This draft amendment is of great significance in terms of protecting the fundamental rights of workers in Taiwan and promoting international competitiveness. The Act enables Taiwan to build a complete occupational health and safety protection system so as to effectively protect the health and safety of all workers.



Explosion prevention electrical equipment type approval scheme promotion situation and results

Electrical equipment should be designed with the capability to prevent setting off an explosion spark in a hazardous area where flammable gas lingers. However, whether a electrical product obtains the capability of explosion prevention, it cannot be ascertained from its appearance. Furthermore, there was no electrical equipment approval system established before. That makes it impossible to accurately evaluate a product's explosion protection performance. Consequently, the CLA actively promoted to establish an explosion prevention approval scheme for electrical equipment used in hazardous area. That will test all the explosion protection performance of electrical equipments which supplied by the manufacturers or importers. Products comply with the standard, will obtain a type test certificate of conformity. A conformity label

will be authorized to attach on the product. It will make it easier for user to identify and buy a certified explosion approved product. The safety of workers will be retained.

The electrical equipment approval scheme was implemented on January 1, 2011.

Because the explosion prevention electrical equipment type approval system is new in Taiwan, it involves the revision of laws, regulations and standards, establishment of a system and laboratory, collection of special technology, nurturing of human resource, and the informing and guiding of manufacturers and user factories, making the process of establish the system extremely complicated and difficult.

In coordination with the implementation of the system, the CLA has successively revised Regulation on Labor Safety and Health, Standard of Safeguard for Mechanical Equipment and Devices, Implementation Regulations for Type Approval of Machinery and Tools. The IEC 60079 and IEC61241 international standard series had translated into Chinese, and national standard drafts were passed to the Bureau of Standards, Metrology and Inspection, MOEA. They were set as the national standard CNS3376 series to serve as the basis for testing and judging whether a product is up to standard when type testing is carried out.

Also, guidance has also been provided to the Industrial Technology Research Institute with regards to the establishment of an explosion prevention electrical equipment testing laboratory, to raise its technical capability, test quality and capacity and train technical personnel. With respect to manufacturers and users, to raise the technical level and spread explosion prevention concepts, information and guidance are provided, and explosion prevention publicity materials and a technical manual has been printed to resolve related problems.

After years of hard work by the CLA, in December 2010: "From January 1, 2011 to December 31, 2013 the Industrial Technology Research Institute will be entrusted to serve as the type testing organization for explosion prevention electrical equipment, and will carry out explosion prevention electrical equipment type testing" and "Newly-installed or replacement explosion prevention lighting, explosion prevention electric motor and explosion prevention switch gears should use products certified by a type testing organization announced by the CLA from January 1, 2012" were announced to build a complete safety source management system and ensure the explosion prevention performance of explosion prevention electrical equipment. From the planning stage to formal implementation various difficulties were overcome, creating something from nothing and this was no mean achievement.

Over 1,000 types of explosion prevention electrical equipment are up to standard

Because of the heavy initial impact on manufacturers, importers and user factories, to reduce the impact on industry and allow the system to be smoothly implemented, the CLA set the "Guidelines for subsidizing small and medium-sized Enterprises(SME) explosion prevention equipment type approval and buying new up to standard products", offering different amounts of subsidy to different subjects: 60% of type approval fees for manufacturers, with total subsidy of no more than NT\$300,000 per; for users, 30% of the sales price of each unit of explosion prevention equipment that has a type approval conformity label, with total subsidy to not exceed NT\$150,000 in a fiscal year. Since implementation in 2011, manufacturers of 103 types of equipment have received a subsidy and 151 subsidies have been given to user factories. In addition, the CLA has also used information dissemination, training, guidance, technical exchange and other accompanying measures to lower resistance to implementation.

Up to the end of May 2013, under the system over 1,000 types of explosion prevention equipment have met the standard and the market now has various types of explosion prevention equipment bearing a conformity label that can be chosen and installed by

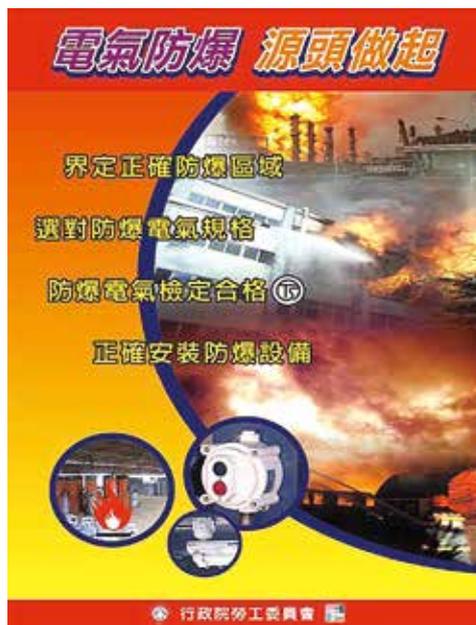
user factories, it will be a big help in terms of building a safe work environment and preventing explosions, and also showing that the system is well on track.

A mutual test report recognition agreement signed with foreign testing organizations

For products exported from Taiwan and products imported from overseas, both the exporting and importing company must carry out testing domestically and in the country to which products are exported before they can be imported/exported, affecting time efficiency.

To save the time required for repeated testing by domestic and overseas companies, with the precondition of maintaining explosion prevention equipment safety performance, the CLA has actively pushed for the mutual recognition of test reports by testing organizations and has successively agreed to ITRI signing "lab to lab" explosion prevention equipment test report mutual recognition agreement with Japan's Technology Institution of Industrial Safety (TIIS), Germany's Physikalisch-Technische Bundesanstalt (PTB), TÜV Rheinland (TÜV), and DEKRA EXAM and France's the Laboratoire Central des Industries Electrique (LCIE), to reduce the time required for type approval certification, for the benefit of both sides.

The signing of agreements with overseas testing organizations will not only boost the international competitiveness of Made in Taiwan products, it also shows that domestic explosion prevention electrical equipment testing has achieved a certain level. From initial domestic testing to acceptance of test reports by overseas testing organization, the system is now in line with international standards and has achieved benefits.



▲ A CLA explosion prevention electrical apparatus promotional poster



Learning from Japan— The CLA invites Japanese scholars and experts to Taiwan to engage in unfair labor practice handling experience

The CLA hosted the seminar "The Unfair Labor Practice Settlement Mechanism- Japan Experience" exchange event on

May 15-17, 2013. Sugeno Kazuo, honorary professor at Tokyo University, Shimada Yoichi, public interest member of the Central

Labor Relations Commission and also a Prof. Evgeniou Kimiyo, an official with the Central Labor Relations Commission, were in attendance, sharing their opinions to allow unfair labor practices to be handled more effectively in Taiwan by learning from overseas experience.

Japan's unfair labor practices settlement mechanism has provided protection for union right of association for decades since the establishment of the Labor Union Act in 1945, in which time a large number of cases have been dealt with and rich experience accumulated. To tap the rich experience in this area of Japanese, to compare the unfair labor practice settlement mechanism with Taiwan system and establish an exchange platform, several Japanese scholars and experts who have substantial practical experience were invited to Taiwan and discussion and exchange of opinions event were held. The Commissioners of the Tribunal for Unfair Labor Practice, CLA, people involved in practical legal work and scholars from law departments and labor relations related departments of universities in Taiwan were also invited to discuss various aspects of the unfair labor practice settlement mechanism.

Prof. Sugeno Kazuo, a member of the Japan Academy, served as the chairman of the Central Labor Relations Commission and the Labor Policy Examination Committee as well as in other position, has engaged in research into labor law and labor disputes for decades. He was awarded the Order of the "Sacred Treasure-second class, Gold and Silver Star" by the government of Japan on May 9, 2013. Shimada Yoichi was appointed public interest member of the Central Labor Relations Commission in December, 2010 and has written and researched extensively on the area of labor policy. Evgeniou Kimiyo served for a time as Japanese representative at the OECD and joined the Central Labor Relations Commission in 2005, responsible for unfair labor practice matters.

The visit of these three guests to Taiwan to share Japan's practical experience in the area of handling unfair labor practices cases provided professional assistance and valuable reference for the determining of case of fact finding and legal analysis; it is

hoped in the future to establish a platform for exchange with the Central Labor Relations Commission.

It is two years since the addition of a unfair labor practice settlement mechanism to the Settlement of Labor-Management Disputes Act was approved. As of May 1, 2013, 121 unfair labor practice applications have been received and 56 cases of decisions were carried out by the CLA, showing substantial effectiveness in terms of stabilizing labor relations in Taiwan and guaranteeing labor association right, right to collective bargaining and right to collective dispute. It is hoped that this cross-border exchange on the subject of the unfair labor practice settlement mechanism will allow unfair labor practice handling in Taiwan to be more effective, labor relations more harmonious, and promote various labor policies on the basis of autonomy, fairness and development and put the concept of dignified labor into practice.



▲ The CLA hosted the "Handling Unfair Labor Practice Adjudication System - Japan's Experience" event.



The CLA wins the first prize in the Improving the quality of work life category in IFTDO's Global Human Resource Development Awards 2013

The International Federation of Training and Development Organization, (IFTDO) held its 42nd annual congress in New Delhi,



▲ The representative of the CLA's Bureau of Employment and Vocational Training(BEVT) accepted the honor awards.

India on April 23, 2013; the CLA's Bureau of Employment and Vocational Training (BEVT) won the honor of taking the first prize in the "Improving the quality of work life" category of the IFTDO's Global Human Resource Development Awards 2013, receiving a cup, a US\$2,000 cash prize and a certificate, presented in person by the President of India, Shri Pranab Mukherjee.

The IFTDO is one of the leading human resources development organizations in the world and has held a number of international human resources development competitions in recent years that human resources development programs from various countries have competed in. The BEVT's Multiple Employment Development Program competed in the Global Human Resource Development Awards and came out ahead of 25 other programs from around the world.

Participation by both private groups and government, creating 120,000 jobs

In 2001 the Sustainable Taiwan Development Employment

Program was launched in response to rising unemployment, to ease the unemployment problem and to accelerate the reconstruction of areas affected by the September 21 earthquake, taking into account the experience of developing the third sector to promote employment and also the local experience of implementing the September 21 Earthquake Work Relief Program in 1999 and the Disaster Area Reconstruction Force Employment Program in 2000; then, in 2002 the Multiple Employment Development Program was launched and has been implemented ever since.

Through creative, local and developmental projects, such as cultural preservation, handicraft promotion, care service, the local living environment and living conditions have been improved and the development of local industry promoted, stimulating the creation of other job opportunities, guiding the unemployed to take part in program work to rebuild their self-confidence and nature their re-employment ability.

The BEVT said that, as of the end of March, 2013, subsidies had been provided to 8,260 employment projects implemented by private groups and that private groups and the government

have together created over 120,000 employment opportunities and assisted 53,931 people to find employment. In the future the CLA will, in coordination with the disadvantaged group employment assistance policies of local government, continue to create local employment opportunities and, also, provide special case assistance when needed, to reduce the gap between urban and rural community development, and accumulate domestic human resources and social capital; moreover, we will assist private groups to transform into social enterprises to allow them to become self-sufficient sustainable business, to achieve the objective of long-term employment of unemployed from disadvantaged groups by the third sector, gradually moving in line with international norms, and provide economic product marketing channel expansion and brand image establishment guidance so that producers receive tangible reward in the form of increased income, stable employment and improved lives.

This is the first time Taiwan has won the first prize in an IFTDO human resources development competition; this international honor testifies to the international affirmation of Taiwan's human resources development efforts.



CLA's Minister Pan Shih-wei shows concerns for the work situation of Filipino workers in Taiwan when he visits Chih Kang Material Company in Tainan

The CLA's Minister Pan Shih-wei visited Chih Kang Material Co. in Yongkang District, Tainan on May 25, 2013. This company has established the first Community Interest Company in Taiwan, to care for the mentally and physically disadvantaged, and Minister Pan gave his affirmation and thanks for this.

Chih Kang employs a number of female workers from Philippines, Minister Pan asked them in English whether their lives in Taiwan had been affected by the "Kwang Da Hsing 28" shooting incident. The workers said that Taiwanese are very friendly and that they are happy, safe and sound; they asked to be photographed with the Minister and send the photos back to their families in the Philippines to show them that they are safe. Minister Pan said that these workers left their homes and travelled far away to Taiwan to improve their family's economic situation; Taiwan is a mature democracy that is ruled by law so the people should treat Filipino workers in Taiwan well and give respect they deserve. Minister Pan said that, since the "Kwang Da Hsing 28" shooting incident, every time he visits the provinces he will carefully listen to what the people say to gauge public sentiment; luckily the people of Taiwan are friendly and he has heard no reports of Filipino workers being mistreated.

During his visit to Chih Kang, Minister Pan found out that the company legally employs a number

of female workers from the Philippines to assist with production and he asked to be taken to the production line to greet these workers. To begin with the Filipino workers didn't know who their visitor was but, after being told that he was the CLA's Minister Pan, the patriarch of the worker family, they eagerly took it in turns to be photographed with him. Minister Pan said with a smile that he doesn't often get the chance to be surrounded by a group of female worker "fans" from the Philippines. This happy scene showed that workers from the Philippines in Taiwan are safe and well. 🙌



▲ CLA Minister Pan Shi-wei (middle) visited Chih Kang Material Company where he showed concern about the well-being of Filipino workers in Taiwan.



ISSN 2306-7454

台灣勞工簡訊

行政院勞工委員會
Council of Labor Affairs, Executive Yuan

Taiwan Labor e-Quarterly

發行人/潘世偉 · 總編輯/鐘琳惠 · 編輯委員/王厚誠、林永裕 · 執行編輯/蔡宜倩

英譯/賴凱文 · 發行所/行政院勞工委員會 · 地址/10346臺北市大同區延平北路2段83號9樓

編輯製作/台灣經濟研究院 · 電話/02-25865000 · 編者註/中英文版本內容如有出入,以中文版本為準

專題報導



邁向自主— 勞資關係新面貌

政策法規

- » 勞委會辦理「外籍看護工外展看護服務試辦計畫」
- » 勞委會推動催生「職業安全衛生法」，擴大保障所有工作者之安全與健康
- » 防爆電氣設備型式檢定制之推動現況與成果

新聞瞭望

- » 借鏡日本—勞委會邀請日本專家學者來臺交流「不當勞動行為處理經驗」
- » 勞委會榮獲「2013年國際培訓總會 (IFTDO) 全球人力資源發展獎」競賽之「改善工作生活品質」類首獎
- » 勞委會主委潘世偉至臺南訪問志鋼金屬關切菲勞在臺工作狀況



專題報導

邁向自主—勞資關係新面貌

在面對全球金融危機、全球化經濟整合衝擊、變遷的人口結構、快速變動的產品市場挑戰，勞動市場全球化與彈性化的趨勢使臺灣勞資關係面臨許多的壓力。

過去幾年來，全球金融情勢動盪，雖然目前整體經濟情勢緩步復甦，但仍有許多不確定性，政府的工作在這種情勢下更具挑戰性及複雜度。為使臺灣勞資間制度更具彈性化，自100年5月1日施行之「新勞動三法」，希望能透過自主的勞資關係，建立得以面對全球金融危機、全球化經濟整合衝擊，以及國內勞動市場、人口結構快速而鉅變的挑戰。因此，社會各界對於新勞動三法能否落實工會自主、提供勞工發聲管道，走到創造平等和諧的勞雇關係，均賦予高度期待。

促進工會自主發展

新工會法自100年5月1日施行後，已規定勞工均有組織及加入工會的權利，工會依法籌組成立後，自有與雇主進行團體協商之法定權利，不僅於相關勞動法令中保障其團結權，亦保障其協商權。另外，對於各業僱用勞工30人以下的事業單位，勞工雖受人數限制未能成立企業工會，仍能加入產業工會，其結社權亦有一定保障。

為有效保障團結權之行使，參考「經濟社會文化權利國際公約」、「公民與政治權利國際公約」及國際勞工組織 (ILO) 第87號公約精神，除已改善勞工團結權的限制，包括教師可以組織及加入工會，亦放寬工會職員國籍限制，使外籍勞工除了可以組織、加入工會，且只要年滿20歲者，也有被選為工會的理事、監事之權利。



另外，對於工會的運作解除不必要限制，首先，鬆綁工會法規，例如工會會員資格、會員代表的產生、工會幹部的選任或解任等限制，希望工會內部以自主方式運作，並為促進工會聯合組織會務正常及永續發展，增進工會團結力及會務自主功能，其會務工作應有專人負責規劃、推動，使工會內部運作能朝更自主方向邁進。

在工會組織方面，自100年5月1日迄102年4月30日止，新成立且完成登記的工會家數共計389家（包括聯合組織19家、企業工會64家、產業工會80家及職業工會226家），較新法上路前成長9.3%。其中教師職業工會19家、教育產業工會14家、教師產業工會4家、以及教師工會聯合組織1家（全國教師工會總聯合會已於100年7月11日召開成立大會，會員人數達8萬餘人），共計38家。

工會目前呈現多元發展，為使工會有能力在勞資關係中扮演更重要角色，勞委會將積極朝促進工會組織自主發展，強化工會幹部知能，進而保障勞工權益；同時檢討修正工會法及其施行細則，輔導勞工籌組工會，以真正提高團結權的行使。

提升勞資自治協商

於集體協商部分，修正後的團體協約法自100年5月1日公告施行後，勞委會積極推動團體協約誠信協商制度，並辦理入廠輔導勞資雙方進行團體協商計畫，100年及101年總計有32家事業單位及工會申請參加，共計完成30個入廠輔導個案；另經統計，100年及101年底之重新或首次簽訂團體協約家數達43家，截至101年12月底，團體協約有效家數為83家，受團體協約覆蓋的勞工人數有53,596人，較100年5月1日前受團體協約覆蓋的勞工數21,247人，成長比例高達252%。

另外，勞委會多年來透過集體協商人才培訓、編訂團體協約參考手冊及辦理團體協商入廠輔導等措施，輔導勞資雙方透過團體協約的簽訂，提升勞工勞動條件，100年

5月1日團體協約法公告施行後，若干新簽訂的團體協約內容即有包括：加班費計算、定期協商調薪幅度、併購或調動相關權益事項、優惠資遣及退休方案、工作權保障、職災補償金額及提供會員團體保險等優於法令約定事項。顯見團體協約法明定透過強制協商的規範及誠信協商原則，已有效提升勞資雙方進行團體協約的意願，並促成勞資雙方簽訂團體協約效果。

保障勞工權益

為提升勞資爭議處理效能，建立多元專業的勞資爭議處理機制，勞資爭議處理法修正增訂獨任調解人、仲裁人制度及不當勞動行為裁決機制等規定；該法修訂施行以來，勞委會已透過辦理勞資爭議調解人訓練與認證活動，建立統一的認證標準，以提升調解人的專業，目前累計已有300人參加訓練，其中取得認證資格並發給證書計278人。

100年5月1日施行至今（102）年1月31日，主管機關受理的勞資爭議案件累計40,782件，其中以主管機關組成調解委員會處理的案件約占51.4%；主管機關委託民間團體調解人處理者約為48.6%，上開案件調解人調解成功率與99年協調方式相較，已由54%提升為66%，顯見修法前的「協調」機制已順利轉銜為「調解人」制度，且對於勞資爭議處理效率、服務品質提升，及取得民衆信任感等，均有成效。

至於不當勞動行為裁決機制部分，截至今年4月30日止，不當勞動行為裁決委員會已受理121件裁決申請案，除56件作成裁決決定，發揮修補勞資歧見，回復集體勞資關係正常運作，進而促成勞資關係和諧外，亦有19件申請案於審理期間由裁決委員會促成和解、另有27件經申請人撤回，達成息訟止爭之效。



▲ 勞委會辦理「102年度工會領袖座談會」，聆聽各級工會對勞動政策之意見及工會實務運作等相關問題。

「新勞動三法」確保勞資關係朝「成熟有秩序，合作又競爭」方向發展

綜上所述，新勞動三法的施行，在確保勞工權益，並兼顧我國企業發展的前提下，建構符合當前臺灣產業經濟發展現況之勞資關係制度，實施近2年來，已對我國勞資關係產生明顯正面影響。展望未來，除積極輔導籌組各級工會組織，並健全其發展、鼓勵勞資雙方本於誠信原則進行協商，並簽訂團體協約；另亦持續增進勞資爭議調解人專業知能，加強辦理認證及回流訓練，強化中央與地方勞資

爭議協處機制。勞委會將持續推動落實勞動三法，確保我國勞資關係朝「成熟有秩序，合作又競爭」方向發展。最後，輔導工會健全發展、勞資自治協商及保障勞工相關權益，是勞委會一貫的立場，也是勞委會責無旁貸的任務。

未來，勞委會仍會秉持「公平、自主、發展」的信念，積極推動勞資協商、建立具保障性與競爭力的勞動市場，冀望能夠為勞資關係奠定更和諧的基礎，除了保障勞工朋友，也讓企業受益。畢竟，唯有勞資雙贏的土壤，才能夠為我們的社會滋養出壯碩的大樹，結出甜美的果實，讓我們共同期待。



勞委會辦理 「外籍看護工外展看護服務試辦計畫」

為評估建立外籍看護工多元聘僱模式，以解決家庭照顧相關問題，並藉由非營利組織的訓練、督導及管理，提升照顧服務品質，勞委會已於102年3月13日公告發布「外籍看護工外展看護服務試辦計畫」（以下簡稱外展試辦計畫），由有意願的非營利組織於102年9月13日前向勞委會提出申請，經專家學者、社會團體及相關部會代表審查通過後，由該非營利組織引進聘僱外籍看護工，指派至被看護者家庭從事日常生活照顧等相關事務工作。

建立多元聘僱模式

我國自民國81年開放引進外籍看護工以來，引進人數快速成長，102年3月底已達20萬7,820人，占外勞總人數45萬1,202人中的46%。而現行外籍看護工聘僱模式，是由被看護者或其家屬擔任雇主，外籍看護工和被看護者同住，且提供長時間服務。由於工作與生活場域難以區隔，且生活、飲食習慣與我國一般家庭不同，因此出現家庭看護工與雇主彼此間溝通有障礙，常發生申訴、要求轉換雇主，或看護工行蹤不明等情事。

其中，部分家庭的照護需求，因有家人分擔等因素，無需外籍看護工長時間照護，同時，為了減少外籍看護工工時過長（含待命時間）及前述雇主管理能力有限等問題，勞委會規劃建立更多元的聘僱模式，外籍看護工改由非營利組織聘僱，再外展至符合資格的被看護者家庭提供照顧服務。

考量目前國內長期照護資源普及性及民衆可負擔性，

現行外籍看護工的聘僱模式仍有維持之必要，爰勞委會先採行試辦方式，再評估該模式的可行性。

試辦單位資格：地方主管機關委託辦理居家照顧服務的財團法人、非營利社團法人或其他以公益為目的之團體為限

因外展試辦計畫係屬創新的服務模式，事涉居家服務專業、被照顧者家庭使用習慣、機構管理能力等問題，故為確保服務品質，保障被看護者權益，外展試辦計畫規定，試辦單位資格以最近1年內曾受地方主管機關委託辦理居家照顧服務的財團法人、非營利社團法人或其他以公益為目的之團體為限。

試辦單位取得試辦資格後，須依法定申請程序向勞委會申請招募引進外籍看護工，並為外籍看護工辦理聘僱許可、居留證、定期健康檢查等相關事項。在管理端的部分，試辦單位須負責僱用外籍看護工所衍生的後續各項法定生活管理、入國通報及接受檢查等義務及繳納就業安定費等雇主責任，並安排外籍看護工定期接受在職訓練及進行服務督導。在服務提供端的部分，試辦單位依被看護者或其家屬的申請，簽訂服務契約（包括服務方式、服務費用及其他相關事項），指派本、外籍看護工至個案家中提供照顧服務，試辦單位並負責外籍看護工之住宿、交通。

外展試辦計畫之試辦期間3年

有關「服務使用端」的部分，依就業服務法第42條

規定，因我國開放引進外國人來臺工作，不得妨礙本國人的就業機會、勞動條件、國民經濟發展及社會安定。故在「補充性」原則之前提下，為避免額外引進過多外籍看護工，影響本國照顧服務員的就業機會，外展試辦計畫規定，使用外展看護服務的被看護者，仍須符合聘僱外籍看護工之申請資格（即具有重度以上特定身心障礙項目之一者，或經醫療團隊專業評估，認定有照護需求者）。其收費則回歸市場機制，依其申請的服務方式及服務時數，由

服務使用者與非營利組織雙方議定之。

勞委會推動外展試辦計畫，試圖建立除了機構式照護模式及傳統聘僱外籍看護工外，第三種聘僱服務模式以供民衆選擇，並希望促進照顧服務產業化，增加本國照顧服務員就業機會。外展試辦計畫之試辦期間3年，後續並將進行評估，俾做為政策評估參據。未來如經評估具有政策可行性，將配合國內長期照顧服務體系發展予以檢討外籍看護工政策。



勞委會推動催生「職業安全衛生法」，擴大保障所有工作者之安全與健康



▲ 勞委會主委潘世偉（中）前往彰化鹿港，訪視大詠城機械公司。

《勞工安全衛生法》自民國63年4月16日公布施行，並於80年間全案修正後，迄今已歷22年未有大幅修正。依「經濟社會文化權利國際公約」及國際勞工組織（ILO）第155號職業安全衛生公約（1981年）所揭示「人人享有安全衛生工作環境」之精神，不因行業不同而有所差別的規定，本法僅適用於營造業、製造業等14業別及僅以受僱勞工為保護對象，顯然未盡符合國際間保障工作者安全健康基本人權之共識，故推動修法工作。

近年在經濟全球化下，企業為追求國際競爭力，勞工普遍處於長工時及高工作負荷的勞動環境，另外，新材料、新物質及新科技的推陳出新，勞工亦可能暴露於新風險，職業安全衛生因之面臨新挑戰。

國際組織紛紛就工作者身心健康、化學品使用安全及機械、設備或器具之本質安全設計等議題展開具體行動，並有實質進展。例如多數會員國為防止機械、設備、器

具或化學品之風險衍生危害，均已採取源頭管制，立法規定製造、輸入者等不得製造、輸入不符安全衛生標準之機械、設備或器具；亦立法規範化學品之登錄、評估與許可制度，本法現行對機械安全及危害化學品，僅於雇主使勞工作業時的末端管理，已與國際發展趨勢不符，不利於勞工安全健康的保障與國際競爭力的提升。

為強化工作者職業災害預防及安全健康保護，行政院勞工委員會爰提出勞工安全衛生法修正草案，並將名稱修正為《職業安全衛生法》，該法案業經行政院於101年11月22日送請立法院審議，並經立法院於102年6月18日三讀通過。

本修正法案總條文計55條，修正重點包括下列6大面向：

一、擴大保障工作者之安全及健康

明定本法適用於各業受僱勞工、自營作業者及其他受工作場所負責人指揮或監督從事勞動的人員。將現有保障人數由690萬人擴大至1,067萬人。除課予雇主之義務外，並課予製造、輸入者等利害關係人的安全義務。

二、建構機械、設備、器具及化學品源頭管理制度

（一）規定中央主管機關指定之機械、設備或器具非符合安全標準或未經驗證合格者，不得產製運出廠場或輸入；製造者或輸入者對於未經公告列入型式驗證之機械、設備或器具，符合安全標準者，應以登錄及張貼安全標示方式宣告。

（二）建立新化學物質、管制性化學品及優先管理化學品之評估、許可、備查等管理機制；增訂危害性化學品製造者、輸入者、供應者及雇主，提供或揭示安全資料表、製備清單及採取通識措施之義務，並依

其危害性、散布情形及使用量等，評估風險等級並採取分級管理措施。

三、健全職業病預防體系，強化勞工身心健康保護

- (一) 為防止勞工過勞、精神壓力及肌肉骨骼相關疾病之危害，強化勞工生理及心理健康之保護，明定雇主就長時間工作等異常工作負荷促發工作相關疾病、執行職務因他人行為遭受身體或精神不法侵害、重複性作業等促發肌肉骨骼疾病等事項之預防，應妥善規劃並採取必要之安全衛生措施。
- (二) 對有害健康的作業場所，雇主應實施作業環境監測；監測計畫及結果應公開揭示，並通報中央主管機關。
- (三) 強化勞工健康管理，明定雇主不得將健康管理檢查結果應用於健康管理以外之目的，並應依健康檢查結果採取健康管理分級措施。
- (四) 明定勞工人數達一定規模以上、經中央主管機關公告適用的事業單位，應僱用或特約醫護人員辦理健康管理、職業病預防及健康促進等勞工健康保護事項。

四、兼顧母性保護與就業平權，修正女性勞工之母性保護規定

配合國際勞工組織（ILO）2000年「母性保護公約」之修正及我國「消除對婦女一切形式歧視公約（CEDAW）施行法」之實施，刪除一般女性勞工禁止從事危險性或有危害性工作的規定；修正妊娠中或分娩後未滿1年的女性勞

工，禁止從事危險性或有危害性工作的種類及範圍；增訂中央主管機關指定之事業，雇主應對有母性健康危害之虞的工作，採取危害評估、控制及分級管理措施；對於妊娠中或分娩後未滿1年的女性勞工，應採取工作調整或更換等健康保護措施。

五、強化高風險事業之定期製程安全評估監督機制及提高違法事項罰則

- (一) 對從事石油裂解之石化工業等，增訂應定期實施製程安全評估並報請勞動檢查機構備查，以強化監督。
- (二) 配合本次修正條文，考量實務情形修正罰則規定，並增訂公布事業單位、負責人之名稱或姓名等罰則。

六、促進職場安全衛生文化及相關產業之發展

- (一) 為鼓勵地方主管機關及目的事業主管機關積極規劃推動職業安全衛生業務，增訂中央主管機關得實施績效評核並獎勵的規定。
- (二) 增訂事業單位對於不合規定事宜的改善，得洽請中央主管機關認可之顧問服務機構提供專業技術輔導，以確保服務品質。

近年來產業結構及社會的變遷，勞工安全衛生也面臨嚴峻的挑戰，該修正案對於我國在勞動基本人權的保障、安全健康勞動力的確保及國家競爭力之促進，深具意義，也將有助於完整建構我國職業安全衛生防護體系，有效保障所有工作者的安全與健康。



防爆電氣設備型式檢定制度的推動現況與成果

對於可燃性氣體滯留等危險場所，為防止電氣設備的火花而導致火災、爆炸事故，其電氣設備應具有防爆性能。只是，防爆性能並無法由產品外觀辨識，且國內以往未有防爆電氣設備檢測制度，無法確知其防爆性能，故勞委會積極推動防爆電氣設備型式檢定制度的實施，對製造廠或進口商的防爆電氣設備之防爆性能予以檢測，經檢測合格者，發給型式檢定合格證明書，並張貼合格標章，以利使用者易於辨識及選購，同時確保勞工的工作安全。

100年1月1日起實施 防爆電氣設備型式檢定制度的推動現況與成果

因防爆電氣設備型式檢定制度的實施於國內係屬創新業務，

涉及法令標準的修訂、制度的建構、實驗室的建置、專業技術的蒐集、人力的培養、製造廠及使用廠的宣導輔導等，涉及層面極為複雜及困難。

為配合制度實施，勞委會陸續修正「勞工安全衛生設施規則」、「機械器具安全防護標準」、「機械器具型式檢定實施辦法」等相關法規，並翻譯國際標準IEC 60079及IEC 61241系列，擬具國家標準草案送請經濟部標準檢驗局轉訂為國家標準CNS 3376系列，據以供型式檢定判定合格與否之依據。

另外，輔導工研院建立防爆電氣設備檢測實驗室，提升其技術能力、檢測品質及執行能量，培訓檢定相關技術人力。而對於製造廠及使用廠，為提升其專業技術及推廣

防爆觀念，辦理宣導及輔導，印製有防爆宣導資料及技術手冊，以溝通及解決相關問題。

經勞委會多年的努力，並對申請的檢測機構實施審查及現場實地評核認可後，於99年12月公告：「自100年1月1日至102年12月31日期間，委託工研院為防爆電氣設備之型式檢定機構，辦理防爆電氣設備之型式檢定業務」及「新安裝或換裝之防爆燈具、防爆電動機、防爆開關箱等應自101年1月1日起使用經勞委會認可公告之機構實施型式認證合格之合格品」，以建構安全源頭管理制度，確保防爆電氣設備之防爆性能。新制度從籌備規劃至正式上路，終能克服相關困難，從無到有，實屬不易。

防爆電氣設備檢定合格品已有1,000餘型

基於新制度實施初期，對於製造廠、進口商及使用廠影響甚大，為減少業界衝擊，使制度能順利推行，勞委會訂有「補助中小企業實施防爆電氣設備型式檢定及新購檢定合格品作業要點」，針對不同補助對象，提供不同的經費補助額度：製造廠補助型式檢定檢測費用60%，同一年度的補助總額不超過新臺幣30萬元；使用廠新購具有型式檢定合格標章之防爆電氣設備，每1台設備補助其售價30%，同一年度之補助總額不超過新臺幣15萬元。自100年實施至今，已補助製造廠103型，使用廠補助151件。另外勞委會亦採行宣導、訓練、輔導、技術交流等配套措施，以減少執行阻力。

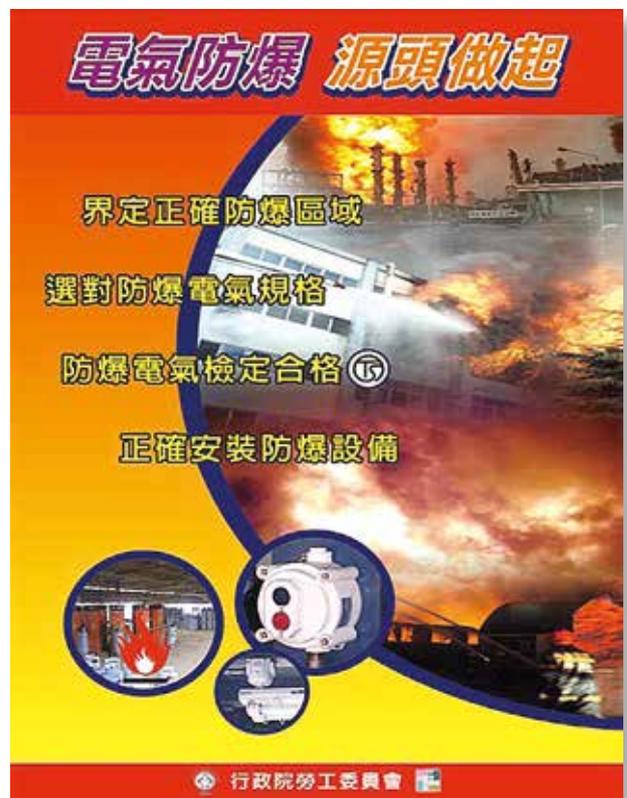
該制度實施至102年5月止，防爆電氣設備檢定合格品已有1,000餘型，市場上已有張貼合格標章的各種型式防爆電氣設備，可供使用廠選用及安裝，對於建構安全工作環境及預防火災爆炸發生，具有正面助益，亦顯示制度已逐步上軌。

與國外檢測機構簽訂測試報告互相承認協定

由於我國廠商產品外銷國外，或國外廠商產品進口臺灣，雙方廠商均須於國內及國外兩地分別辦理檢測，始

得進出口，影響時效性；為節省國內外廠商重複檢測的時間，在確保防爆電氣設備安全性能品質前提下，勞委會積極推動檢測機構相互認可防爆電氣設備測試報告，並已陸續同意工研院分別與日本產業安全技術協會（TIIS）、德國物理技術研究院（PTB）、德國萊因技術監護顧問股份有限公司（TÜV）、德國DEKRA EXAM及法國電機工業實驗中心（LCIE）以「實驗室對實驗室」方式，簽定「防爆電氣設備檢測測試報告互相承認協定」，以縮短型式檢定發證流程，達到雙方互惠。

與國外檢測機構簽訂協定後，不但有助我國產品在國際市場之競爭力，也顯示國內防爆電氣設備檢測技術能力已具一定水準。該制度初期從國內實施檢測，至國外檢測機構也接受國內檢測報告，已接軌國際，獲致成果。



▲ 勞委會宣導電氣防爆海報



借鏡日本— 勞委會邀請日本專家學者來臺交流 「不當勞動行為處理經驗」

行政院勞工委員會於102年5月15日至5月17日舉辦「不當勞動行為裁決制度-日本經驗」交流活動，特別邀請

日本東京大學名譽教授菅野和夫（SUGENO, KAZUO），以及日本中央勞動委員會公益委員島田陽一（SHIMADA），

YOICHI) 教授與事務局官員八木公代 (EVGENIOU, KIMIYO) 女士來臺交流意見，以增進「不當勞動行為」處理成效並汲取國際經驗。

日本不當勞動行為制度自1945年制定的勞動組合法，對於工會團結權之保障已有數十年歷史，累積案例與經驗相當豐富與多元。為借重日本豐富經驗，並與我國裁決制度相互比較及建立交流平台，此次邀請具豐富實務經驗的日本專家學者來臺訪問，並舉辦意見研討交流，同時邀請勞委會裁決委員、法律實務工作者、學校法律及勞工關係相關系所學者等，以各種層面共同討論不當勞動行為制度。

菅野教授是日本學士院院士，曾任日本中央勞動委員會及勞動政策審議委員會會長等職，長期效力於勞動法及勞資爭議領域之研究，並於2013年5月9日榮獲日本政府頒發「瑞寶重光章」勳章；而島田教授於2010年12月被任命為中央勞動委員會的公益委員，對於勞工政策領域具有相當廣泛的著作研究；八木女士則曾派駐經濟合作暨發展組織 (OECD)，並於2005年進入中央勞動委員會負責不當勞動事件審查事務。

該3位訪賓此次來臺分享日本處理不當勞動行為之實務經驗，將有助於我國在案件事實認定與法律分析上的專業協助與參考，未來也希望能

與日本中央勞動委員會建立交流平台。

勞委會於100年5月1日修正通過的勞資爭議處理法增訂裁決機制，實施至今已屆滿2年，截至今（102）年5月1日為止，受理121件不當勞動行為申請案，並做成56件裁決決定，對於穩定我國勞資關係及保障勞工團結權、團體協商權、團體爭議權有相當成效。希望透過這次「不當勞動行為制度」跨國經驗交流，讓我國不當勞動行為的處理及勞資關係之和諧更形完善，以「自主、公平、發展」推動各項勞動政策並落實尊嚴勞動理念。



▲ 勞委會主辦「不當勞動行為裁決制度-日本經驗」活動



勞委會榮獲「2013年國際培訓總會 (IFTDO) 全球人力資源發展獎」競賽之「改善工作生活品質」類首獎



▲ 勞委會職訓局代表獲頒獎項。

國際培訓總會 (International Federation of Training and Development Organization, IFTDO) 於今 (102) 年 4月23日在印度新德里召開第42屆年會，行政院勞工委員會職業訓練局榮獲「改善工作生活品質」類首獎，獲頒獎盃、獎金2,000美元暨獎狀一紙，由印度總統Shri Pranab Mukherjee親自頒獎。

國際培訓總會 (IFTDO) 為世界級人力資源發展的領導組織，近年來亦辦理多項國際級人力資源發展競賽，吸引各國卓越人力資源發展計畫共同角逐。勞委會職訓局此次以「多元就業開發方案」參與IFTDO「全球人力資源發展獎」之競賽，並於全球25件參賽計畫中脫穎而出。

民間團體與政府已共同參與創造12萬餘個工作機會

該方案緣自90年因應失業率急遽攀升，為解決失業問題，並加速921大地震災區家園重建，參考了歐盟發展第三部門促進就業的經驗，並結合88年推動「921大地震—以工代賑」及89年辦理「災區重建大軍就業方案」的臺灣本土經驗，推出「永續就業工程計畫」，於91年起推出「多元就業開發方案」，並逐年廣續推動。

透過具創意性、地方性及發展性的計畫，如文化保存、工藝推廣、照顧服務等，改善地方的整體居住環境及生活條件，促成在地產業發展，帶動其他工作機會，以引導失業者參與計畫工作，重建工作自信心，培養再就業能力。

勞委會職訓局表示，迄102年3月底止已補助民間團體執行8,260個就業計畫，且民間團體與政府已共同參與創造12萬餘個工作機會，共協助5萬3,931人就業。勞委會未來將結合政府協助弱勢族群就業政策，持續開創在地就業機會，並對於特殊性個案，提供專案性協助，改善與縮小城鄉社區的發展，累積臺灣人力與社會資本，並輔導民間團體轉型社會企業，使其發展自給自足的永續經營事業，達成第三部門長期僱用弱勢失業者之目標，逐步推動與國際接軌，輔導經濟型產品擴展行銷通路，建立品牌形象，使生產者得到收入提升的實質回饋，以穩定就業、改善生活。

這是我國首次獲得IFTDO組織人力資源發展競賽之首獎，且此項國際殊榮也印證我國在勞動力發展上獲得國際肯定。



勞委會主委潘世偉至臺南 訪問志鋼金屬關切菲勞在臺工作狀況

勞委會主委潘世偉於102年5月25日至臺南市永康區「志鋼金屬」訪視，該公司因成立全國第一家特例子公司以照顧身心障礙者，潘主委特予肯定並致謝。

由於志鋼金屬也聘用了數名菲律賓籍女性外勞協製作業，潘主委用英語問候她們在臺生活是否曾受到「廣大興28號」漁船遭到射擊事件的影響？菲勞們則表示，臺灣民眾很和善，她們過得很好、一切安然無恙；她們還搶著與潘主委合照，並要將照片寄回老家「報平安」。

潘主委表示，外勞朋友為能減輕家中經濟重擔，這才離鄉背井、遠渡重洋的來臺工作。而臺灣已是一個成熟的民主法治國家，所以，民眾對於在臺的外勞朋友應以禮對待，給予他們應有的尊重。潘主委說，「廣大興28號」漁船遭到射擊事件發生之後，他在每次下鄉訪視行程中，都會仔細聆聽民情，以同步掌握外勞在臺就業資訊的完整性；慶幸的是，我國民情真的很友善，他並未聽聞任何有關菲勞受到欺侮的情事。

在訪視志鋼金屬公司時，潘主委獲悉該公司因作業生產之需而合法聘用數名菲籍女性勞工，他便主動到生產線向菲勞問好。起初，在場菲勞並不知道潘主委是何許人，在得知他是勞委會主委、是勞工朋友們的大家長後，她們便開心的搶著要與潘主委合照。潘主委則笑說，他難得有機會被一群菲籍女性外勞朋友「粉絲」包圍；而這個和樂的場景畫面，更是在臺菲籍外勞「平安無事」的明證。✦



▲ 勞委會主委潘世偉（中）南訪志鋼金屬公司，關切菲勞在臺工作狀況。