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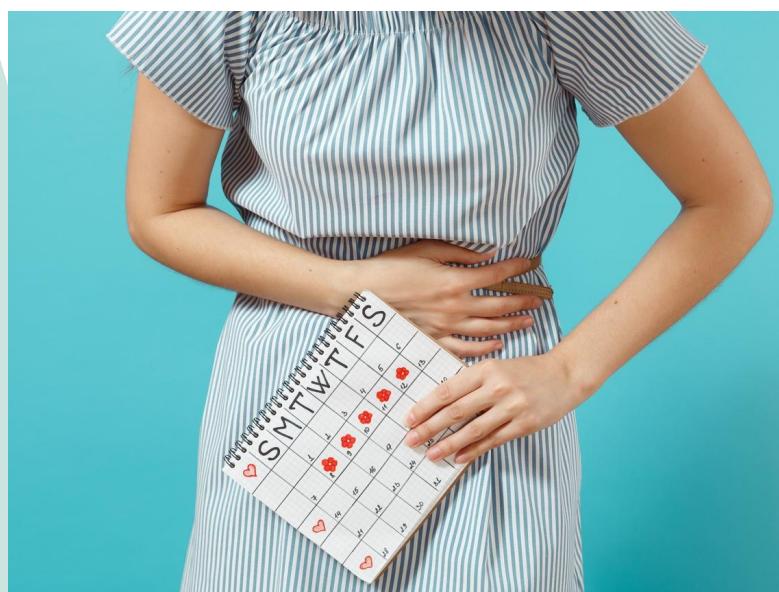
# Employers Must Implement Relevant Regulations on Menstrual Leave in the "Act of Gender Equality in Employment" to Protect Female Employees' Right to Menstrual Leave

According to the Act of Gender Equality in Employment, a female employee may request a one-day menstrual leave each month without providing relevant proof if her menstruation periods cause the employee to have difficulties in performing her work. Moreover, the employer may not refuse to grant such leave nor regard the leave as absence from work. The employee's perfect attendance bonus and performance appraisal shall not be impacted, nor shall other unfavorable measures be taken against the employee.

The Ministry of Labor (MOL) points out that, in principle, menstrual leave shall be approved based on the needs generated by actual menstruation periods. According to Article 14 of the Act of Gender Equality in Employment, a female employee having difficulties in performing her work during her menstruation period may request one-day menstrual leave each month. If the cumulative menstrual leaves do not exceed three days in a year, said leaves shall not be counted towards days off for sick leave. All additional menstrual leaves shall be counted towards days off for sick leave. Wages for menstrual leaves, whether said leaves are sick leaves or non-sick leaves as prescribed in the preceding Paragraph, shall be half the regular wage.

As the MOL further explains, workers to whom the Labor Standards Act is applicable shall receive half the wage for injury or sick leaves for no more than 30 days within one year. For workers with leaves totaling 30 days, including sick leaves and menstrual leaves that count towards days off for sick leave, plus three days of menstrual leave that do not count towards sick leave, employers shall pay half the regular wage. In addition, a worker whose sick leaves and menstrual leaves that do not count towards sick leaves have reached their yearly quota may still request a one-day menstrual leave each month should there be need for another such leave. However, the employer is allowed to not pay the wage in this situation.

The MOL would like to remind employers that if they violate the aforementioned regulations, workers may appeal to their local labor administrative authority (the labor bureau of their local county or department of social welfare of their local municipal government) to protect their rights and interests.



Keywords: Act of Gender Equality in Employment, Menstrual Leave, Half Wage



# The Ministry of Labor is Committed to Improving the Quality of Collective Agreements to Protect Labor Rights

The amended Collective Agreement Act has been enacted for nearly ten years. Through projects such as collective agreement talent development and in-factory mentoring, the Ministry of Labor (MOL) has injected new vitality into employer-employee negotiations. Statistics show that, as of the 3rd quarter of 2020, there have been 818 valid collective agreements in 2020, up 8.9% from the 751 cases in the same period of 2019. These numbers show the continuous growth in the number of collective agreements.

As the MOL explains, in addition to the growth of collective agreement in Taiwan as reflected in statistics, the contents of collective agreements in recent years have also been found to be broader and increasingly substantial. These include benefits superior to those in agreements made in accordance with labor standards required by law, such as: "A worker on his/her own wedding day shall be granted eight days of wedding leave with pay. A worker attending their children's wedding or betrothment shall be granted one day off with pay." Clauses on sharing of earnings include: "If Party A has any pre-tax earnings, no less than 1% shall be allocated as employee compensation based on the pre-tax earnings before the amount of employee compensation to be distributed is deducted." Clauses regarding trade union consent and safety include: "Without legitimate reason(s), Party A may not adjust the labor conditions specified in this agreement for non-union workers. This restriction does not apply to non-union workers who pay the fees specified in Party B's articles of incorporation to Party B"; and: "Except for needs for specialties from foreign personnel, Party A may not employ non-Taiwanese workers in Taiwan without Party B's consent." These clauses show that current collective agreements have gradually become very effective at protecting unions and improving union members' welfare.

Lastly, the MOL adds, the objective of collective agreement signing is to stabilize labor relations and secure both parties' rights, which also benefits the employer's business. For instance, a clause of consent to implementing overtime or flex-time work gives flexibility to a business's operation; clauses related to peace obligation can help prevent impacts on business operations in the event of disputes. Therefore, when employers are invited by trade unions to form collective agreements, the employers must hold a positive attitude and negotiate with the unions in good faith. In 2021, the MOL will continue to offer in-factory mentoring services. All business entities or trade unions interested in this service are welcome to contact the MOL and request the service.



# The MOL Launches Online Applications for Tuition Fee Subsidies for Children of Unemployed Workers Starting from the 2nd Semester of the 2020 Academic Year

In order to reduce the burden of schooling for children of unemployed workers who were discharged involuntarily, the Ministry of Labor (MOL) offers tuition fee subsidies for children of unemployed workers in time with the beginning of school every year. To facilitate unemployed workers' application for children's tuition fee subsidies, and save the time and costs of requesting and printing application forms and postal delivery, from the 2nd semester of the 2020 academic year (February 2021) onwards, unemployed workers may visit the "Online Application System for Tuition Fee Subsidies for Children of Unemployed Workers" section on the MOL website and submit an application for children's tuition fee subsidies using their Citizen Digital Certificate.

Those who apply for tuition fee subsidies for children for the 2nd semester of the 2020 academic year must meet all of the following conditions:

- I. The worker has been involuntarily unemployed at least one month, has been verified as such and received unemployment benefits, or has been employed before the application deadline but received unemployment benefits within the previous year and the period of employment has not exceeded three months.
- II. Total individual income in 2019 of the applicant and his/her spouse is no more than NT\$1.48 million.
- III. The applicant has not claimed old-age benefits or participated in government agencies' measures (plans) related to employment promotion by the application deadline.
- IV. The applicant's children have student statuses at senior high/vocational schools or colleges/universities in Taiwan.

The subsidy amounts for children of unemployed workers for this semester are as follows: NT\$4,000 for children attending public senior high schools or vocational schools, NT\$6,000 for those attending private senior high schools or vocational schools, NT\$13,600 for those attending public colleges or universities, and NT\$24,000 for those attending private colleges or universities. In addition, unemployed workers who are the sole breadwinners of the family (for example, those who are divorced or widowed, or whose spouse cannot work owing to disabilities or major illnesses) or have two or more children in college or university will receive an additional 20% in subsidies. Furthermore, according to the Ministry of Education's Tuition Fee Exemption Plan for Senior High Schools and Vocational Schools, those who are already exempt from tuition fees or have been receiving tuition fee subsidies from other government agencies may not apply for MOL's subsidies.





# The 3rd Taiwan-EU Labor Consultation Draws to a Successful Close and Turns Over a New Leaf for Taiwan-EU Cooperation in Occupational Safety and Health

The 3rd Taiwan-EU Labor Consultation was held via video conferencing at 4 p.m., February 3, 2021. The EU was represented by delegates from the European Commission's Directorate-General for Employment, Social Affairs and Inclusion (DG EMPL), led by Director-General Joost Korte, and delegates from the European Agency for Occupational Safety and Health at Work (EU-OSHA). Taiwan was represented by the Ministry of Labor (MOL) led by Minister Hsu Ming-Chun. Foreign representatives from both parties—Filip Grzegorzewski, Head of the European Economic and Trade Office, and Tsai Ming-yen, Representative of the Taipei Representative Office in the EU and Belgium—also attended the bilateral meeting and the opening ceremony, with lively interactions between the two sides.

Before the consultation started, the leaders of both parties exchanged views on Taiwan-EU cooperation in labor issues and the impact of COVID-19 on the labor market. Minister Hsu explained that Taiwan has controlled the pandemic effectively under the collaborative efforts of the government and citizens. Regarding workers and businesses affected by COVID-19, the MOL has also proposed measures related to relief, stable employment, and occupational safety and health. In addition, Minister Hsu also stressed that building a "secure and healthy" work environment for workers is a core value and goal in Taiwan's labor policies. Therefore, it is hoped that this consultation can facilitate exchanges and cooperation between Taiwan and the EU in occupational safety and health.

Director-General Joost Korte of DG EMPL pointed out that Taiwan and the EU share values of democracy, rule of law, and human rights, and face the same challenges in the labor market, which highlights the importance of continuous dialog between both parties. Additionally, since EU member states have been severely hit by COVID-19, the EU has proposed a series of economic relief plans, while the impact of COVID-19 has also caused the EU to reconsider relevant regulations on occupational safety and health. Therefore, it is hoped that this consultation can spark ideas for better strategies and approaches from both parties.

During the consultation, the two sides conducted exchanges on "Occupational Safety and Health Strategies, Progresses and Research" and "Occupational Safety and Health and Other Measures in Response to COVID-19," and also held animated discussions on occupational safety and health issues such as the platform, gig, and green economies. Both parties agreed that new technologies and new work patterns have brought both opportunities and challenges to the labor market, and hoped to conduct deeper exchanges on individual issues. The consultation represented a new milestone for Taiwan-EU cooperation on occupational safety and health.



Minister of Labor Hsu Ming-Chun leads a team to attend the Taiwan-EU Labor Consultation

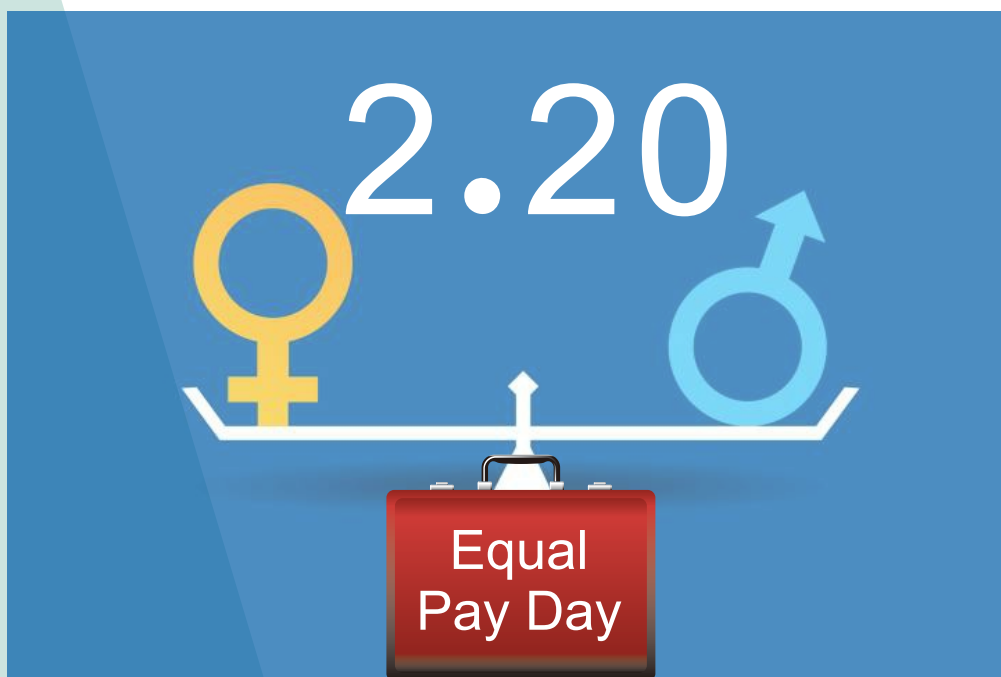
Keywords: Taiwan-EU Labor Consultation, Occupational Safety and Health, COVID-19 Relief

## Equal Pay Day in Taiwan for 2021 is February 20

In order to raise public awareness for equal pay, the Ministry of Labor (MOL) has once again announced Equal Pay Day for this year. Since average earning for different genders depend on a number of factors other than gender, such as the nature and category of the job, seniority, education, and job experience, narrowing the gender pay gap is a common goal for all sectors of society.

Taiwan's Equal Pay Day is based on the Employee Earning Survey conducted by the Directorate-General of Budget, Accounting and Statistics (DGBAS) under the Executive Yuan and reflects the number of days women must additionally work in the current year to earn the same amount as men did the previous year. According to the preliminary data of the 2020 Employee Earning Survey by the DGBAS, the average hourly earnings of women was NT\$296, 86% of men's hourly earnings of NT\$344. The gender pay gap was 14%. In other words, women needed to work 51 more days (gender pay gap of 14% x 365 ≈ 51 days) than men to receive the same total annual earnings. Using this formula, it was determined that Equal Pay Day fell on February 20 for 2021.

In the last decade, the gender pay gap for average hourly earnings fell from 17.1% in 2010 to 14% in 2020. The extra number of days women have to work for equal pay compared to men has been reduced from 63 days to 51 days. The average gender pay gap decreased by 3.1 percentage points or 12 working days. Historically, Taiwan's gender pay gap has been less than that of the United States, Japan and the Republic of Korea. In 2020, the gender pay gap in Taiwan was 14%, which was lower than Japan's 31.9% (2019), Korea's 30.6% (2019), and the United States' 17.7%. In the past 10 years, gender pay gaps have been on the decrease in various countries. The Republic of Korea has had the largest decrease at 7.8 percentage points; Japan decreased by 3.3 percentage points; Taiwan decreased by 3.1 percentage points; and the United States decreased by 1.1 percentage points.





# The Ministry of Labor Offers Its Warm Support for Migrant Worker COVID-19 Control

Minister of Labor Hsu Ming-Chun visited the factories and migrant worker's dormitories of Mayushan Foods Co., Ltd in Kaohsiung on February 5, 2021, to inspect their COVID-19 control measures. In addition to providing face masks, hand sanitizers and other infection control supplies, she also learned about the company's implementation of COVID-19 control measures in migrant workers' accommodations and showed special concern for migrant workers' COVID-19 epidemic prevention.

Minister Hsu stated that she visited Mayushan Foods to understand and support corporate pandemic control and express concern for migrant workers' epidemic prevention and safety. Regarding employers' implementation of pandemic control for migrant workers, the Ministry of Labor (MOL) has cooperated with the Central Epidemic Command Center for Severe Special Infectious Pneumonia for the epidemic prevention measures, has established the "Guidelines for Employment of Migrant Workers in Response to COVID-19: Important Notes on Migrant Worker's Work, Life and Going Outside." The Guidelines require employers to promote pandemic control at workplaces and dormitories, communicate COVID-19-related information in the migrant workers' native languages. And provide the Ministry of Health and Welfare and the MOL Epidemic Prevention Information websites with facts to enable the employers, brokers, and migrant workers to understand and comprehend the COVID-19 prevention information, and join hands to work together to maintain domestic epidemic prevention and safety.

Minister Hsu reminded that we should practice good habits for COVID-19 prevention be sure to wear face masks in crowded places, keeping hands clean, and maintaining social distance. The MOL cares about every migrant worker and provides the 1955 hotline, offers a toll free hotline, opens 24 hours 7 days a week, bilingual and free complaint and consultation services, and information related to COVID-19 prevention measures, labor rights related issues or interpretation needs. Multilingual COVID-19 epidemic information is also available on the COVID-19 section on the Information Site of Foreign Worker Rights Defence.



Minister of Labor Hsu Ming-Chun inspects the COVID-19 control at Mayushan's factories and migrant workers' dormitories

Keywords: Migrant Worker COVID-19 Control, 1955 Hotline, Information Site of Foreign Worker Rights Defence