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Council of Labor Affairs, Executive Yuan

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Quarterly Focus

Promotion and forecasts of the "Employee Assistance Programs (EAPs)" From "Laborer Life Counseling" to EAPs

The change in industrial structure that began in the 1970s brought rapid changes to members of the workforce that work in the city. This rapid change in society then created social, psychological and family adaptation problems and prompted the Government into concern for the mental health of the workforce.

To improve the quality of labor and maintain their physical and mental health, in 1979, the Government held a youth labor counseling meeting to help the China Youth Corps establish "industrial youth service teams" in cities and counties around the country to provide channels of assistance to working youths who are under psychological distress and promote education of mental health in factories. Soon after that, the Ministry of the Interior promoted the "labor life assistance and guidance system" in 1990 to strengthen the counseling system for youths working in factories. To implement counseling for laborers working in factories and mines and to ease labor relation conflicts, in 1991, the Ministry of the Interior also announced "crucial positions for placement of counselors for factory and mine laborers" and "crucial positions for enhancing services provided for young factory laborers," and formally established a laborer counselor system to help mine and factory institutions

offer laborers counseling for the difficulties they encounter in daily life and at work, as well as to assist these institutions in setting up their own labor counseling services.

After 1991, the development of Taiwan's measures for providing care to workers at their workplace was deeply impacted by the United States and other European countries. From 1994 onwards, the Council of Labor Affairs of the Executive Yuan reformed the system with human resources management, employee counseling and social work professionals and transformed "laborer counseling" into EAPs. Every year, a discussion seminar for the Employee Assistance Program is held regularly around the nation to promote the concept and benefits of the EAPs push for increased attention to the physical and mental health of workers in the workplaces of institutions, and encourage institutions to establish "Employee Assistance Program" service systems to help employees deal with health, psychological, family, legal, financial, emotional, or stress related problems that they face during their daily lives or at work.

Happy work · Successful enterprise

With the rapidly changing industrial environment caused by

the impact of globalization, the issue of "fatigue" and "physical and mental load" is becoming more and more important, arousing even the concern for physical and mental health in the workplace from different parts of the society. The Council of Labor Affairs has always upheld their duty and mission to care for workers. Since November of 2010, the Council has actively promoted the EAP as a strategy to encourage enterprises to value and promote various service measures that are of great benefit to the physical and mental health of workers at the workplace and to reduce the stress workers are under from the pressure of daily life or work, so that they can work comfortably and efficiently.

Four major strategies – promotion, support, praise and research – are used for the "Employee Assistance Program Promotion Plan" to help enterprises understand the EAP models, specific operations, and practical benefits, so that they will implement measures to care for the physical and mental health of workers at the workplace and create a high-quality working environment. The relevant measures implemented are:

1. The establishment of a "Happy work- happy call— 'Employee Assistance Programs' professional consultation plan" to help enterprises develop EAPs

- (1) Helpline (03-5280-911 I love to help you!): A helpline has been established to offer enterprises advice on planning their own EAPs.
- (2) Expert consultations for factories: A group of professional counselors has been set up. Based on their actual experience, these expert counselors are sent to local sites to provide counseling service in relation to the employee assistance programs of these enterprises and to provide recommendations for the models of EAPs and developing main points at different stages according to their service needs.

2. The compilation of an "Employee Assistance Program Promotion Manual"

Service models of EAPs for different industries have been researched and compiled into a handbook with actual cases, and this hand book is used as a reference material for the promotion of EAPs to enterprises.

3. The selection and recognition of enterprises with excellent EAP performance

To affirm the efforts of enterprises to take care of their employees, the Council of Labor Affairs of the Executive Yuan selected enterprises with excellent EAPs in 2011, and held a "Work, Life, and Good Health are Easy—2011 Employee Assistance Program Excellence Forum cum Recognition Assembly" on December 16, 2011 to recognize 11 enterprises that had exemplary EAPs as well as invited experts, scholars and award-winning enterprises to share their own experiences and promote tips by interactive activity, and ignite sparks of creativity for other EAPs.

4. Promotion of the "Employee Assistance Program"

- (1) The sending of "letters to enterprises" and the publication



▲ The CLA continues to hold promotional lectures with the aim of making business units care more about and attach more importance to "employee mental and physical health in the workplace".

of EAP handbooks and leaflets which promote the meaning and spirit of the EAP to enterprises.

- (2) The systems of county and city governments, science and industrial parks and various trade associations have been linked for the arrangement of EAPs promotion seminars to expand the promotion objects of EAPs, and help enterprises learn about the operation models and service benefits of EAPs. It also enhances the understanding of the practical measures that are taken by enterprises. Since 2012, these promotion seminars have also included a field visit at enterprise with excellent EAP performance to improve the effectiveness of the promotion.

Looking towards the future—popularizing and promoting EAPs among enterprises

In order to care for the physical and mental well-being of workers in the workplace, in the future, the Council of Labor Affairs of the Executive Yuan will aim at the popularization and promotion of EAPs among enterprises, and will make use of continued promotion seminars to share experiences and effectiveness of EAPs, and spur enterprises to care about physical and mental health issues of workers in the workplace. Also, the Council will offer expert consultations to enterprises to clarify the needs and priorities of EAPs to help enterprises systematically and procedurally establish EAP systems. As a result of this, enterprises will be able to implement their EAPs successfully and will create a working environment that is beneficial to the physical and mental well-being of workers. This will then lead to a higher level of creativity and productivity, and the creation of a happy workplace where employees and employers are both winners.



Policies and Regulations

Contents of Lifelong Career Planning

On January 12, 2010, the Legislative Yuan passed four laws for government organization transformations through three readings, and will transform the Bureau of Employment and Vocational Training into the "Department of Workforce Development" which will be responsible for the planning and implementation of labor policies in the future. Moreover, in accordance with the concept of regional logistics, the various original employment service centers and vocational training centers of the Bureau of Employment and Vocational Training will be combined to become five "Department of Workforce

Development Branches" which will be a national level employment services supply system. It is now nearly a decade since public employment service stations began promoting the three-in-one employment services model in 2003. This organizational transformation will remain consistent with the existing service framework and will replace the concept of a one-time service with the concept of integrated services to provide jobseekers with career consulting and intensive services which aim to help jobseekers achieve a lifelong career.

Lifelong career service

A career is the development process of a person's occupation during their lifetime. In general, a career involves career planning and career management. Career planning is from the perspective of the person and requires an understanding of the person's own hobbies and interests, value system, knowledge, skills and personality, which are considered together with changes in demand and supply in internal and external labor markets. From this, the person plans a career path for the work place and training and development needs, as well as personal career goals that need to be achieved. To most people, career planning is a lifelong continuous occupation selection process. To them, whether a career develops successfully depends on whether they have prepared sufficiently for the next job and whether they feel self-actualized. These two considerations, however, depend on the choices they make when they come across a career opportunity and whether they have done any career planning "before they come across the career opportunity."

Therefore, in addition to retaining the original job placement functions, public employment service stations have also established a Career Development Center to provide continuous service for incumbent workers and jobseekers and cope with the service trends of lifelong learning and lifelong careers. This Center offers service based entirely on the person and the process to help job-seekers who are nervous about their careers to learn how to plan their careers and find their own direction for personal development.

How career services are provided

The following measures have been established to help public employment service stations provide lifelong career services:

1. The arrangement of professional employment counseling training for service personnel

Relevant training has been implemented for existing career development. To train a group of core career development staff and to provide future reference for related career development, employment counseling and professional services training, relevant career planning services personnel have been sent to participate in this training. Moreover, professional staff employment counseling training courses are being developed with the hopes that the Employment Service Center will be able to take over the planning and implementation of service personnel employment counseling-related educational training and enhance the overall professional competence of service personnel for career services.

2. Planning and creating a "one case by one staff member" service process

The current three-in-one employment services process and staffing has been reviewed to strengthen streaming and the concept of tiered services, and includes the strengthening of service streaming judgment for cases to prevent the people from

being sent to department after department without obtaining the help of appropriate services. The three-tier service process structure has also been improved to better serve the different needs of people. The first tier, a "employment resource area," provides many career-related books, information and services, and allows the people to obtain career-related services and information from the public employment service stations on a self-serve or semi-self-serve basis. The second tier, "core services and consulting," provides incumbent workers or jobseekers with a career themed "one case by one staff" employment service. The third tier, "intensive consulting and services," makes use of counseling sessions or vocational psychological tests and assessment tools to assist incumbent workers or jobseekers by clarifying things they find confusing about their career, and helps out with their career planning.

3. Integration of vocational training, employment services, skills testing and entrepreneurial assistance into one career services resources system

Vocational training, employment services, skills testing, micro-entrepreneurism, disability employment training and other related information and resources have been integrated on the new website which provides the people with more detailed career development services. We have also compiled an "Occupation Classification Handbook" and have plans to use the O*NET database of the United States for content gathering, sorting, confluence and the stringing together of existing database resources of the various ministries. This will provide us with more relevant statistical data, will help us build relevant local self-assessment tools, will help us build a more detailed employment news information system for our country, and will help jobseekers learn more about their careers through better understanding of the work content of jobs and their suitability.

Lastly, we have planned and commissioned relevant courses and group support activities which include employment promotion and learning activities open to the general public, such as our "industry and job description seminars," "vocational training description courses" and "job interview principles and techniques seminar," and have prepared group support activities for the unemployed. These activities were arranged to meet the needs of the general job-seeking public and to assist them in planning their careers and seeking employment.

Conclusion

Jobseekers want more than a job for them to settle into. They want a job they can enjoy which is closely related to their families or personal career development. Therefore the public employment service institution has made the provision of lifelong careers their ultimate goal. Through their "care" for each person, they respect the individual differences of each jobseeker and actively develop their unique potential for employment as well as train them in a range of diverse skills. They do this with the aim to help each jobseeker discover their own future and create a self-actualized happy life.



Policies and Regulations

Measures to promote the employment of middle-aged and elderly

In order to ensure equal opportunity of employment, the government is doing its best to serve any unemployed person who wishes to work and seeks assistance resources from the government. However, as the average duration of unemployment of middle-aged and elderly is longer than that of young and elder adults, and employers' "rigidly negative impressions" of middle-aged and elderly and other various

personal factors make it more difficult for them to quickly and easily find work than other unemployed persons, they are at a comparative disadvantage in terms of competitiveness in the labor market. Middle-aged and elderly therefore urgently require the priority government employment protections and assistance, and are listed as one of the groups whose employment is to be promoted under article 24 of the Employment Services Act. ►►

order to enhance the work skills and knowledge of middle-aged and elderly and increase employers' willingness to hire them, the government has actively pursued a two-pronged approach of legislation and administrative measures to eliminate barriers to the employment of middle-aged and elderly and to assist them in becoming employed.

The government's push for increasing employment of middle-aged and elderly includes both aspects involving the legal system and employment promotion measures. In terms of legal systems, in order to safeguard the right of middle-aged and elderly to work, Article 5 of the Employment Services Act prohibits employment discrimination on the basis of age; employers may not discriminate violate this provision by discriminating based on age in either recruitment or employment of workers. In addition, Article 54 of the Labor Standards Act extends the age of mandatory retirement to 65. The government has also implemented the Labor Pension Act, eliminating differences in the cost of employing workers of different ages, and effectively guaranteeing workers' pensions. Lastly, Article 16 of the Employment Insurance Act extends the period during which unemployed persons or older may receive unemployment benefits to 9 months, helping to maintain stability in their lives during periods of unemployment.

In terms of measures of promoting employment, for those disadvantaged older adult workers who urgently need employment, the Bureau of Employment and Vocational Training (BEVT, under the Executive Yuan Council of Labor Affairs) provides short-term employment opportunities such as short-term jobs under the Multiple Employment Promotion Program or short-term work stipends, helping to alleviate the pressure of older unemployed persons while out of work, as well as assisting them to return to the regular workplace. In addition, in order to help them achieve the goal of long-term employment, the government works to increase employers' willingness to hire older employees by providing various incentives and subsidies. These include a subsidy of NT \$12,000 each month for each older adult employed, for up to 12 months; the Workplace Learning and Readjustment Program also provides an employer subsidy of \$18,780 of three months, as well as a \$5,000 employer subsidy for the provision of management training. In addition, to improve



▲ CLA Minister Wang Ju-hsuan attaches importance to empowerment training under the Local Employment Training Plan.

the employable skills of middle-aged and elderly who are out of work, the BEVT also provides a variety of vocational training and living allowance subsidies during the course of training, boosting their workplace competitiveness and assisting them in making a smooth return to the workplaces, switching their careers, or providing guidance to starting businesses of their own.

For middle-aged and elderly who are unemployed and in need of assistance in finding employment, the government has established 8 public employment services agencies stations and 357 employment services locations nationwide, providing individualized employment consultations and vocational training information. The middle-aged and elderly people are also encouraged to make use of the national E-job website: <http://www.ejob.gov.tw> or call the toll-free 24-hour employment services hotline at 0800-777-888.



Policies and Regulations

Measures to Strengthen the Protections of Occupational Accident Workers

Legal Basis

Taiwan's regulations regarding the protection of workers suffered from occupational accidents are spread across the Labor Standards Act, which covers employer liability, the Labor Insurance Act, which covers insurance payments for various occupational accidents, and the Labor Safety and Health Act and Labor Inspection Law, which cover employers' responsibility for providing safe and hygienic equipment and work environments. Later, in order to strengthen the protections of laborers who are not enrolled in labor insurance schemes or who discover they have an occupational illness only after leaving a position, and to promote the employment of people injured in occupational accidents, the government enacted the Workers Occupational Accidents Protection Act on October 31, 2001, and became in force on April 28, 2002.

Measures to strengthen the protections of occupational accident workers

The system of occupational accident workers protections is basically divided into the areas of occupational accident

prevention, the evaluation and treatment of occupational injuries and diseases, and Occupational Accident compensation, Occupational Accident Rehabilitation, and other services relating to occupational accidents. In order to raise public awareness of the government's provision of these measures, the Executive Yuan Council of Labor Affairs (CLA) has also compiled the Rights-Protection Resource Map for Workers Injured in Occupational Accidents, which uses a diagram and easy to understand text to help workers understand their rights.

1. Occupational accident prevention

Measures involving occupational accident prevention currently include educational training and publicity campaigns on health and safety and workplace accident prevention talks, with 9 Centers for Prevention And Treatment of Occupational Injury and Disease appointed to provide on-site occupational healthcare at medium and small enterprises, with occupational healthcare staff and industrial hygienists providing on-site service, assisting businesses in carrying out risk assessments, the implementing measures of occupational disease prevention and health promotion, and other services. In addition, insured

workers involved in the 25 types of work listed as carrying high health risks by the Regulations of the Labor Health Protection have recently joined the scheme for a total period of more than 1 year, and can apply to the Bureau of Labor Insurance for examination once a year.

2. Treatment and evaluation of occupational injuries and diseases

(1) Occupational injury and disease treatment and consultation services

In order to build an occupational injury and disease treatment and notification network, the CLA has subsidized nine Prevention and Treatment of Occupational Injury and Disease Centers and the Occupational Injuries and Disease Management Services Center to provide occupational accident prevention, work-relatedness diagnosis, investigation, return to work evaluation, and rehabilitation referral services; it is also appointed nine Centers for Prevention and Treatment of Occupational Injury and Disease to provide consultation services on the rights and health of workers injured in occupational accidents and other services.

(2) Evaluation of occupational injuries and diseases

In cases in which there is a dispute over the recognition of the harm caused by an occupational accident, the harm is recognized by the competent local authorities based on the facts of the individual case; in cases of a suspected occupational disease or overwork, an application for recognition may be submitted on the basis of the examination of a certified diagnosis. Those applying for labor insurance benefits must have their case verified by the Bureau of Labor Insurance (BLI); in the event that a worker or employer dispute the diagnosis of an occupational disease, they may apply to

the competent municipal or county authorities to evaluate the case. In the event that the municipal or county authorities have difficulty determining the nature of an occupational disease, and the employer worker dispute the results, or if the BLI reviews the case and deems it necessary, additional material may be attached for evaluation by the CLA.

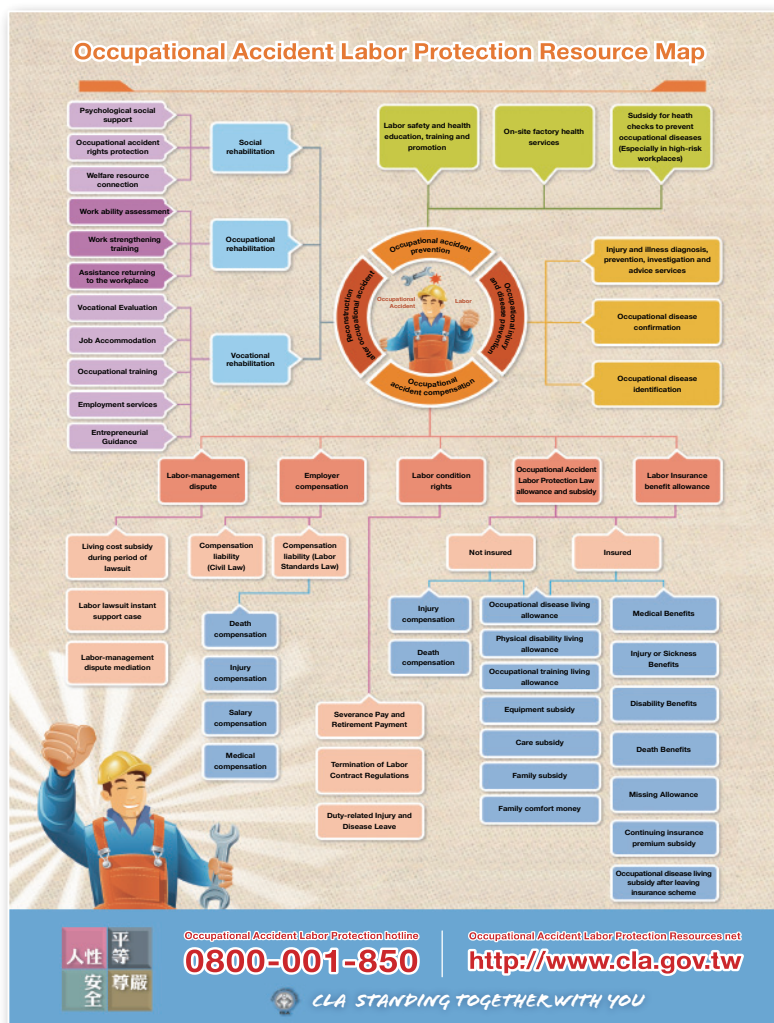
3. Occupational accident compensation

Taiwan's present occupational accident compensation system is primarily composed of the Labor Standards Act, The Labor Insurance Act, and the Protections of Occupational Accident Workers Act. According to the provisions of the Labor Standards Act, as long as an employer employs a worker to engage in work, it shall be liable for compensation for occupational accidents that befall that worker regardless of whether or not there was negligence involved. Compensation must be provided for medical expenses, lost wages, disability, death, and funeral costs paid. However, for a single accident, the employer may deduct any payments already made to the worker according to the provisions of the Labor Insurance Act or other laws and regulations. But it is difficult to avoid instances in which workers do not receive compensation from their employers and are not enrolled in an insurance scheme, possibly leaving them with nothing when they are involved in an occupational accident; the Occupational Accident Labor Protection Act remedies this shortcoming in the system.

Applicants that the allowances and subsidies applied for under the Occupational Accident Labor Protection Act are mainly differentiated in terms of whether workers are enrolled in a labor insurance scheme. In the event that workers fall victim to occupational accidents, those who have enrolled in a labor insurance scheme may also, in addition to labor accident benefits, receive living allowances for occupational diseases, physical impairment, vocational training, or occupational diseases occurring after the worker has withdrawn from the labor insurance scheme, and subsidies for devices or care-taking necessitated by physical impairment, as well as a subsidy for the surviving family of a deceased worker, all provided for by Article 8 of the Protections of Occupational Accident Workers Act. As for those who have not enrolled in a labor insurance scheme at the time in occupational accident occurs, those meeting the requirements of Article 9 of the Act may also apply for the aforementioned allowances and subsidies; in the event that an employer does not pay compensation for an occupational accident in accordance with the provisions of the Labor Standards Act, a disability or death subsidy may be applied for according to the provisions of Article 6 of the Protections of Occupational Accident Workers Act.

4. Occupational accident rehabilitation

The currently applicable provisions regarding rehabilitation after occupational accidents are stipulated by Article 10 of the Protections of Occupational Accident Workers Act, which states that business entities, vocational training institutions, and relevant organizations may apply to the Bureau of Labor Insurance for subsidization of the costs required to carry out the "occupational rehabilitation" and "occupational evaluation of workers suffering occupational accidents." At present, institutions involved in occupational accident rehabilitation include work hardening centers, the 9 major Centers for Prevention and Treatment of Occupational Injury and Disease, and the Bureau of Employment and Vocational Training funds local government departments' handling of services such as employment case management, vocational counseling and evaluations, vocational training, and supported and sheltered employment of people with physical and mental impairments. In terms of social rehabilitation,



it also provides subsidies to related social welfare organizations, and the CLA has set up case management service windows for workers affected by occupational accidents and county and municipal governments nationwide; through individual case management and the consolidation of resources, staff are able to assist in providing referrals for medical care, occupational rehabilitation, assistance in resolving labor disputes and lawsuits, vocational rehabilitation and welfare resource organizations, helping injured or ill workers to return to the workplace.

Future prospects

It has been a decade since the implementation of the Protections of Occupational Accident Workers Act on April 28, 2002; in the wake of changes in the economic and social environment, the CLA has been examining possible revisions to the ACT since September 2008, adopting a policy of planning a comprehensive system for the care of workers affected by occupational accidents that encompasses prevention, reporting, compensation, rehabilitation, and other aspects. The CLA has already formulated the Draft

Amendments to the Protections of Occupational Accident Workers Act, with the focus of the amendments including the establishment of a system for reporting occupational injuries and diseases; expanding the standard of living guarantees to workers affected by occupational accidents; the addition of the rehabilitation work applicable to workers affected by occupational accidents to the law, with occupational accident rehabilitation clearly defined as including social rehabilitation, occupational rehabilitation, and vocational rehabilitation, and the central competent authority assigned the authority and responsibility for proactively planning their promotion, as well as to establish the content and orientation of rehabilitation; the financing of a robust occupational accident protection fund; and increasing employer responsibility for occupational accident compensation, strengthening occupational accident prevention, and other measures. These measures are intended to establish a complete services system and network of in order to most effectively ensure the well-being of workers affected by occupational accidents.



Policies and Regulations

Deep Development of Manpower Resources: Directions of Planning for National Occupational Skill Standards

The development of human resources is vital to industrial development and long-term competitiveness. In the environment of the knowledge economy and globalization, especially, the competition for talent is an issue on which governments put great stress, and so they invest massive amounts of funds in the development of human resources outside the educational system.

Taiwan's industries have been developing in the direction of knowledge-intensiveness in recent years, and all industries are engaging in innovative activities aimed at developing toward both ends of the value chain (brands, distribution channels, design) in order to heighten value-added. The demand for the creation of high-value-added manpower (such as high-ranking, interdisciplinary, and innovation personnel) is intense; with the rapid changes that are taking place in the industrial structure and in technology, however, the training that is being provided by the government and training institutions cannot truly meet the demands of enterprises and laborers in the national industries. The supply of manpower is insufficient to meet the demands of industry, leading to an especially large imbalance in supply and demand for key industries. In view of this deficiency, the development of skills standards and a skills recognition system for key personnel in major industries can play a significant role in supporting the development of national human resources.

Responding to the importance of manpower resources to industrial development and national competitiveness, in May of 2010 Taiwan instituted the Industrial Innovation Act, with a special chapter on "Industrial Human Resources Development." The Act calls for the government to establish a coordination and integration mechanism for the development of industrial human resources, promote the setting of skill standards for industrial manpower, and subsidize or assist the setting up of a manpower training agency.

CLA's Establishment of a Competency Standard Promotion Ad hoc Office

In order to coordinate the integration and effective application of skill standards for Taiwan, the Vocational Training

Act was revised in September of 2011 with the addition of Article 4-1: "The Central Competent Authority shall integrate and coordinate the competency standards, training courses, ability evaluation criteria and service information of vocational training provided by other central competent authorities of related business to promote the vocational training and skills certification needed for national employment." The Bureau of Vocational Training and Employment of the Council of Labor Affairs moved to implement its skills standards operations by establishing the Competency Standard Promotion Ad hoc Office on Dec. 5, 2011. Preliminary planning includes the following points:

1. Integration mechanism for industrial manpower training

An inter-ministerial communication and coordination platform for the promotion and establishment of industrial manpower skill standards is to be established. Meetings will be called to address the development of industry professionals; these meetings—a promotion conference, strategy conference, communication conference, etc.—will serve to form a consensus among industrial, governmental, academic, and research institute manpower development planning and implementation agencies on such issues as implementation directions, strategies, methods, and performance indices. The progress of implementation of the meetings' resolutions will be followed up.

2. Development of competency standards and ability assessment

Rules for the establishment of competency standards, competency curricula, and an ability assessment authentication mechanism are to be developed. In view of the large number of industrial and professional categories, trial operation will be carried out for those areas that have a major impact on the safety of lives and property, or that involve personnel who are key to industrial development but whom the private sector does not yet have the capability to handle. Transfer of the resulting technology will also be carried out, and private organizations will be assisted to participate in its establishment.

3. Promotion and innovation of the industrial manpower development model

In order to respond to the industrial manpower problems 

brought on by the rapid structural changes that are taking place in Taiwan's domestic industries, such as the shortage of experienced, interdisciplinary, and innovative personnel, and the gap between learning and application, the limits and inadequacies of existing training methods will be addressed by inducing participation by enterprises and private institutions to work through methods that combine practical experience, the use of technology education, or return to the educational system, with special attention to key industries and fields in approved areas that include competency standards, skills training courses, ability assessment rules, and talent banks. In addition, concrete cases and follow-up promotion measures will be worked out in order to bring about a future application and innovation model for industrial manpower training planning.

In addition, in order to broaden the influence and industrial effect and benefit of skill standards and ability assessment, the competent authorities for various target industries will be assisted in posting the industrial personnel skill standards that have been developed using their own subsidies, or that have been commissioned to private institutions, on the skill standards information platform (after those standards have

been adopted). The posted skill standards can be used as a reference in recruitment, thereby encouraging both the supply (education, training) and demand (corporate) sides to use the same standards for manpower development.

4. Promotion of national occupational skill basic standards and international exchange

A number of jobs of an international nature that Taiwanese people have an opportunity to fill will be selected for the application of skill standards that have already matured internationally. Participation in international exchange will be effected and exchange and discussion on designated subjects—industry trends, new technological know-how, international technical exchange, etc.—will be carried out.

The skill standards and licensing system can give employees a clear-cut career map and lifetime learning target. This will certainly be the future trend in employment-market development, and the government will include it as a key element of its medium-term policy implementation; and this, in turn, will reinforce the development of Taiwan's talent development industry and the deep cultivation of its human capitals.



News Outlook

New farmers' health insurance disability benefit payment schedule relaxed more protection for farmers

New farmers' health insurance disability benefit payment schedule came into effect on the 29th of January this year (2012). The Bureau of Labor Insurance, Council of Labor Affairs stated that after the new payment schedule were enacted, not only has the regulated waiting time for treatment of cancer of the abdominal organs and brain reduced, many benefit items were also added, which has provided real help to unfortunately sick, and infirm farmers.

The Bureau of Labor Insurance pointed out that farmers are assigned one of 15 grades of physical and mental disability, the highest of which is Level 1. These new regulations will increase the benefits from 160 to 219, the newly added benefits include: complete removal of organs, including the stomach, pancreas, large intestine, breasts and heart, liver, and lungs; kidney transplants, and removal of over 50% of the small intestine, the installation of a permanent artificial anus or bladder, the loss of the ability of skin to sweat as a result of burns, and other functional impairment. The highest amount obtainable by farmers who apply for disability payment is NT\$408,000 obtainable after approval.

The Bureau of Labor Insurance emphasizes that whereas

previously benefit for the treatment of cancer of the brain and abdominal organs could only be applied for after undergoing treatment for one year, a source of many complaints, this has been adjusted in this amendment. According to the new payment schedule, treatment of such illness need only have been undergone treatment for over 6 months; in the case of those who have undergone surgery, they can be confirmed as disabled by their doctor at any point over 6 months after their final operation, and the Bureau of Labor Insurance will issue the benefit after approval.

Aside from this, a check of disability grade can be done on the same day as the complete removal of a stipulated organ within the chest and abdomen. The new standards are targeted at the characteristics of different types of disability, with varying stipulated periods of treatment, and more in accordance with the principles of fairness and rationality.

There are approximately 1.5 million persons covered by farmers' insurance in Taiwan, and almost 30,000 applications for disability benefit are made annually. Implementation of these new standards for farmers' disability benefit has made the protection of farmers' right to apply for disability benefit more complete.



News Outlook

Council of labor affairs rolls out new measures to "Promote The Health of Maternity at Work" CLA Minister designs "Health Enquiry Clinics for Maternity at Work"

The participation rate of female in workforce has been rising in recent years, and creating a physically and mentally health-friendly work environment for women in workplace has

become an urgent issue. The CLA has followed implementation of unpaid parental leave, strengthening of the right to request tocolysis leave and family leave, promotion of workplace

equality, strengthening of measures to protect sexual equality in workplace and assist women in starting a new business by strengthening protection of Maternity at Work.

At the "Promoting the Health of Maternity at Work's Press Conference" on May 14th 2012, the CLA Minister Wang Ju-Hsuan said, "Under the principle of both protecting mothers and employment equality, improving the participation rate of female in workforce has become an important index of economic development." Data from the Directorate-General of Budget, Accounting, and Statistics show that the participation rate of female in workforce had risen to 49.97% in 2011. Thus, establishing a friendly and healthy work environment for women, both physically and mentally, has become an urgent issue protecting working mothers is the most important element.

Literature shows that exposure to chemical, physical, or biological agent(s) in workplace influence not only the health of mothers, but also the health of their fetuses and children. The EU promulgated a labor directive for pregnant, post-natal, and breastfeeding workers in 1992. The International Labor Organization also amended the Maternity Protection Convention in 2000 to assess hazardous exposure of pregnant or breastfeeding workers in order to protect their health. Controlling occupational hazards to protect both women worker and fetuses during pregnancy is not only a labor issue, but also a part of protecting social safety and women's rights.

Based on the Labor Safety and Health Act, employers have the responsibility to ensure that women worker during pregnancy and their fetuses are not jeopardized by occupational hazardous exposure, neither should they be involved in harmful

tasks. Appropriate measures should be undertaken according to the results of health evaluation of the women workers. Taiwan authorities currently require that businesses with more than 300 workers should employ a physician specialized in occupational health services (OHS) to provide an accessible evaluation of health risk. In order to meet the needs of women workers whose workplaces have not employed OHS physicians, the CLA has set up "Health Enquiry Clinics for Maternity at Work" at the nine Occupational Disease and Injury Treatment Centers. The Clinics provide standardized assessment of occupational and environmental hazardous exposure for pregnant, post-natal and breastfeeding women, suggestions on fitness for work, as well as related consultation services. The evaluations and suggestions made by the Clinics could serve as references with regard to proper work allocation and adoption of maternal protection by employers.

The CLA says that in order to provide female workers with enquiry services related to assessment of their work environment and hazardous exposure, "Health Enquiry Clinics for Maternity at Work" have been run on a trial basis since May 2012. A certain number of mothers-to-be have already visited the Clinics for enquiring the influence of occupational hazardous exposure on the health of themselves and their fetuses. To ensure the physical and mental health of working mothers and the health of their children, businesses and female workers are welcome to make full use of these services. Please feel free to contact local centers for prevention and treatment of occupational injury and disease, or the Center for Occupational Disease and Injury Management and Service (Telephone no.: 02-3366-8266).



News Outlook

The CLA accelerates "Occupational Accident Labor Protection Act," and "Labor Safety and Health Act" Amendment Work

It is almost 10 years since the "Occupational Accident Labor Protection Act" came into effect on April 28 2002; with the changes in labor environment that have occurred, the CLA has promoted the revision of the Act for many years and, from September 2008, a policy decision was made to plan an overall occupation accident labor care system including accident prevention, reporting, compensation and rehabilitation; after collection of a variety of information, and holding a number of discussion meetings with related groups and experts/scholars, the "Draft Amendment of the Occupational Accident Labor Protection Act" has been formulated. The main points of the revisions are: building an occupational accident/ illness reporting mechanism, expanding life guarantees to workers affected by occupational accidents, including the rehabilitation of workers affected by occupational accident in law, making the financial operations of occupational accident protection subsidies complete, strengthening the responsibility of employers for occupational accident compensation and strengthening of occupational accident prevention; all these revisions provide more protection to workers than the existing law.

In addition, the third reading of the Labor Safety and Health Act" (soon to be the Occupational Safety and Health Act) draft amendment was not completed at the end of the last session of the Legislative Yuan; as work from the previous session is not carried over to the next, the legal procedure must be repeated. To speed up the promotion of the bill, the CLA has, since the end of December 2011, held 13 law amendment seminars, public hearings or consultation meetings, carrying out intensive across the board communication with industry, academia, occupational injury groups, labor groups, experts and scholars.

In addition to explaining the purpose of the amendment of the law and clearing up some doubts or misunderstandings regarding some regulations, controversial clauses have been reviewed to achieve the consensus. The draft amendment has specially strengthened measures to protect the health of workers and enabled the establishment of chemical source management mechanism, addressing the problems of mental and physical fatigue from overwork and effect on the health of workers that the Taiwan Association for Victims of Occupational Injuries cares about. As for the details of implementation or execution of the law, CLA will formulate subsidiary regulations through the discussion and consultation process with tripartite bodies in the future.

The CLA said that the "Draft Amendment of the Occupational Accident Labor Protection Act" will be a priority bill for deliberation during this session of the Legislative Yuan and has already been passed to the Legislative Yuan for examination. with regards to the "Draft Amendment of the Labor Safety and Health Act", consultation with various circles in society has temporarily come to an end and, internal legal work has been accomplished and passed to the Executive Yuan for deliberation. Further related opinions or suggestions from all quarters are welcomed for use as reference in the amendment of the law. The CLA will continue to explain to and communicate with the governing and opposition party caucuses in the Legislative Yuan and various circles in society and promote the amendment of the law with maximum effort so that the legislative process can be completed as soon as possible to ensure the safety, health and well-being for all workers.❀

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

專題報導

- ◆「員工協助方案」之推動與展望
從「勞工生活輔導」到「員工協助方案」



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- ◆ 終身職涯服務之規劃內涵
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新聞瞭望

- ◆ 新的農保身心障礙給付標準放寬，農民保障多更多
- ◆ 勞委會推出「促進職場母性健康」新措施
委託開設「職場母性健康諮詢門診」
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及「勞工安全衛生法」修法工作



專題報導

「員工協助方案」之推動與展望 從「勞工生活輔導」到「員工協助方案」

自民國60年代起產業結構的轉變，使得在都市工作生活的勞工，隨著社會急速的轉變，產生社會、心理及家庭適應的問題，促使政府開始留意關心職場勞工的身心健康議題。

為提升勞動力素質，維護勞工身心健康，政府在民國68年召開青年勞工輔導問題研究會，輔導救國團在各縣市成立「工商青年服務隊」，提供工商青年遭遇心理困擾時的求助管道，推廣工廠心理衛生教育。緊接著，內政部於民國79年推展「勞工生活輔導員制度」，加強工廠青年輔導制度，而為了落實廠礦勞工輔導工作，緩和勞資關係衝突，在民國80年頒布了「廠礦勞工輔導人員設置要點」以及「加強工廠青年服務工作要點」，正式建立廠礦事業單位的勞工輔導人員制度，藉以輔導勞工在日常生活和工作上遭遇到的困難，並協助事業單位建立勞工輔導服務。

民國80年後，臺灣在職場勞工關懷措施的發展，深受歐美國家的影響，行政院勞工委員會自民國83年起，整合了人力資源管理、員工諮商輔導與社會工作等專業，將「勞工輔導工作」轉型為「員工協助方案」(Employee Assistance Programs)，每年定期在全國辦理「員工協助方案」研討會，宣導「員工協助方案」之概念與效益，促進事業單位對於職場勞工身心健康議題的重視，並鼓勵事業單位建立「員工協助方案」服務系統，協助員工解決在健康、心理、家庭、法律、理財、情緒與壓力等生活及工作上的需求問題。

快樂勞動·企業成功

伴隨著全球化衝擊造成產業環境的快速變遷，有越來越多「過勞」以及「身心負荷」的議題，引起社會各界對於「職場勞工身心健康」的關心。行政院勞工委員會秉持

照顧勞工責無旁貸的使命，自民國99年11月起，積極以宣導「員工協助方案」為策略，鼓勵事業單位重視及推動各項益於職場勞工身心福祉的服務措施，降低勞工來自於工作或生活上的壓力，而能安心與有效率地工作。

「員工協助方案推動計畫」透過宣導、支持、表揚及研究等4大項策略，協助事業單位瞭解「員工協助方案」的推動模式、具體作法與實務效益，進而落實對職場勞工身心健康的照顧，創造優質的勞動環境，相關實施策略如下：

一、成立「快樂勞工happy call—『員工協助方案』專業輔導計畫」，支持事業單位發展「員工協助方案」

- (一) 諮詢專線（03-5280-911 我愛幫您！）：設置諮詢專線，提供事業單位規劃「員工協助方案」之諮詢建議。
- (二) 專家入廠輔導：成立專家輔導顧問團，安排具實務背景的專家學者入場輔導，針對事業單位推動員工協助方案的服務需求、推動模式及各階段發展重點提供輔導建議。

二、編纂「員工協助方案推動手冊」

研發建制各產業類型之「員工協助方案」服務模式，並彙編實務案例，以做為事業單位推動「員工協助方案」參考典範。

三、選拔表揚「員工協助方案」優良事業單位

為肯定事業單位對員工照顧的用心，行政院勞工委員會在民國100年辦理「員工協助方案」優良事業單位選拔，並於同年12月16日舉行「工作·生活·健康 好easy—100年度員工協助方案優良事業單位論壇暨表揚大會」，除了表揚11家可做為國內推動「員工協助方案」典範之優良事業單位外，並邀請專家學者與獲獎事業單位現身說法，分享推動建置「員工協助方案」的經驗心得與成果效益，共同交流推動「員工協助方案」之火花與創意。

四、宣傳「員工協助方案」

- (一) 寄送「給企業的一封信」與編印「員工協助方案」宣導手冊與摺頁，宣導事業單位認識「員工協助方



▲ 勞委會持續辦理宣導講座，期盼帶動事業單位對於「職場勞工身心健康」的關心與重視。

案」內涵與精神。

- (二) 結合各縣市政府、科學管理工業園區、各同業公會等系統，辦理「員工協助方案宣導講座」，擴大「員工協助方案」宣導對象，使事業單位認識「員工協助方案」推動模式與服務效益，並為加強事業單位瞭解「員工協助方案」的實務作法，自民國101年起宣導講座增加績優「員工協助方案」事業單位之實地觀摩參訪，以擴大宣導效益。

未來展望 — 事業單位普及化推動「員工協助方案」

為了照顧廣大職場勞工身心福祉，行政院勞工委員會未來將以支持事業單位普及化推動「員工協助方案」為目標，經由持續辦理宣導講座，分享交流事業單位推動「員工協助方案」之經驗與效益，帶動事業單位對於「職場勞工身心健康」議題的關心與重視，並進一步透過專家入場輔導的具體協助，釐清事業單位推動「員工協助方案」的需求及重點，幫助事業單位有系統及步驟地建立推動「員工協助方案」之服務系統及方向，使事業單位可以順利地推動「員工協助方案」，讓臺灣的勞工在一個身心健康的環境下工作，進而回饋更優質的創意與生產力，創造一個勞資雙贏的快樂職場。



政策法規

終身職涯服務之規劃內涵

立法院於民國99年1月12日三讀通過政府組織再造四法，未來職業訓練局將改制為「勞動力發展署」，規劃勞

動力政策及執行。另外，在區域運籌的概念下，職業訓練局原有的各轄區就業服務中心及職業訓練中心將整併成立

5處「勞動力發展分署」，成為全方位國家級的就業服務通路；而公立就業服務機構自92年起推動三合一就業服務模式迄今近10年，在面對組織改造之際，亦將在現有服務架構下，破除一次性服務概念，以整合性的服務概念提供求職者職涯諮詢及深化服務，以實現做為勞動者終身職涯服務的目標。

什麼是終身職涯服務

職涯 (Career) 是指一個人在職業生涯的發展過程。一般而言，職涯包含職涯規劃 (Career Planning) 及組織職涯管理 (Career Management)，職涯規劃是從個人的角度出發，從瞭解自己的興趣、價值觀、知識技能與性格，結合內外部勞動市場的供需變化，規劃自己在工作上的職涯路徑和訓練發展需求，以達成自我的職涯目標。對大多數人來說，職涯規劃是一個終身不斷選擇職業的過程，職涯發展能否成功，端看是否已為下一個職業充分做準備、是否能感受到自我實現的考量等，而這都取決於面對職涯機會時的抉擇，或是在「還沒碰到職涯機會」之前，是否預先進行職涯規劃。

因此，公立就業服務機構除原本就業安置的功能外，為因應終身學習及終生職涯的服務趨勢下，將與在職者及求職者建立持續服務的職涯發展諮詢中心，以全人及全程的服務觀點，協助求職者於職涯徬徨時，學習為自己職涯規劃，找到個人的發展方向。

如何提供職涯服務

針對公立就業服務機構提供終身職涯服務，其具體措

施分述如下：

一、辦理服務人員就業諮詢專業訓練

針對坊間已辦理的職涯發展實施相關訓練，將推派職涯規劃服務相關人員參加，以建置推動職涯發展之種子人員，並做為規劃職涯發展、就業諮詢專業服務相關訓練之參考。另外，正研議人員就業諮詢專業訓練課程，未來將由就業服務中心規劃辦理服務人員就業諮詢及職涯服務之相關教育訓練，整體提升服務人員辦理職涯服務的專業能力。

二、規劃及整合一案到底服務流程

檢討目前三合一就業服務流程及人力配置，加強服務分流與分層服務概念，包括：加強個案的服務分流判斷，避免民衆在各服務間流轉卻未能獲得適切服務。另強化三層服務流程架構，以服務不同需求的民衆。第一層為「就業資源區」，將提供與職涯有關的書籍、資訊及服務，由民衆以自助或半自助方式獲得公立就業服務機構就業之服務資源；第二層是「核心服務與諮詢」，提供在職者或求職者以職涯為主軸之「一案到底」就業服務；第三層是「深度諮詢與服務」，運用諮詢會談或職業心理測驗評量工具，協助在職者或求職者釐清職涯困惑，並協助其進行職涯規劃。

三、統整職業訓練、就業服務、技能檢定及創業協助等職涯服務資源體系

將整合就業、職業訓練、技能檢定、微型創業及身心障礙就業訓練等相關訊息及資源於新整合網站，提供民衆職涯規劃更精緻化的服務。另除編修「職業分類典」一書

之外，亦擬規劃運用美國O*NET資料庫內容，整理、匯流及串接各部會現有資料庫資料，提供相關統計數據及開發本土化自我評量工具，建置更詳盡的我國職業訊息資訊系統，提供求職者職業探索及瞭解該職業內容與其適配性。

最後，規劃及委託辦理相關的課程或團體性支持活動，包括：一般民衆均可參與的「行業與職業說明會」、「職訓課程說明會」、「求職面試原則與技巧」等相關就業促進研習活動，及針對各類失業者辦理的團體支持活動，並提供職涯諮詢或諮商服務，以符合各類求職民衆需求，協助其進行職涯規劃與就業。



▲ 公立就業服務機構，以整合性的服務概念提供求職者職涯諮詢及就業資訊。

結語

受僱者除了找到一份工作安身立命外，受僱者要快樂就業，更與其家庭或個人生涯發展息息相關。因此，公立

就業服務機構提供終身職涯服務的最終目標，就是透過對「人」的關懷，尊重每一位求職民衆的個別差異，積極開發其就業力，並培養多元化人才，讓每一位求職者都能看見自己的未來，進而創造自我實現的幸福人生。



政策法規

促進中高齡者就業措施

為保障民衆就業機會平等，任何有工作意願且向政府尋求各項資源協助之失業者，均是政府竭誠服務的對象。然而，中高齡者平均失業週數較青少年及中壯年齡的失業週數長，且中高齡者因雇主對其「刻板負面印象」，以及本身種種因素，在尋職過程中較一般失業者更難立即順利找到工作，因此就業市場競爭力較為弱勢，亟需政府優先保障協助就業，故已列為就業服務法第24條優先促進就業的對象。另為增進中高齡者工作知能、提高雇主對中高齡者的僱用意願等，政府已積極採立法與行政措施雙管齊下，以排除中高齡就業障礙及協助中高齡者就業。

政府在推動中高齡者就業的積極作為包含法制面及就業促進措施方面。法制面為保障中高齡者的工作權益，就業服務法第5條將「年齡」納入就業歧視的禁止項目，不論是雇主招募或僱用員工，不得違反該項規定及年齡歧視；以及勞動基準法第54條，將強制退休年齡延長至65歲。再者，政府實施勞工退休金條例，使雇主的僱用成本不因受僱者年齡不同而有所差異，且有效保障勞工的退休金。此外，就業保險法第16條將中高齡失業者失業給付請領期間延長至9個月，以安定中高齡者失業期間的生活。

至於就業促進措施方面，對於弱勢中高齡失業勞工而急需就業者，行政院勞工委員會職業訓練局提供短期就業機會如：多元就業開發方案或臨時工作津貼之臨時性工作等，紓緩中高齡者於失業期間的生活壓力，並於短期就業安置期間培養其再就業能力，進而協助其重回一般職場；



▲ 勞委會主委王如玄重視在地就業計畫的培力訓練。

另外，為提高雇主僱用意願，達長期僱用之目的，提供各項僱用獎助津貼，包括：雇主僱用中高齡失業者，每人每月補助1萬2,000元，最長12個月；以及「職場學習及再適應計畫」除補助雇主僱用成本3個月1萬8,780元外，另外加給雇主5,000元管理訓練津貼。另為加強中高齡失業者就業技能，職業訓練局亦提供多元職業訓練以及訓練期間的生活津貼，提高其職場競爭力，並協助其能順利重返職場、轉換跑道，或輔導創業。

中高齡失業者如有就業協助的需求，政府全國各地設有8個公立就業服務機構及357個就業服務據點，提供個別化的就業諮詢及職業訓練資訊。另外，亦可利用職訓局全國就業e網（網址：<http://www.ejob.gov.tw>）或撥打24小時就業服務免付費專線0800-777-888，歡迎中高齡朋友多加利用。



強化職災勞工保護之措施

法源依據

我國有關職業災害勞工保護相關規定，係分散在包括勞動基準法之雇主補償責任、勞工保險條例之各項職災給付、勞工安全衛生法及勞工檢查法之雇主提供安全衛生設備及工作環境責任。而後為加強保護未參加勞工保險及離職後始發現罹患職業病的勞工、增加促進職災勞工就業措施等，在民國90年10月31日制定了職業災害勞工保護法（以下稱職保法），並自91年4月28日起施行。

強化職災勞工保護之措施

職災勞工保護制度大致可分成：職災預防、職災傷病認（鑑）定與診治、職災補償及職災重建等服務。為加強社會大眾對於政府所提供上開強化職災勞工保護措施的認識，行政院勞工委員會（以下簡稱勞委會）亦編製成「職業災害勞工權益保障資源地圖」（如附圖），透過圖解及

易懂的文字，協助勞工瞭解其自身權益。

一、職災預防

有關職災預防服務措施，目前係透過辦理安全衛生教育訓練與宣導及職場防災宣導講習，並委託9家職業傷病防治中心提供中小企業臨廠職業健康照護服務，藉由職業醫護人員及工業衛生師臨廠服務，協助事業單位辦理危害評估、職業病預防及健康促進等服務。除此之外，從事「勞工健康保護規則」所列25類特別危害健康作業之被保險人最近加保年資滿1年者，每年可向勞保局申請檢查1次。

二、職災傷病診治及認（鑑）定

(一) 職災傷病診治及諮詢服務

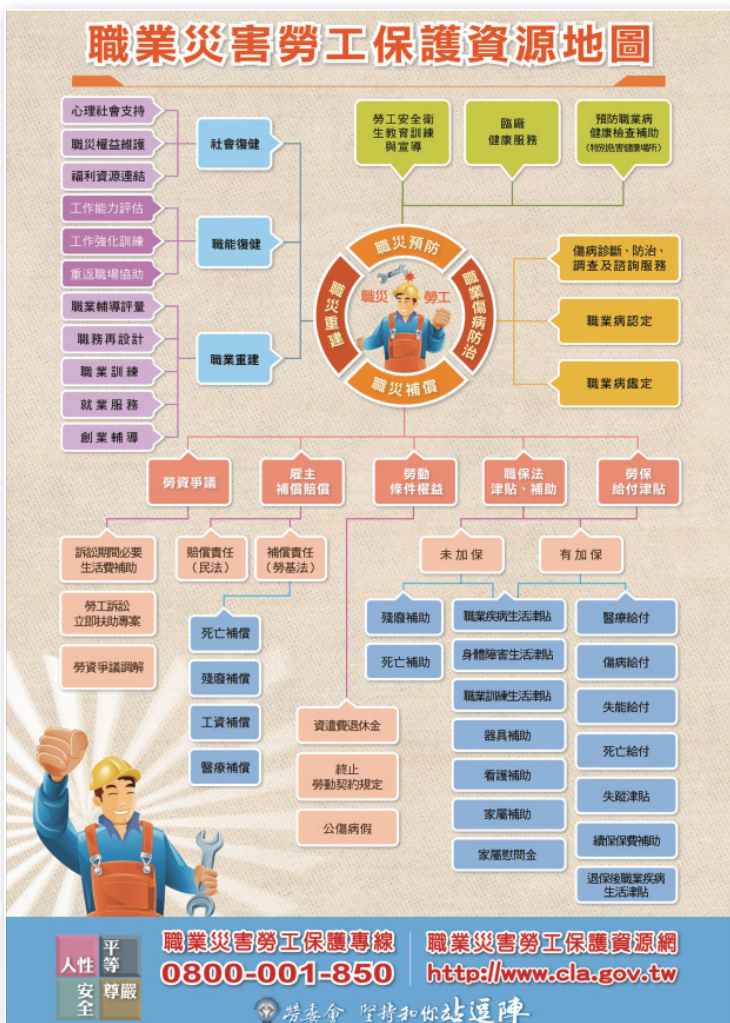
為建構職業傷病診治及通報網絡，勞委會補助9家職業傷病防治中心及職業傷病管理服務中心提供職業傷病預防、工作因果關係診斷、調查、復工評估、復健轉介，同時並委託9家職業傷病防治中心提供職災勞工相關權益諮詢、健康諮詢等服務。

(二) 職業傷病認（鑑）定

有關職災傷害之認定爭議案件，係由各地方主管機關依個案事實認定；至於如有疑似職業病或過勞案例，可檢具診斷證明書提出認定申請。申請勞保給付者，由勞工保險局進行認定；勞工或雇主對於職業病診斷有異議時，得向直轄市、縣（市）主管機關申請認定。若直轄市、縣（市）主管機關對於職業病的認定有困難，及雇主或勞工對直轄市、縣（市）主管機關的認定結果有異議時，或勞保局於審定認為有必要時，得檢附資料向勞委會申請鑑定。

三、職災補償

我國現行職業災害補償制度主要由「勞動基準法」、「勞工保險條例」及「職業災害勞工保護法」組成。依勞動基準法規定，雇主僱用勞工從事工作，於其發生職業災害時即負有無過失職災補償責任，補償項目包含：醫療、工資、殘廢、死亡補償及喪葬費。但如同一事故，依勞工保險條例或其他法令規定，已由雇主支付費用補償者，雇主得予以抵充之。但難免有未獲雇主補償且未加保的勞工，在其發生職業災害時，可能會發生兩者皆空的局面，



職保法則補足了制度的不足。

職保法所定津貼、補助的申請對象，主要係以有參加勞保及未參加勞保區分發給的項目；勞工如遭遇職業災害，已參加勞保者，除勞保的職災給付外，可依職保法第8條規定請領職業疾病生活津貼、身體障害生活津貼、職業訓練生活津貼、器具補助、看護補助、勞工死亡家屬補助、退保後職業疾病生活津貼等各項補助。至未參加勞工保險勞工發生職災時，符合該法第9條規定者，亦得依規定請領上開各項補助及津貼；又雇主如未依勞動基準法規定予以職業災害補償時，得另依該法第6條規定請領殘廢補助或死亡補助。

四、職災重建

現行有關職業災害勞工重建相關規定係規定於職保法第10條，事業單位、職業訓練機構及相關團體得向勞工保險局申請補助辦理「職業災害勞工之職業重建」、「職業輔導評量」所需經費。目前職災重建單位包含：工作強化中心、九大職業傷病防治中心及職業訓練局補助各地方政府辦理身心障礙者就業個案管理、職業輔導評量、職業訓練、支持性就業及庇護性就業服務單位等。另社會復健部

分，則補助相關社福團體及由勞委會於全國各縣市政府設置職災勞工個案管理服務窗口，以個案管理及資源整合的工作方式，視個案情況，協助轉介醫療、職能復健、勞資爭議協助處理、法律訴訟、職業重建及福利資源機構，並協助傷病勞工重返職場。

未來展望

職業災害勞工保護法自91年4月28日施行迄今，正屆滿10年，隨著經、社環境的改變，勞委會自97年9月起，即醞釀修正職業災害勞工保護法，政策決定從職業災害的預防、通報、補償、重建等面向，整體規劃職業災害勞工照護制度。勞委會已擬具「職業災害勞工保護法修正草案」，修法重點包括：建立職災傷、病通報機制；擴大職業災害勞工生活保障；職業災害勞工重建工作納入法源，明確定義職災重建包含：社會復健、職能復健及職業重建，並賦予中央主管機關主動規劃推動的權責，確立職災重建內涵及方向；健全職業災害保護專款之財務；加強雇主之職業災害補償責任及強化職業災害預防等。以建立完整的服務系統與資源網絡，發揮保障職災勞工福祉最大效益。



政策法規

厚植人力資本：國家職能標準規劃方向

人才資源發展攸關產業發展及其長期競爭力，尤其在知識經濟與全球化環境下，競逐人才已然成為各國政府重視的課題，並投入大量經費於教育體制外的人才發展。

近年來我國產業正逐步朝向知識密集方向發展，各產業無不積極進行創新活動，往價值鏈兩端（品牌、通路、設計）發展，以提高附加價值，故於創造高附加價值人才之需求甚為殷切（如：中高階、跨領域、創新等人才），然因應產業結構與技術快速變遷，政府部門或訓練機構所提供之訓練，無法實際掌握各產業內企業與勞工的需求，相關人才供給之於產業需求仍顯不足，尤其導致重點產業缺工及供需失衡之訓用落差。鑑於上述，重點產業關鍵人才職能基準開發與職能認證制度可適度扮演支撐國家人力資源發展的角色。

基於人力資源發展攸關產業發展及國家競爭力，我國於99年5月制定公布「產業創新條例」，並訂立「產業人才資源發展」專章：政府得建立產業人才資源發展之協調

整合機制，推動產業人才職能基準之訂定，補助或輔導產業人才培訓機構。

勞委會成立「職能標準規劃推動辦公室」

為有效協調整合我國職能基準，並予以有效運用，我國於100年9月修正通過「職業訓練法」，並增訂該法第4條之1：「中央主管機關應協調整合中央目的事業主管機關所定之職能基準、訓練課程、能力鑑定規範與其辦理職業訓練相關服務資訊，以推動國民就業所需之職業訓練及技能檢定。」行政院勞工委員會職業訓練局為有效推動職能基準業務，特於100年12月5日成立「職能標準規劃推動辦公室」，初步規劃如下：

一、運作產業人才培訓整合機制

建立跨部會產業人才職能基準推動與建置溝通協調平台，召開產業專業人才發展相關會議，包含「推動會議」、「策略會議」，以及「溝通會議」等，以凝聚產、官、學、研之人才發展規劃及執行單位共識，包含推動方

向、策略、方法、成效指標等，並針對會議決議事項進行後續追蹤及研議。

二、研訂職能基準與能力鑑定

研訂職能基準建立之規範、職能課程與能力鑑定之認證機制。考量各產業與人才專業類別繁多，將對民眾生命財產安全有重大影響，或屬產業發展關鍵人才但民間尚無能力辦理的部分先進行試辦，並將辦理成果進行技術移轉，引導民間機構參與建置。

三、推廣與創新產業人才發展模式

為因應國內產業變動快速及結構變遷下，所導致產業人才面臨問題，如有經驗、跨領域、創新人才不足及學用

落差之存在等，因此將針對重點產業及領域，核定公告包括：職能基準、職能訓練課程、能力鑑定規範及人才庫，以誘發企業或民間機構主動參與結合實務經驗、運用教育科技或回歸教育系統等方式，彌補現有培訓方式之限制與不足，並完成具體案例與後續推動措施，以促成產業人才培訓計畫未來運用創新模式。

另為擴大職能基準與能力鑑定之影響力與產業效益，將協調整合各目的事業主管機關，將其自行補助或委託民間機構訂定產業人才職能基準，經採認後公告於職能基準資訊平台，供各界做為人才延攬之參考以促進供（教育、培訓）需（企業）兩端以相同標準培育、發展人才。



新聞瞭望

新的農保身心障礙給付標準放寬，農民保障多更多

新的農保身心障礙給付標準已從今（101）年1月29日開始施行了。行政院勞委會勞保局表示，新標準實施後，不僅大幅縮短了腦中風、胸腹部臟器癌症治療請領等待期間的規定，更新增許多給付項目，對不幸罹病弱勢農民朋友提供了實質幫助。

勞保局指出，農保身心障礙等級分為15等級，最高等級為第1等級。這次新表的訂定，將給付項目由原先的160個項目增加為219個項目，新增的項目包括：胃、胰臟、大腸、乳房等器官全切除項目，及心、肝、肺、腎臟移植、小腸切除50%以上、裝置永久性人工肛門或膀胱、皮膚燒燙傷致排汗功能喪失等機能性障害項目。請領身心障礙給付的農民朋友，經核付後，最高將可領得40萬8千元的給付。

勞保局強調，過往一直為民眾所詬病的腦中風、胸腹部臟器癌症原規定須治療1年以上才能請領的規定，在這次修正後予以調整了。依新標準規定，腦中風、胸腹部臟器癌症僅須治療6個月以上，如經手術者，經最後一次手術術後6個月以上就可由醫生認定障礙，勞保局審核後核發給付。

另外，胸腹部臟器明定的器官全切除項目，於器官切除出院之日就可審核身心障礙等級。新標準針對不同身心障礙種類特性，訂定不同治療期間，較符合公平合理原則。

全國約150萬名農保被保險人，每年請領的身心障礙給付案件數將近3萬件。這項新的農保身心障礙給付標準的實施，對農民請領身心障礙給付權益的保障，將更趨完備。



新聞瞭望

勞委會推出「促進職場母性健康」新措施 委託開設「職場母性健康諮詢門診」

我國女性勞動參與率逐年提升，營造女性勞工身心健康之友善工作環境已成為當前迫切的課題，勞委會繼實施育嬰留職停薪津貼、強化安胎休養及家庭照顧請假權益、提升職場性別平等與創業協助等女性權益保障措施後，更

進一步強化職場母性健康之保護。

勞委會主委王如玄於5月14日「促進職場母性健康記者會」時表示：在兼顧母性保護與就業平權之原則下，提高女性工作者勞動參與率，已成為國家經濟發展的重要指

標。依據行政院主計處資料顯示，我國女性之勞動參與率於民國100年已提升至49.97%，營造女性勞工身心健康之友善工作環境已為當前迫切的課題，其中又以母性保護最為關鍵。依據相關文獻顯示，有些職場之化學性、物理性及生物性等之危害暴露不僅影響女性本身健康，亦會影響下一代之孕育，歐盟於1992年公布懷孕、產後及哺乳勞工指令，國際勞工組織亦於2000年修正母性保護公約，對妊娠或哺乳中之工作者，採取危害暴露評估等母性健康保護措施。控制職場上之職業危害，可使妊娠期間之母體與胎兒獲得妥善保護，是以，加強母性健康保護不僅是勞動議題，亦為社會安全及婦女人權保障之一部分。

依據「勞工安全衛生法」之規定，雇主有義務照顧懷孕、產後哺乳之女性勞工免於職業原因引起孕婦及胎兒之危害，包括不得使其從事有害性工作且須依其健康評估結果採取適當措施。目前我國法令僅規範同一工作場所300人以上事業單位方須聘任或特約勞工健康服務醫師提供親

近性危害健康評估，為滿足未聘任或未特約醫師之工廠、場域女性勞工之需求，勞委會特委託九大職業傷病防治中心開設「職場母性健康諮詢門診」，提供準備懷孕、妊娠與產後哺乳的女性工作者有關工作及環境危害暴露之評估，適性之配工建議，以及相關諮詢等服務，而該評估建議可做為事業單位依法適性配工及採取相關母性保護措施之參據。

勞委會表示，為提供女性工作者工作狀況與危害暴露評估之相關諮詢服務，「職場母性健康諮詢門診」已於5月起試辦，目前該門診亦有部分懷孕中之準媽媽前往諮詢所從事工作之職業危害是否影響母體與胎兒之健康。為維護職場母性身心健康與國家未來主人翁的健康，歡迎事業單位或女性工作者可多善用此服務資源，若有需要者或有相關疑義，可逕洽各區職業傷病防治中心，或洽職業傷病管理服務中心諮詢（電話：02-3366-8266）。



新聞瞭望

勞委會加速推動「職業災害勞工保護法」及「勞工安全衛生法」修法工作

「職業災害勞工保護法」自民國91年4月28日施行迄今，屆滿10年，勞動環境已經改變，勞委會推動修法已歷經多年，並自97年9月起，政策決定從職災的預防、通報、補償及重建等面向，整體規劃職災勞工照護制度，經著手蒐集各方資料，邀集相關團體、專家學者及部會等，召開多次研商會議，擬具「職業災害勞工保護法修正草案」。修法重點包括：建立職災傷、病之通報機制、擴大職災勞工生活保障、職災勞工重建工作納入法源、健全職災保護專款之財務運作、加強雇主之職災補償責任及強化職災預防等，這些內容的修正，均是較現行法制更進一步的保護職災勞工措施。

此外，勞工安全衛生法（將改名為「職業安全衛生法」）草案在立法院上會期未完成三讀，因屆期不連續，全案將循法制程序重新辦理。勞委會為加速法案的推動，從去（100）年12月底起，迄今已辦理13場次的修法座談、公聽或諮詢會議，密集與產業界、學術界、工傷團體、勞工團體代表及專家學者等進行面對面溝通，除向各

界詳細說明修法意旨，消弭對部分規定的疑慮及誤解外，也重新檢討具爭議性的條文規定，以獲取最大修法共識。其中針對「工傷協會」所關心的勞工身心過勞及化學物品影響勞工健康等問題，此次修法草案已特別將強化勞工身心健康保護措施，及建構我國化學品源頭管理機制等規定納入修正重點，至於其實施細節或作法，未來於相關附屬法規草擬中，也將邀集有關團體或業界代表參與研訂，讓上述規定能夠真正落實執行。

勞委會表示，「職業災害勞工保護法修正草案」已列為此次會期優先審議法案，目前已送立法院審查中；而「職業安全衛生法草案」徵詢社會各界意見亦已暫告段落，並已完成內部法制作業程序後送請行政院審議。各界如尚有相關意見或建言，也歡迎隨時提供以做為修法參考，勞委會將持續積極向立法院朝野各黨團及社會各界充分說明溝通，並盡最大努力推動修法工作，讓本法及早完成立法程序，以落實照顧廣大勞工福祉。❖