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台灣勞工



Taiwan Labor e-Quarterly
中華民國99年12月 DECEMBER 2010

簡訊

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

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

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Quarterly Focus

The Council of Labor Affairs Administrative Report for 2010

The 2008 financial tsunami struck a blow at Taiwan's economy but the island's employment is now recovering, with the unemployment rate by the end of October, 2010 diminishing steadily to 4.92%. Jobs have expanded significantly. During the January- October of 2010 the work force averaged 11,058,000 and the average labor participation rate was 58.06%, with 66.5% for men and 49.87% for women respectively. Company hiring has increased along with the economic upturn, with average employment of 10,470,000 during the January-October of 2010; services accounted for 6,164,000 of that total, industry for 3,756,000, and agriculture for 550,000.

Unemployment during the January-October of 2010 averaged 588,000, a reduction of 51,000 from the same periods of 2009; this yielded an average unemployment rate of 5.31%, with 5.94% for men and 4.51% for women respectively. At the present time, therefore, labor policy should place primary emphasis on the stimulation of labor employment, manpower training, and skills upgrading, as well as the creation of a better working environment for labor. This includes the molding of a safe and healthy workplace, the enhancement of job security, the reinforcement of labor rights, and realization of "the three basic labor rights."

Performance of Administration

1. Stimulation of Employment

- (1) Expansion of job opportunities and strengthening of employment services

To cushion the potential impact on the job market when short-term employment-stimulation measures expire, the Council of Labor Affairs (CLA) has implemented the "Placement Sail-on Program," "Dawn Employment Promotion Program," and "Multi-Employment Promotion Program," and has provided allowances for short-term reconstruction works following the disasters caused by Typhoon Morakot, helping 142,000 people to find jobs. The CLA also provides rapid employment enquiry and matchmaking services, large job fairs, and other services designed to enhance the performance of employment services; and, to remove job-finding obstacles for people on the wrong side of the digital divide, has set up simple touch-screen "i-bon 7-11 Virtual Job-seeking Channel" in remote areas.

- (2) Job-finding help for specific groups

To strengthen assistance to disadvantaged job-seekers, the CLA has included sole household breadwinners and the long-term unemployed within the coverage of Article 24 of the Employment Services Act, giving them, along with senior or middle-aged

persons, the disabled, indigenous peoples, and others priority access to consultation and assistance provided by the government and allowing them to apply for living allowances for training and part-time work allowances, as well as full subsidies to cover vocational training costs. Employers who hire such workers may apply for employment allowances, thereby easing their search for jobs.

(3) Provision of start-up assistance

To help middle-aged persons, the elderly, and women start up their own businesses, and thus stimulate employment, the CLA has implemented a "Phoenix Micro-Business Start-up Loan and Consulting Plan" which provides 95% seven-year credit loans of up to NT\$1 million, without requiring guarantors or collateral, which include cost-free counseling and preferential interest rates. By the end of November 2010, this program had created 16,000 jobs.

2. Upgrading of Worker Skills

The CLA has implemented an "Industrial Human Resource Investment Program," "Project for Upgrading Human Resources of Enterprises," and "Young Talent Development Program" in order to strengthen on-the-job worker training, improve the re-employment skills of unemployed workers, and reinforce the employability of young people. The aim of these programs is to put idle human capital to work and upgrade vocational skills. Training quality standards have also been implemented so as to build up a complete training system and enhance human capital, helping to improve the results of training and boost participation by high-level personnel. To reinforce the certification system, the CLA has expanded rapid technician certification and licensing, carried out special skills testing for technicians, and assisted disadvantaged persons to participate in skills testing.

3. Reinforcement of Labor Rights

In May of 2010 the CLA revised Regulations of Leave-Taking of Workers to provide more humanized working conditions by adding special rules covering leave-taking for the treatment of cancer and the period of tocolysis by pregnant workers. The basic wage is reviewed on a regular basis in order to assure reasonable labor conditions, guarantee the basic livelihood of workers, and maintain their purchasing power. To fulfill gender equality in the workplace, the rules for unpaid parental leave have been reinforced and an allowance has been provided for those applicable workers. This guarantees that workers who take unpaid parental leaves, while keeping their jobs, will continue to enjoy their rights to social insurances.

In addition, the CLA has moved to reinforce the rights of labor to organize, and to build up a good collective labor relations environment, by revising the rules to strengthen the rights of teachers' organizations and the right to join unions, establish forms of and penalties for unfair labor practices, and relax improper restrictions on the development of labor unions. In addition, the Council has formulated subsidiary laws for the Settlement of Labor Disputes Law and has carried out the Immediate Support for Labor



Litigation Project to help eliminate the legal resource barriers that workers face during the course of labor dispute litigation and protect the rights of workers who are seeking relief through litigation.

Because of the closer economic relations across the Taiwan Straits, the CLA instituted necessary measures in response to the signing of ECFA and allocated a budget of NT\$36.5 billion (equivalent to U.S. \$ 1.2 billion) for assistance to the could-be affected enterprises and workers. The CLA also formulated the "Employment Development and Assistance Program in Response to Trade Liberalization" to help some of the could-be affected enterprises and workers.

To protect the rights of foreign workers in Taiwan, the CLA carries out foreign employee number and ratio inspections. Beginning on March 7, 2009 the ratio of domestic to alien workers of manufacturing employers that apply for recruitment renewal permits are inspected on a scheduled basis; if the manufacturers exceed the ratio of alien workers and fail to improve, their alien worker recruitment and hiring permits will be revoked. In addition, the CLA has instituted a direct-hiring system for foreign workers to reduce the financial burden on foreigners coming to work in Taiwan and help employers in the manufacturing, fishing boat, and construction industries, as well as employers of institutional caregivers and household domestics, hire the help they need directly.

4. Care for Workers' Livelihoods

To protect the livelihoods of workers affected by job-related occupational accidents, the CLA enforces the provisions of the Occupational Accident Labor Protection Law which provide various allowances and subsidies to workers and their dependents, and has expanded the implementation of the Family Assistance Program with the establishment of service windows in 22 counties and cities throughout Taiwan to provide case management services for occupational labors. More occupational diseases have also been added to labor insurance coverage, including hepatocellular carcinoma(HCC) caused by vinyl chloride monomers and bladder

cancer caused by 3,3-dichlorobenzidine-4,4'-Methylene bis (2-chloro aniline), MOCA. The standards of labor disability benefits have been revised to include the implantation of permanent artificial bladder function devices, and disability examination rules have also been revised to assure the insurance benefits of more than 9.27 million insured workers.

Employment insurance provides unemployment benefits, living allowances for vocational training, and other types of benefits designed to help maintain economic security for the unemployed workers. The coverage of the Employment Insurance Act expanded on May 1, 2009 and the period of unemployment benefits extended to nine months for middle-aged, senior, and disabled workers. If an unemployed worker supports jobless dependents, the maximum benefit or allowance is 80% of insured monthly salary.

In response to the ageing society, lump-sum payments for old age, disability, and death have been switched to an annuity system for the elderly, disabled, and dependents of the deceased. An online trial calculation function for labor insurance old-age pensions has been installed; the allocation of the labor retirement reserve fund has been strengthened, and market conditions are watched constantly so as to boost the performance of labor retirement fund investment.

5. Establishment of Workplace Safety

The implementation of cooperative cross-ministry occupational safety and health programs will reduce occupational accidents in 2010 by an estimated 6%, and professional labor inspector training is carried out and accident-prevention technical guides and promotional materials are provided to upgrade the professional capabilities of inspectors and reinforce accident-reduction performance. In addition, the implementation of the "SME Safety and Health Localization Plan" integrates the accident-prevention capabilities of local governments, and the "Guidance in the Home,"



"Cost-free Training," "Big Factories Guiding Small Factories," and "Collective Group Assistance" accident-prevention strategies are used to provide subsidies for the improvement of safety and health facilities and equipment.

Further, the implementation of systematic occupational safety and health management systems is used to encourage large, high-risk enterprises to place priority on the strengthening of safety and health by introducing autonomous management systems, and a total of 527 enterprises have so far passed Taiwan Occupational Safety and Health Management System (TOSHMS) certification. To strengthen the prevention of occupational disease and the monitoring of occupational injury and disease, and to carry out trial operation of occupational disease prevention in the factory, the National Taiwan University Hospital and eight other large hospitals were commissioned to set up regional occupational injury and disease prevention centers and establish 52 network hospitals to offer local services related to occupational disease prevention, diagnosis and treatment, return to work, rehabilitation referral, and rights consultation.

6. Assistance in Typhoon Disaster Reconstruction Work

The CLA helped with typhoon reconstruction work by carrying out reconstruction employment service programs following Typhoon Morakot and Typhoon Fenapi, assisting with industrial reconstruction, subsidizing participation in skills testing by typhoon victims, expanding labor insurance services, and providing support and assistance to affected workers. In addition, occupational accident case managers carried out case management services, providing follow-up services such as help in applying for labor insurance death benefits, labor dispute resolution, family employment services, and application for emergency allowances.

Future Focus of Administration

With the advent of the Republic of China's centennial (2011) upon us, the CLA ponders constantly on how to map out forward-looking labor policies that will bring the greatest benefit to workers and, in the ongoing pursuit of the administrative vision of "equality, humanity, safety, and dignity," bring about a work environment with equal opportunity and human orientation as well as occupational safety, and realize the dignity of labor.

The CLA will continue promoting employment in the years to come. Besides strengthening the implementation of employment promotion plans, upgrading worker knowledge and skills, reinforcing employment consultation services, integrating national employment websites, and helping more of the unemployed to find jobs, the CLA will place emphasis on the development of human capital, the cultivation of high-quality labor, the strengthening of the licensing system, development and readjustment of skills-testing categories, reinforcement of the skills-testing foundation, and the calling of liaison meetings with related ministries and commissions whenever necessary so as to improve the performance of technician certification regulations.

In addition, the CLA works to build up human labor conditions not only by expanding the scope of protection in labor conditions to encompass non-classic labor rights and expand the application of benefits under the new retirement system but also working to realize the "the right of association, the right to collective bargaining and the right to dispute", reinforce union development, promote the signing of collective agreements, and enhance the performance of labor dispute settlement. The CLA also pursues

the objective of establishing a friendly workplace that takes care of disadvantaged workers; expands the coverage of family leave, reinforces the mechanism for dealing with sexual harassment in the workplace, and strengthens the occupational accident care system and safe and healthy workplaces, building a healthy legal system for occupational injury protection and promoting workplace safety and health risk management and a good environment for labor safety operations.



Policies Regulations

Implementation and Adjustment of Taiwan's Basic Wage

The government of the Republic of China approved the International Labor Organization's Minimum Wage Convention in 1930, and on Dec. 23, 1936 announced a Minimum Wage Law. However, the law was not implemented because of the war. The law was finally abolished by presidential order on Dec. 3, 1986. The minimum wage has been adjusted 18 times since it was initially set at NT\$300 per month in 1956, and now stands at NT\$17,280 per month or NT\$95 per hour. An adjustment announced and implemented on Oct. 16, 1997 set the Basic Wage at NT\$15,840 per month, NT\$528 per day, or NT\$66 per hour. There was no further adjustment for 10 years; then, an adjustment was announced on June 8, 2007 and implemented on July 1, set the Basic wage at current level. A further adjustment, announced on Sept. 29, 2010 and take effect on Jan. 1, 2011, raises the Basic Wage to NT\$17,880 per month or NT\$98 per hour.

Article 21 of labor standards act stipulates, the matters of organization and procedure of proceeding basic wage deliberation committee, shall be regulated specially by Central Comptent Authority. Regulations for Deliberation of Basic Wage based afore, was established on Jan. 13, 1988 and has undergone four times revisions, three of which involved the organization of the relevant committee. Firstly, the committee members were government officials, but memberships were gradually reorganized into equal numbers of representatives from labor, management, and public interest of the society. On Aug. 31, 2010, the most recent revision stipulates that the Basic Wage Deliberation Committee should, in principle, be reviewed in the third quarter of each year and has 21 members, seven each from the labor, management, and governmental, academic, expert sectors.

Basic Monthly and Hourly Wages Adjusted in 2007

On July 1, 2007, Announced Basic wage includes monthly and hourly wage and is slightly different from previous Basic wage provisions, which included monthly, daily, and hourly wages. The change was made because some employers did not provide

week-leave pay for part-time workers, controversial with labor & management; under the new system, the "week-leave pay" that employers should undertake, is integrated into the Basic hourly wage. Now, the employer have to give week-leave and need not provide week-leave pay. This simplifies matters and reduces disputes. In addition, Jan. 1, 2001, the revised Labor Standards Act stipulates that regular working time is reduced to 84 hours every two weeks; compared with the original 48 hours per week provision, reduction six hours weekly. This also eliminates the gap between wages paid by the month (30 days) and those paid by the hour.

Basic Wage rises 3.47% in 2010

At the meeting of the Basic Wage Deliberation Committee which was convened on Sept. 13, 2010, both labor and management members engaged in several rounds of rational dialogue. There was a general consensus among labor representatives that the current Basic wage is insufficient to meet the needs of a minimum livelihood and the government should assure a fair wage for labor in reference to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the enforcement laws for the two covenants, and suggested a Basic wage of NT\$22,115 per month. The management representatives on the committee were concerned about the threat of a "second tsunami " recession and the unemployment rate maintained around 5% , and claimed a hike in the Basic wage would have an unfavorable impact on both labor and management; Management sides suggested that any adjustment should be delayed temporarily, and if it should not be more than 3% increased. Overheating discussions by the committee was temporarily suspended, then the labor and management members held separate closed-door talking, a majority of the committee's members, including government members, academic members, and experts, agreed that an adjustment of the Basic wage, needed to assure a basic livelihood for marginal disadvantaged

workers. They also felt, however, job stability should be preserved and Basic wage reviewed consideration should be pointed to the consumer prices. After consideration of several factors, including price indexes, economic growth data, and the employment situation, the committee chairman announced that the monthly Basic Wage would be raised from NT\$17,280 to NT\$17,880 and the hourly Basic Wage would be hiked from NT\$95 to NT\$98, for an increase of 3.47%. The Executive Yuan has approved the adjustment, and it will become effective on Jan. 1, 2011.

At this first meeting to follow the revision of the Regulation for the Deliberation of Basic Wage, labor and management members engaged in a rational dialog and full discussion of the related issues, and held a post-meeting press conference first time, in which the CLA chairman and each one committee member from the labor, management, and academic sectors explained the discussion results and expressed their opinions to the public. The labor and management groups continued to maintain different opinions, but every party looked forward a positive attitude to review the Basic wage regularly and became a fixed principle in the future.

The Basic Wage Adjustments in the Future

As mentioned above, Article 21 of the Labor Standards Law stipulates that wages will be set by agreement between employees and employers, but may not be lower than the Basic wage. Further, the provisions of Article 4 of the Regulations for the Deliberation of Basic Wage requires that the following data be collected and studied in the review of basic wages: national economic development conditions, the wholesale price index, the consumer price index, national income and per capita income, productivity and employment in different industries, wages in different industries, and family income and expenditures survey statistics.

Adjustments in the minimum wage are implemented after they are reviewed and approved by the CLA's Basic Wage Deliberation Committee, and then given final approval by the Executive Yuan. Article 5 of the Regulations for the Deliberation of Basic Wage stipulates that the Basic Wage Deliberation Committee will, in principle, review the basic wage in the third quarter of each year. therefore, the committee will consider the factors listed in Article 4 of the Regulations and carefully deliberate the basic wage with the aim of protecting the basic livelihood of labor.



Policies Regulations

Banning Employment Discrimination, and Protective Measures

Equality is a core value that is espoused by international labor organizations everywhere. It is also a basic right that is granted by the ROC Constitution.

In 1997 the European Union approved the Amsterdam Treaty, placing age, disability, sexual orientation, and non-full-time workers within the scope of legal protection and prohibiting discrimination by employers. In addition, in June of 2007 the International Labor Organization issued a global report on the banning of job discrimination and the promotion of job equality, presenting a new concept of discrimination and reflecting the international trend toward anti-discrimination.

No Discrimination Against Inherent Qualities that are Impossible to Change

The issue of discrimination exists in every corner of society—including, of course, the workplace. When an employer uses certain characteristics of a job-seeker or employee to determine that person's working conditions or opportunity to be hired, if those characteristics are such that the job-seeker or employee can improve them through his or her own effort, then such effort might be able to satisfy the employer's demands. But if those characteristics are inborn in the job-seeker or employee and cannot be changed, and if they do not affect the performance of the designated job, then the employer's demands regarding those

characteristics will be unfair and unreasonable. The Employment Services Act—the first Taiwan law that bans discrimination in employment—forbids discrimination against job-seekers or employees on the basis of race, class, language, thought, religion, political party, nationality, place of origin, gender, sexual orientation, age, marital status, appearance, facial features, disability, or past union membership.

The Government's Employment Discrimination Complaint Window

In recent years the government has been putting ever-greater emphasis on the issue of anti-discrimination in employment and implementing anti-discrimination measures such as the use of mass media to advocate the establishment of discrimination-prevention concepts and the printing of anti-discrimination manuals and brochures such as an employers' guide for the prevention of discrimination in employment, principles for the prevention of discrimination in employment, and principles for the handling of employment discrimination complaints. The contents of these materials encompass introductions to relevant laws, interpretation of relevant definitions, explanation of the analysis and disposition of different cases, the employment discrimination complaint window, complaint documentation, and procedural information. All of these materials are designed to help employers, employed



workers, and job-seekers understand laws and regulations against discrimination in employment, as well as the different forms and contents of discrimination.

The government has also set up a mechanism for handling employment discrimination cases and has completed a study of judgment standards for age discrimination in employment, with in-depth research on the form of age discrimination in employment, the determination of age discrimination in employment, and exceptions in age discrimination in employment. In addition, proposals for a Taiwan-adapted system for the judgment of discrimination have been worked out in reference to the anti-employment-discrimination methods and mechanisms employed in the United States, Ireland, Australia, and Holland. Insights and suggestions were submitted, for example, on the objects of protection, definition of age discrimination, exception provisions, and burden of proof. This will help local governments in reviewing employment discrimination complaints.

Statistics on the performance of the county and city government commissions on employment discrimination for 2009 show that 411 employment discrimination complaints were handled that year; in comparison with the 203 cases handled in 2007 and the 223 cases in 2008, this indicates a significant increase in the effectiveness of anti-discrimination work. Of the total number of cases in 2009, sex-discrimination complaints accounted for 259, age discrimination for 81, and appearance for 38, together making up 91.97% of the

overall number. Figures on the form of discrimination complaints show that employment discrimination has changed from direct discrimination in help-wanted ads in the early days (stipulating conditions such as "women only" or "age 35 or under") to indirect discrimination (conditions such as "young" or "energetic"). The judgment of such cases today is more challenging for the commissions on employment discrimination that review them, and more dependence needs to be placed on the employers' burden of proof and on documentary evidence to clarify the facts.

To enhance the professional competence of county and city government personnel charged with handling discrimination cases, reinforce the functions and operating mechanisms of commissions on employment discrimination, deepen the understanding of legal rules against employment discrimination among companies and civic groups, and help employers set up non-discriminatory personnel selection mechanisms, the CLA holds anti-employment-discrimination seminars every year to improve professional legal know-how.

Joint Establishment of a Fair and Non-discriminatory Workplace Environment

Laws preventing discrimination in employment may have to be revised to accommodate the needs of a rapidly changing society and maintain the dignity of labor. An overall readjustment may be made of the 16 items of employment discrimination that are banned under current law so as to give employees who are subjected to discrimination the right to claim compensation, and the fines for employers who violate the law may be readjusted so as to improve the Gender Equality in Employment Act and the People with Disabilities Rights Protection Act, and to address the issue of an excessively large gap in fines for the violation of anti-discrimination regulations. The government will also continue using legal education, the printing of manuals, and the mass media to strengthen educational publicity and help employers and employees alike to better understand the meaning of anti-discrimination, so that they will work with the government in building up a fair and non-discriminatory workplace environment.



Policies Regulations

Building a Friendly Workplace Family-care Leave and Unpaid Parental Leave Systems Instituted

The Gender Equality in Employment Act was implemented on Mar. 8, 2002 with the purpose of maintaining gender equality in the workplace and providing a friendly workplace environment. In the eight years since then the performance of enterprises in banning sex discrimination, preventing sexual harassment, and promoting

employment equality has been better than before the law's implementation. The ratio of enterprises now providing maternity leave is 96.9% and the ratio of those with paternity leave is 57.3%. From these figures it is obvious that enterprises have made progress in creating a working environment with gender equality. ►►

Article 20 of the Gender Equality in Employment Act was revised on Jan. 16, 2008 to help employed persons fulfill their family-care responsibilities and take care of their jobs at the same time by allowing them to take family-care leave to take vaccinations with other family members or in cases of severe illness or other major need. The size of enterprises covered by the family-care leave provision was expanded from companies with 30 or more employees to companies with five or more.

To protect parents' right to work and assure that they will be able to take care of their jobs and their families at the same time, Article 16 of the Gender Equality in Employment Act provides for employees to ask for parental leave without pay. To benefit more workers, on May 1, 2009 this provision was expanded to cover all employees. From March of 2002 to the end of September of 2010, applicants for parental leave without pay numbered 7,236 men and 58,301 women, for a total of 65,537. Employers were given subsidies amounting to NT\$1,196,860,000 to help cover related social insurance costs.

To enforce the Gender Equality in Employment Act and encourage companies to provide friendly workplaces, in 2006 the CLA instituted a biennial "outstanding friendly workplace enterprise" selection and awards program along with the provision of model friendly workplaces designed to give enterprises an opportunity to observe and learn, so as to achieve the final goal of true gender equality in the right to work.



(Photo Courtesy of Cardinal Tien Hospital)



Policies Regulations

Reinforcement of the Skills Certification System National Technician Skills Certification: Now and in the Future

Taiwan's technician skills certification system has performed well ever since its implementation in 1974. Over the 36-year development of the system the trades have increased from one to 200, and the number of persons tested annually has soared from over 2,000 to more than 760,000. By the end of October 2010, a total of 4,982,090 Technician Certificates have been issued.

Current Status of National Technician Skills Certification

The technician skills certification system can be divided into two types: Special Skills Certification for specific persons, and National skills Certification for non-specific persons.

The National Skills Certification consist of written test and operational test for approximately 150 trades, administered in three sessions each year by the Council of Labor Affairs (CLA), the city governments of Taipei and Kaohsiung. The CLA is responsible for policy planning in regard to skills certification, trade development, skills certification rules,

compilation of quiz, quiz bank management, test field assessment, training and management of invigilators, issuance and management of technician certificates, annual planning and formulation of guidelines, and execution of National Skills Certification testing matters (excepting Taipei and Kaohsiung cities). Taipei and Kaohsiung cities carry out the testing program in accordance with the CLA's annual plan, compile lists of those who pass the skills certification, and submit them to the CLA for the issuance of technician certificates.

Strengthening of the National Skills Certification System, and Future Prospects

National Skills Certification has been made more convenient along with the changes in the social environment in recent years:

1. Strengthening of the regulatory system for National Skills Certification:

To address rules that are out of date or that easily give rise



to disputes, the CLA reviewed and revised the Regulations for Technician Certification and Licensing and the Regulation for Administration of Skills Certification and Examination Site, and reviewed and readjusted the Schedule of Fees for Skills Certification by the Council of Labor Affairs and the Standard Charges for Technician Skills Certification.

2. Advancing with technology in coordination with industry:

The CLA works with the industrial, academic, and training sectors in reviewing and readjusting or consolidating skills certification trades, for example, Image and text page to prepress process, Picture-taking to Photography, Advertising design to Visual communication design, and Bartender to Beverages preparation. New trades are also developed in response to the development of emerging industrial technologies; for example, Chain store service, Funeral service, and Orientation and mobility training.

3. Yearly review and improvement of National Skills Certification registration methods:

These methods have evolved from all on-site registration to level C mail-in registration to all level mail-in registration and to trial online registration for those exempt from operational test in 2011. Sales channels for registration forms and guidelines have been improved, with gradual expansion to sales in more than 4,000 convenience stores all over Taiwan. Channels for the payment of technician certificate fees have also been discussed, and a gradual expansion from post office remittance to payment at major convenience stores all over Taiwan is being carried out.

4. Increasing services for the disabled:

From early days, when only those with mental handicaps and upper-limb disabilities were allowed to apply for a 20% increase in skills certification time, permission has gradually been extended to all the physically and mentally disabled,

and to those with learning disabilities. Also, for the disabled special testing field are provided, quiz words and papers are expanded, braille version quizzes are provided, and Mandarin oral quizzes are offered.

5. Addition of Mandarin and Taiwanese oral quiz services:

In addition to the Mandarin and Taiwanese oral quiz services that were provided to senior chefs participating level C Chinese Cuisine Cookery in earlier days, such testing has gradually been expanded to encompass C-class senior personnels in Electric Distribution, Funeral Service, Constructional Steel Erecting, Concrete Shuttering, Concrete. For foreign and mainland Chinese spouses, Mandarin oral quiz services are also provided for level C trades of Chinese Cuisine Cookery, Beauty Therapy, Womens Hairdressing, Nurse Aide and Child Care Provider.

6. Integration of the CLA, Taipei government, and Kaohsiung government skills certification information systems:

To facilitate the management of invigilators and the control of skills certification processes, the photographs of testing applicants are scanned and filed for the compilation of qualifying examinees and the production of technician certificate.

7. Integration with the National Skills Certification information-application system and e-government system:

Exclusive webpage has been set up to help test check on such information as the progress of technician certificate issuance or renewal operational test times. The webpage provides for enquiries about written test field, written and operational test scores, skills certification guidelines, skills certification trade rules, written and operational test reference materials.

8. Insuring of relative personnels to all kinds of skills certification (including National Skills Certification, Special Skills Certification, and Instant Skills Certification) :

Public group accident insurance is purchased for annual skills certification personnel.

The improvement of skills certification services and services provided to the public by government agencies is a never-ending process. In the future, the CLA will work toward these goals:

1. The CLA is implementing linkage between the technician certificate talent bank and e-employment data to facilitate use by companies that are looking for workers, employment services, and the relevant authorities.
2. Since the central government and cities directly under Executive Yuan administration are all competent authorities in National Skills Certification, there is some needless duplication in the allocation of personnels, and inconsistency in the strictness of skills certification operating standards. It is



impossible to achieve economies of scale benefit in skills certification, and relief channels for petition and administrative litigation are different. To achieve

consistency in National Skills Certification, there is a need for the central authorities to carry out National Skills Certification on a unified basis.



News Outlook

New Scheme Aims to Reinforce of Worker Skills

The "Scheme of Assisting Pre-Employment Training for Enterprises" is a new type of vocational training program that combines "selecting talent," "cultivating talent," and "using talent." Introduced by the Bureau of Employment and Vocational Training, Council of Labor Affairs in August of 2010, this new vocational training measure integrates the input of public resources with the manpower demands of the private sector, and aims to meet the needs of employing organizations. By enhancing the employment skills of the unemployed and reducing the technology gap, the program will help job-seekers enter the workplace quickly and assist employing organizations in finding the manpower they need.

Taiwan and other economies have been steadily breaking out from under the clouds of the 2008 financial crisis this year, and economic performance has been moving toward recovery. With consumer confidence strengthening and companies vigorously boosting their capital spending, the worker shortage among enterprises in Taiwan is gradually expanding. Some of the jobless, however, are still having difficulty finding work. This makes it more important than ever for public resources to be invested in the development and reutilization of manpower. The purpose of the "Scheme of Assisting Pre-Employment Training for Enterprises" is to help enterprises train workers to meet immediate needs, promote job placement, alleviate the worker shortage, and develop various kinds of manpower.

Under this scheme, the Bureau of Employment and Vocational Training provides customized training to meet the manpower and training needs of enterprises, which promise to hire the workers who successfully complete their training. Both professional technical training and corporate training are employed. The former is carried out by vocational training centers in accordance with the professional technical needs of enterprises, with the vocational training centers bearing all of the expense; the latter is planned by the enterprises themselves to meet their own job capability requirements, and the enterprises are assisted in setting up manpower training channels to provide the workers they need.

In addition to the guaranteed employment of workers who complete training successfully, another special feature of this program is that, during corporate training, a company's "old hands" guide the "new hands" so that the trainees have a chance to learn a good skill. When an enterprise carries out corporate training it must designate mentors (old hands) to be responsible for the training of the students (new hands), monitoring their progress, reviewing the effectiveness of the training, and handling guidance and management.

This is a customized training service mechanism designed to help companies train and employ the workers they need quickly, and to encourage companies to build up their work forces speedily as the economy recovers. It will help the unemployed return to the workplace, while at the same time creating long-term job opportunities.





Emphasizing Gender Equality and Achieving Gender Mainstreaming

On Sept. 16, 2010 the Council of Labor Affairs (CLA) announced a "Council of Labor Affairs Gender Mainstreaming Implementation Plan (2010-2013)" aimed mainly at implanting gender perspectives in problem analysis; formulation of laws, policies, and programs; and allocation of resources by the different agencies. The program is also designed to strengthen gender impact assessment in the revision of medium- and long-term plans as well as legal cases, and to show gender perspectives in the CLA's policies and budgets.

The achievement of gender mainstreaming involves six major measures:

1. Establishment of a gender equality task force

The task force is headed by the CLA minister or vice minister along with other CLA personnel and three to five members from the private sector. Its mission is to provide consultation and to direct planning, propagate and promote gender equality concepts, carry out gender streamlining training and gender budgeting for currently employed personnel, and review gender impact assessments.

2. Implementation of gender impact assessment

Gender-related statistical data are collected during the formulation of medium- and long-term plans and the revision of laws and administrative measures, and gender analysis is carried out. The gender impact assessment view chart is used to evaluate and review the impact and benefit of different genders.

3. Establishment of gender statistics

Gender statistical data are continuously established and augmented, especially in regard to the statistics needed for gender impact assessments, and the addition of more statistical items is considered. In addition, the CLA's gender statistics network is updated and augmented annually, and international statistical data related to worker gender are established, so as to gain an understanding of trends in international worker gender development.

4. Strengthening of gender analysis

Gender statistics and related information are used to analyze gender conditions and phenomena from a gender-conscious



standpoint. In addition, case analyses of the types of public complaint cases and violations by enterprise units will be carried out every year.

5. Implementation of gender budgeting

Besides using the gender impact assessment view chart to see the gender budget allocation of the different stages of the CLA's medium- and long-term plans or other plans, the budget allocations of gender impact assessment plans are compiled annually. The CLA also coordinates with the development of Taiwan's gender budget allocation flows, methods, and models by the Directorate General of Budget, Accounting and Statistics.

6. Reinforcement of gender consciousness

Gender sensitivity is strengthened through gender mainstreaming camps and gender mainstreaming training for senior officials, and training in gender equality at work is carried out for the labor administration personnel of county and city governments. In addition, a gender experts databank has been set up in order to establish data on CLA gender mainstreaming seed instructors and experts.

In the future, the CLA will continuously implement gender mainstreaming, build up a workplace environment that is friendly to gender equality, reduce occupational gender segregation, and strengthen the inspection of gender equality at work in order to fully protect worker welfare and promote the realization of gender equality through the implementation of a policies and measures.



Under the Economic Cooperation Framework Agreement (ECFA) that was signed by Taiwan and mainland China on June 29 and took effect on Sept. 12, 2010, Taiwan-made products are given tariff preferences in China. This makes it less necessary for Taiwanese manufacturers to move production to China and lessens their dependence on that country, and thus creates more job opportunities at home. Further, Taiwan's investment environment is more stable and transparent than China's; so the signing of ECFA will encourage more companies from America, Europe, and Japan to invest in the island, and will attract multinational enterprises to use Taiwan as an investment platform for entry into East Asia. This will create yet more jobs in Taiwan.

The import of Chinese products into Taiwan, however, will adversely affect the jobs of workers in local industries that depend on domestic demand and have relatively weak competitiveness. To address this issue the Council of Labor Affairs (CLA) has mapped out an "Employment Development and Assistance Program for Workers Affected by Trade Liberalization" that calls for the investment of NT\$36.5 billion in the establishment of a single service window, a telephone hotline (0800-777-888), a dedicated website (<http://ecfa.cla.gov.tw>), and a special counter with dedicated-person services for public employment service agencies. These facilities provide the following skill-upgrading and support services for workers:

- (1) Assistance for enterprises in providing vocational training to upgrade the working skills of their employees.
- (2) Help for workers to participate in training to boost their competitiveness in the workplace.
- (3) Operation of a local training and service network.
- (4) Assistance in obtaining technician certification.

Workers affected by trade liberalization are provided free psychological counseling, mental health lectures, and the assistance of specialized persons who provide services in affected factories to help them face their challenges and weather their career difficulties.

The signing of ECFA will make it impossible for some industries to upgrade or transform, forcing them out of business. For these industries and their workers, the CLA has mapped out the following priority employment stabilization, career change, and re-employment assistance measures:

- (1) Entrepreneurship counseling and suitability analysis.
- (2) Corporate training.
- (3) Start-up loans and interest subsidies.





Golden Wingspan Awards Recognize Performance in Hiring People with disabilities



To help those with disabilities find jobs, People with Disabilities Rights Protection Act stipulates that public and private sectors of a certain size must hire disabled persons. A total of 12,247 additional disabled persons have entered the workforce in the year since the new system was instituted, and to express gratitude to the organizations that hired them the Council of Labor Affairs (CLA) held a Golden Wingspan Awards ceremony on Oct. 22. Forty-eight outstanding public and private organizations and 18 outstanding vocational rehabilitation services professionals were for people with disabilities recognized for their contribution during the year.

Increased Hiring of the Disabled in the Public and Private Sectors

The CLA noted that the new system for hiring set quotas of people with disabilities, instituted on July 11, 2009, lowers the threshold for such hiring by public- and private-sectors. In the past, governmental sectors with 50 or more personnel were required to hire the disabled; under the new system, the threshold is 34 personnel. Private-sectors with 100 or more personnel previously had to hire disabled persons; now, the floor number is 67. In addition, the hiring ratio for public-sector organizations has been boosted from 2% to 3%. As of the end of July 2010, organizations meeting the threshold had hired a total of 62,555 disabled persons—14,473 more than the law required. The Golden Wingspan Awards are meant to recognize the contributions of hiring organizations, hard-working disabled persons, and vocational rehabilitation service professionals who find jobs for the disabled, and to encourage others to follow their examples.

Molding More Opportunities People with disabilities

Premier Wu Den-yih participated in the Golden Wingspan Awards ceremony, and during his speech there he noted that for society to have equality and harmony there must be mutual respect by and for all, including people with disabilities. With such respect, everybody can share more in the opportunities that society offers. For this reason the government vigorously promotes the spirit of the Golden Wingspan Awards and encourages public and private sectors to hire more disabled persons. The premier also hoped that the awardees would become models of success and help Taiwan to scale new heights of achievement in economic growth and other aspects of life.

Among this year's awardees were National Taiwan Library; 204th Arsenal, Material Production Center, Armament Bureau, Ministry of National Defense; Hualien County Police Bureau; The Potential Development Center for Spinal Cord Sufferers; Sunshine Social Welfare Foundation; and Wang Film Productions Co. For the library and the arsenal it was their fifth Gold Wingspread Award, and in recognition of that achievement they were presented Model Awards.

CLA Minister Wang Ju-Hsuan stated that based on the principles of "equality, humanity, dignity, and safety," the Council hopes to create a workplace of dignity, with no discrimination and no obstacles, where workers with disabilities fully express their usefulness to themselves and to society. When the government is restructured in 2012, the CLA will be upgraded to a ministry and the government will place more importance than ever on employment for people with disabilities, with labor conditions and equal employment units working to bring about the ideal of true equality for workers with disabilities. ♣

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Council of Labor Affairs, Executive Yuan Taiwan

專題報導

◆ 勞委會99年度施政報告



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專題報導

勞委會99年度施政報告

97年金融海嘯衝擊我國經濟，惟失業情勢已逐漸紓緩，99年10月失業率下降至4.92%，工作機會明顯增加。99年1-10月平均勞動力人數為1,105萬8千人，平均勞動參與率為58.06%，其中男性為66.5%，女性為49.87%。且隨景氣好轉，企業僱用人數增加，1-10月平均就業人數為1,047萬人，其中服務業部門616萬4千人；工業部門與農業部門則分別為375萬6千人與55萬人。

99年1-10月平均失業人數為58萬8千人，較上年同期減少5萬1千人，平均失業率為5.31%，其中男性平均失業率為5.94%，女性為4.51%。因此，當前勞動政策仍應首重促進勞工就業及人力培訓、技能提升，並為勞工創造更好的勞動環境，包括建構安全衛生職場、提升就業安全、強化勞工權益、落實勞動三權等。

施政績效

一、促進勞工就業

(一) 擴大就業機會與加強就業服務

為減緩短期促進就業措施結束後可能對就業市場衝擊，勞委會辦理「就業啓航計畫」、「黎明就業專案」、「多元就業開發方案」、以及提供莫拉克颱風災後重建臨時工作津貼等促進就業計畫，可協助14萬2,000人就業。另勞委會提供快速就業查詢與媒合功能、大型就業博覽會等服務來提升就業服務成效，並且為解決數位落差民衆求職障礙，於偏遠據點服務臺設立簡易求職觸控式工作機會快速搜尋系統介面（就業e點靈），提供民衆快速查詢就業機會。

(二) 協助特定對象就業

為加強協助就業弱勢者，勞委會已將「獨力負擔家計者」及「長期失業者」納入就業服務法第24條特定對象，使該等勞工可與中高齡者、身心障礙者、原住民等特定對象，優先獲得政府提供就業諮詢及輔導，並可依規定申請職訓生活津貼、臨時工作津貼等，同時全額補助職業訓練費用；雇主僱用該等勞工亦得申請僱用獎助津貼，促其迅速再就業。

(三) 提供創業協助

為協助中高齡勞工及婦女朋友創業與促進就業，勞委 ►►



會推動「微型創業鳳凰貸款及諮詢輔導計畫」，提供最高貸款金額100萬元、期限7年、9成5信用保證、免保人、免擔保品、免費上課輔導及利率優惠，迄99年11月底共創造近1萬6千個就業機會。

二、提升勞工職能

為加強在職勞工培訓、增進失業者再就業職能、強化青年就業能力，本會辦理「產業人才投資方案」、「協助事業單位人力資源提升計畫」及推動「青年人才培訓深耕方案」。透過前述訓練計畫及措施，達到人力資本的再運用與職業技能再提升；並且為建構完整訓練體系，進而提升單位人力資本，推動訓練品質規範，有助訓練成果提升及強化高階人員參與。此外，為強化證照制度，本會擴大推動即測即評即發證技術士技能檢定、推動專案技術士技能檢定，及協助弱勢參加檢定等措施。

三、強化勞工權益

為落實人性化勞動條件，勞委會於99年5月修正「勞工請假規則」增加「安胎休養」及「癌症」請假特別規定，有助於提供勞工安全、安心孕育子女及接受治療。且定期檢討基本工資，俾以合理之勞動條件，保障勞工之基本生活並維持其購買力。此外，為落實職場性別平權，加強推動育嬰留職停薪規定，提供育嬰留職停薪津貼，保障受僱者於育嬰留職停薪繼續享有社會保險權利。

另為強化勞工團結權之保障及建構完善集體勞資關係環境，修正放寬教師組織及加入工會權利、建構不當勞動行為樣態及罰鍰額度、鬆綁對工會發展不當限制等，且研擬「勞資爭議處理法」相關子法，推動「勞工訴訟立即扶助專案」，協助勞工於勞資爭議訴訟過程中排除所遭遇之法律資源障礙，協助勞工循訴訟救濟途徑確保應有權益。

由於兩岸經貿往來日益密切，兩岸洽簽經濟協議（ECFA）後，勞委會推動相關因應措施，編列365億元預算，提供受影響產業及勞工各項積極性協助，並研訂「因應貿易自由化就業發展及協助方案」，以協助部分受影響事業單位與勞工。

為保障我國外籍勞工權益，勞委會辦理聘僱外國人人數及比率查核，針對勞委會核准特定製程及特殊時程接續聘僱外國人之重新招募許可案，及98年3月7日起申請重新招募許可案件之製造業雇主，就其僱用本、外勞比率辦理定期查核若超過比率仍未改善者，廢止其外國人招募許可及聘僱許可。其次，推動外勞直接聘僱制度，減少外籍勞工來臺工作經濟負擔，協助製造業、漁船、營造業、機構看護工及家庭幫傭之雇主採直接聘僱方式。最後，持續與經濟部在維持現有開放規模、不額外開放及有效分配外勞名額原則下，調整製造業3K行業外勞核配比率及加強定期查核本外勞僱用人數。

四、照顧勞工生活

為保障職災勞工生活，勞委會除落實「職業災害勞工保護法」，提供勞工及其家屬各項生活津貼及補助外，擴大推動「職業災害勞工個案主動服務計畫」，於全臺22縣（市）設置職災勞工服務單一窗口，提供個案管理員服務；並且增列勞工保險職業病種類，增加氯乙烯單體所致之肝細胞癌及MOCA引起之膀胱癌等項目；修正勞工保險失能給付標準，增列裝置永久性人工膀胱失能項目，並修正相關失能審核規定，以適時保障927萬餘勞保被保險人之保險給付權益。

另提供勞工周全就業安全保障，就業保險提供失業給



付、職業訓練生活津貼等5項給付以維護失業勞工經濟安全。「就業保險法」自98年5月1日起擴大保障範圍，針對中高齡及身心障礙失業勞工，延長失業給付請領期間最長至9個月。若失業勞工如有扶養無工作收入之眷屬，得加給給付或津貼，最高可達平均月投保薪資之80%。

此外，為因應高齡化社會，已將勞工保險老年、殘廢、死亡一次給付，改採老年、失能及遺屬年金制度，並提供老年給付金額試算功能，開辦「網路自然人憑證試算勞工保險老年給付金額系統」。另加強勞工退休準備金提撥，持續掌握市場情勢，提升勞工退休基金運用績效，以維護基金收益。

五、建構職場安全

推動跨部會合作之職業安全衛生促進方案，降低職業災害發生率，99年預定降災幅度為6%，且為提升檢查專業能力，強化減災效能，辦理勞動檢查員各項專業訓練與相關防災技術指引及宣導資料。此外，推動「中小事業安全衛生在地扎根計畫」，結合地方政府防災能量，實施「到府輔導」、「免費訓練」、「大廠帶小廠」及「家族集合輔導」等減災策略，提供安全衛生設施及器具改善補助。

另推動系統化職業安全衛生管理制度，激勵大型高風險企業優先導入自主管理系統，強化安全衛生管理體

質，累計527家事業單位通過臺灣職業安全衛生管理系統（TOSHMS）驗證；另為強化職業病預防、職業傷病監視、試辦醫師入廠職業病防治等措施，委託臺大醫院等9個大型醫院成立各區域職業傷病防治中心及建構52家網絡醫院，就近提供勞工職業病預防、診治、復工、重建轉介及權益諮詢相關服務。

六、協助風災重建工作

勞委會為協助風災重建工作，辦理莫拉克、凡那比災後重建就業服務專案，協助產業重建、補助受災民衆參加技能檢定、擴大勞工保險服務、提供職災勞工慰問與協助，並由職災個管員進行個案管理服務，提供包括申請勞保職災死亡給付、提供勞資爭議協處、家屬媒合就業及急難救助金申請等後續相關服務。

未來施政重點

即將邁入建國100年，勞委會時時刻刻思考如何規劃前瞻性的勞動政策，期許為勞工朋友謀取最大福利，持續以「平等、人性、安全、尊嚴」作為施政願景，讓勞動者享有平等機會、人性化工作環境、建構職場安全，實現勞動尊嚴。

勞委會未來將持續促進勞工就業，除加強辦理相關促進就業計畫，提升勞工職能與技能，強化就業諮詢服務，整合全國就業網站，幫助更多的失業民衆找到工作外，更會著重在人力資本的培育，培養優質勞動力，強化證照制度，辦理技能檢定職類開發調整，強化技能檢定基準，並適時召開各相關部會聯繫會議，以增進技術士證法規效用。

此外，為落實人性化勞動條件，除擴大勞動條件保障範圍，保障非典型勞動勞工權益，擴大勞退新制適用對象外，積極落實勞動三權，強化工會發展能量、促進簽訂團體協約及提升勞資爭議處理效能；並秉持建立友善職場，兼顧弱勢勞工照護為目標，擴大家庭照顧假適用對象，強化職場性騷擾處理機制，及強化職災照護體系與安全衛生職場，健全職業災害勞工保護法制，推動職場安全衛生風險管理與勞動安全作業環境。





我國基本工資之實行與調整

我國於民國19年我國政府批准國際勞工組織「設釐定最低工資機構公約」。民國25年12月23日國民政府公布「最低工資法」，惜因歷經戰亂，致未施行。該法已於75年12月3日總統令廢止。57年3月16日行政院公布基本工資暫行辦法，據以調整基本工資。73年8月1日起公布施行勞動基準法，依該法第21條規定，工資由勞雇雙方約定之。但不得低於基本工資。基本工資自民國45年初訂基本工資為每月300元（新台幣、下同）以來，歷經18次調整，目前為每月17,280元，每小時95元。民國86年10月16日發布，自10月16日起實施，調整基本工資為每月15,840元，每日528元，每小時66元。基本工資歷經10年末調整，民國96年6月8日發布，自7月1日起實施，調整基本工資為每月17,280元，每小時95元。民國99年9月29日發布，自100年1月1日起實施，調整基本工資為每月17,880元，每小時98元。

依勞動基準法第21條規定，基本工資審議委員會之組織及其審議程序等事項，由中央主管機關另以辦法定之。基本工資審議辦法依前開規定，自77年1月13日始訂定，歷經4次修正，其中3次涉委員組成之修正。其成員由早期之官方為主，逐漸改變為等數之勞、資代表及公正人士共同組成。又本(99)年8月31日基本工資審議辦法修正後，明定基本工資審議委員會原則應於每年第三季度定期檢討，委員會委員共21人，勞、資代表、政府及學者專家各7人。

96年起基本工資調整，發布月薪及時薪

96年7月1日實施之基本工資，發布月薪與時薪，與過去同時發布月薪、日薪及時薪略有不同。此係有鑑於實務上，部分雇主並未另行給付部分工時者例假日工資，時生爭議，所以將本來就應由雇主負擔的「例假日」工資折入基本工資「時薪」中，以後遇有例假日只須給假，不必外

加計給例假日工資，以簡化算式並減少紛爭。另勞動基準法規定之正常工時自90年1月1日起縮短為兩週84小時，較修法前每週48小時，平均1週減少6小時。導致按月計酬者與按時計酬者同樣履行法定正常工時後，其每月（30日）的最低工資報酬總合產生落差；併同考量，藉以消弭按月及按時計酬者工資率之差距。

99年基本工資之調幅為3.47%

本年度基本工資審議委員會於99年9月13日上午召開第23次會議，本次會議勞資雙方均以理性的態度進行多回合的對話。代表勞方的委員普遍認為，現行的基本工資並無法保障勞工的最低生活所需，現行的基本工資並無法保障勞工的最低生活所需，因此政府宜參照「國民與政治權利國際公約」與「經濟社會文化權利國際公約」及兩公約施行法。保障勞工合理公允之工資，建議調升基本工資至22,115元；資方代表則憂心經濟仍有二次衰退危機，且當前失業率仍高於5%，過度調升基本工資，勞資雙方均將蒙受不利影響，原則建議暫緩調整，至多亦不應超過3%。經過基本工資審議委員會的熱烈討論，期間一度暫停會議，由勞資雙方委員分別闢室協商後，包括學者專家及政府代表等大多數委員認為，為有效保障邊緣弱勢勞工之基本生活，基本工資確有調整之必要。然考慮消費者物價指數之同時，亦需維持就業穩定。因此，經過審慎考量，通盤參考包括物價指數、經濟成長數據及就業狀況等相關因素，主席建議調整基本工資由每月17,280元調整至17,880元；時薪由95元調整至98元，調幅約3.47%，由本會陳報行政院核定。行政院已核定照准，自100年1月1日起實施。

本次會議為「基本工資審議辦法」修正後的首次會議，勞、資代表透過此一機制，理性對話，充分討論，並首次於會後分別推派代表共同參與記者會（行政院勞工委

員會主任委員與勞、資及學者委員代表各一人），開誠佈公向外界明確說明。勞、資團體雖仍各有不同意見，但基本工資之審議已確定定期檢討之原則，日後當有所依循，各界可以正面期待。

未來基本工資之調整

依勞動基準法第21條規定，工資由勞雇雙方議定之，但不得低於基本工資。復依基本工資審議辦法第4條規定，為審議基本工資，應蒐集下列資料並研究之。一、國家經濟

發展狀況。二、躉售物價指數。三、消費者物價指數。四、國民所得與平均每人所得。五、各業勞動生產力及就業狀況。六、各業勞工工資。七、家庭收支調查統計。

基本工資之調整，係由本會基本工資審議委員會審議通過後，由本會陳報行政院核定後實施。基本工資審議辦法第5條亦規定，基本工資審議委員會原則於每年第三季進行審議。該委員會每年均將參考該辦法第4條規定之因素，審慎研議基本工資，以保障勞工基本生活。



政策法規

禁止就業歧視及相關保護措施

「平等」是各種國際勞動組織追求的核心價值，也是我國憲法賦予人民的基本權利，歐盟於1997年通過了《阿姆斯特丹條約》，將「年齡、身心障礙、性傾向及非全職工作者」納入法律保障範圍，禁止雇主歧視。另外，「國際勞工組織」亦於2007年6月公布有關禁止就業歧視與推動工作平等的全球報告，提出新興形態的歧視概念，反映出「就業歧視禁止」的國際趨勢。

與生俱來無法改變的特質，不得歧視

「歧視」的問題存在社會的各個角落，其中當然也包括「職場」，當雇主以求職者或受僱人的某些特質來決定其受僱機會或勞動條件時，如果該種特質是屬求職者或受僱人可以透過後天努力改變的特質，求職者或受僱人還有可能透過後天的努力來滿足雇主的要求，但如果該項特質是求職者或受僱人與生俱來無法改變的特質，且該項特質又與執行該項特定工作



無關時，雇主在該項特質上的要求即不公平且不合理。就業服務法是我國第1個禁止就業歧視的法律，該法禁止雇主對求職人或所僱用員工，以其種族、階級、語言、思想、宗教、黨派、籍貫、出生地、性別、性傾向、年齡、婚姻、容貌、五官、身心障礙或以往工會會員身分為由，予以歧視。

政府設立就業歧視申訴窗口

近年來，政府愈來愈重視就業歧視禁止的問題，積極推動防制就業歧視各項業務，如運用大眾媒體宣導防制就業歧視觀念之建立，編印防制就業歧視宣導手冊、摺頁，如雇主防制就業歧視指引手冊、防制就業歧視指導原則手冊及就業歧視申訴案件處理原則手冊等，內容含括相關法令簡介、相關定義解釋、各類案例分析與處理說明、就業歧視申訴窗口、申訴文件、流程資料，促使雇主、受僱勞工、求職民眾瞭解禁止就業歧視相關法律規定及各歧視態樣與內涵。

另建立就業歧視評議案件處理機制，完成「就業年齡歧視」判定標準之研究，從就業年齡歧視的類型、就業年齡歧視的成立、就業年齡歧視的例外做深度的研究；並透過美國、愛爾蘭、澳大利亞、荷蘭等國在推動防制就業歧視作法、各類機制，做出適合本國之判定歧視之制度建議。如保護對象、年齡歧視之定義、例外規定與舉證責任，均提出高度的見識與建議；對地方政府於處理就業歧視申訴案件審認有所助益。

此外，由98年度全國縣市政府就業歧視評議委員會執行成效統計表顯示受理就業歧視申訴案件有411件，與96年度203件、97年223件比較，禁止就業歧視成效明顯增加，其中就業性別歧視申訴案有259件、年齡歧視案件有81件、容貌歧視38件，占全部申訴案件

91.97%。另依就業歧視申訴案件態樣顯示，就業歧視行為已由先期招募廣告直接歧視行為（限女性、35歲以下等條件）轉變為間接歧視之情形（如年輕、精力旺盛等條件），各直轄市暨縣（市）政府就業歧視評議委員會在受案審理歧視案件認定上更受挑戰，更須透過雇主所負之舉證責任及各式文件資料，釐清案情真相，據以判定個案。

為增進各直轄市、縣（市）政府專責處理就業歧視業務人員之專業知能，強化就業歧視評議委員會之功能與運作機制，及加深事業單位、民間團體對「就業歧視」法定禁止項目的瞭解，並輔導雇主建立無歧視甄選人才機制，勞委會每年度舉辦防制就業歧視業務研討會，以提升專業法律知識。

共同建立公平無歧視的職場環境

為因應社會快速變遷時代來臨，及維護勞工工作尊嚴，就業歧視禁止法律條款，宜作適度修法，未來可對現行法定16項就業歧視禁止項目作整合調整，對遭受就業歧視之受僱勞工予以賠償救濟主張權，同時對違反法律之雇主罰鍰金額亦考慮作適度調整，期改善性別工作平等法、身心障礙者權益保障法同對違反就業歧視規定罰鍰額度差異過大問題。政府亦將持續透過法制教育、業務手冊印製、大眾傳播媒體運用等方式加強宣導，促使雇主、勞工更加瞭解防制就業歧視之意涵，共同建立公平無歧視的職場環境。



政策法規

建立友善職場 家庭照顧假、育嬰留職停薪制之實行

為維護職場上性別工作平等，營造友善職場環境，自91年3月8日實施「性別工作平等法」。該法實施8年以來，事業單位在性別歧視禁止、性騷擾防治及促進工作平等措施實施比率，均較91年提升。其中事業單位有提供

「產假」的比率占96.9%、「陪產假」的比率占57.3%，顯示事業單位在創造性別平等的工作環境方面，有長足的進步。

為使受僱者得同時兼顧家庭照顧責任與職場工作，於

其家庭成員預防接種、發生嚴重之疾病或其他重大事故須親自照顧時，得請家庭照顧假，故於97年1月16日修正公布性別工作平等法第20條規定，家庭照顧假適用對象由受僱於僱用30人以上雇主之受僱者擴大至5人以上雇主之受僱者。

另為能同時保障父母之工作權益，使其得以同時兼顧工作與家庭之責任，於性別工作平等法第16條規定受僱者得申請育嬰留職停薪。為嘉惠更多的勞工，自98年5月1日起育嬰留職停薪擴大用所有受僱者。自91年3月起截至99年9月底止申請育嬰留職停薪受患者人次：男性共計7,236人，女性共計58,301人，合計65,537人，共計補助育嬰留職停薪人員雇主負擔之社會保險費新臺幣11億9,686萬元。

為落實性別工作平等法，鼓勵企業積極營造友善職場，勞委會自95年起每2年舉辦友善職場優良事業單位評選及獎勵活動，並提供友善職場範例，使事業單位得以觀摩學習，達到性別工作權實質平等的最終目標。



(耕莘醫院提供)



政策法規

強化證照制度 全國技術士技能檢定之現況與未來

我國辦理技術士技能檢定制度，自民國63年首度開辦以來，已有相當績效。36年來，技能檢定所開辦職類數由1個增加到200個，每年參檢人數亦由開始2,000餘人增加到現行近76萬餘人次報檢；截至99年10月底止，累計合格發證人數達498萬2,090人／張。

全國技術士技能檢定現況

技術士技能檢定制度大致可分為二種：一、為特定對象所辦理之專案檢定；二、為非特定對象辦理之全國技能檢定。

現行採紙筆測試之全國檢定，1年分3梯次辦理約150個職類級別之學術科測試，由本會及北高兩市分別辦理。本會負責技能檢定之政策規劃，職類開發、規範

與試題命製、題庫管理，術科場地評鑑、監評人員培訓管理、技術士證核發管理、與年度計劃與簡章研訂，及臺灣地區（北高兩市除外）全國檢定學術科試務之執行工作。北高兩市則按勞委會所訂年度計畫與簡章執行，學術科測試試務工作。並編造技能檢定合格名冊送勞委會核發技術士證。

健全全國檢定制度與未來展望

近年來全國檢定隨著社會環境變遷有諸多便民服務措施包括：

一、健全技能檢定法規制度：對於不合時宜或或易生爭議之法規，逐步檢討修訂「技術士技能檢定暨發證辦法」與「技術士技能檢定作業及試場規則」，並 ►►

適時檢討調整「行政院勞工委員會辦理技能檢定各項業務支付費用標準表」與「技術士技能檢定規費收費標準」。

- 二、配合產業與科技進步：結合產、學、訓各界檢討調整或整併職類，如圖文組版改印前製程、照相改攝影、廣告設計改視覺傳達設計、調酒改飲料調製等職類；並因應新興產業技術發展，加速開辦新職類。例如門市服務、喪禮服務、定向行動訓練等職類。
- 三、逐年檢討改進全國檢定之報名作業方式：從全面現場報名、至丙級採通信報名至100年度通信報名及試辦免試術科者採網路報名之方式辦理。並改善報名書表簡章之販售通路，從於現場報名點販售簡章，逐步擴展至全國4,000多家便利超商均有販售。並檢討擴展技術士證之繳費通路，從郵局劃撥繳交、逐步擴增精進至全國各大超商均可繳費。
- 四、加強服務身心障礙者：從早期限智障、上肢障可申請延長學術科測試時間20%，逐漸擴增至所有身心障礙者均可申請。現學習障礙者亦可比照身心障礙者辦理。並提供學科測試之身心障礙者專用試場、放大試題、點字版試題、國語口述試題等措施。
- 五、增加國、臺語的口述試題服務：早期針對中餐烹調丙級資深廚師提供國、臺語口述試題服務外，逐步擴大至配電線路裝修、喪禮服務、鋼筋、模板、混凝土、中餐烹調職類丙級之資深師傅均適用。另外籍及大陸配偶亦提供中餐烹調、美容、女子美髮、照顧服務員、保母等職類丙級（單一級）之國語口述試題服務。
- 六、整併勞委會與北高兩市之技能檢定資訊系統：落實監評人員之管理、與術科試務作業流程管控，並將報檢人照片掃描建檔，以利合格名冊與技術士證製作。
- 七、結合全國技能檢定應用系統與e政府系統：方便應檢人查詢技術士證發證進度、術科測試時間、與換補發技術士證進度等等各項資訊，並建立技能檢定之



專屬網頁，提供查詢學科測試考場、學術科測試成績、技能檢定簡章、職類規範、學術科測試參考資料等相關訊息。

- 八、將各檢定類別（全國、專案、即測即評）術科測試相關人員納入被保險範圍：以公共意外團保辦理年度技能檢定各職類意外事故保險採購。

總之，政府機關改善技能檢定服務品質、為民服務是永無止盡的，勞委會將朝下述方向努力：

- 一、勞委會刻推動技術士人才庫與就業e網資料連結，同步提供求才廠商與就業媒合暨業務權責機關運用。
- 二、全國檢定因中央及直轄市均列主管機關，致人員配置疊床架屋、試務執行作業標準寬嚴不一、報檢經濟規模效益無法發揮、訴願、行政訴訟之救濟管道不同，基於考試之一致性，實有努力由中央主管機關統一辦理全國檢定之必要。



強化勞工技能，立即訓用計畫

結合「選才」、「育才」及「用人」的「立即訓用計畫」，是勞委會職訓局於99年8月推出的新型態職業訓練計畫，此為結合公共資源投入及民間人力需求且符合用人單位所需之職業訓練措施，藉由提升失業者就業技能，降低技術落差，使求職者得以順利進入職場，用人單位得以獲得所需人力。

今（99）年度以來，國內外逐漸擺脫97年金融風暴的陰霾，經濟景氣邁向復甦，國內在民間消費信心提振及廠商積極擴增資本支出等原因帶動下，事業單位之職缺數有逐漸增加情形。然而，卻也存在部分失業者求職不易情形。基此，公共資源投入勞動力的開發與再運用，更愈顯重要。勞委會衡酌國內情勢，推動「立即訓用計畫」，期能協助事業單位培訓立即合用之人力，以充分發揮企業營運效能及就業安置效果，既紓緩部分缺工問題，連帶也能積極開發各式勞動力，促進勞工就業。

「立即訓用計畫」係由勞委會所屬職訓中心依據事業單位人力及訓練需求，辦理客製化人才培訓服務，並由事業

單位承諾僱用結訓合格學員，以縮減職能落差，協助勞工就業，達成立即「訓」「用」之目的。其中包含有「專業技術訓練」及「企業訓練」，前者由職訓中心依據事業單位對專業技術之需求，辦理訓練課程，費用由職訓中心全額負擔；後者則是由事業單位依據工作崗位職務能力需求規劃訓練，協助事業單位建立人力培訓管道，獲致所需之人力。

除了結訓後合格者由事業單位予以雇用外，該計畫另一項特色即是在企業訓練期間讓事業單位的「熟手」帶領「新手」，使學員有機會習得一身好本領。事業單位於辦理企業訓練時，須指定輔導人員（熟手），負責參訓學員（新手）企業訓練之執行、進度管控、訓練成效檢核以及指導管理等事宜，以期「新手」在「熟手」帶領下，順利習得工作所需職能。

該計畫屬客製化訓練服務機制，期能在短期內協助事業單位即訓即用之目標，鼓勵事業單位因應景氣復甦即時補充勞動人力，有助於失業者回歸一般職場就業，創造長期性就業機會。





注重性別平等，落實性別主流化



行政院勞工委員會99年9月16日頒布「行政院勞工委員會推動性別主流化實施計畫（99至102年度）」，該計畫目標主要藉由各單位業務之分析問題、制定法令、政策、方案計畫及資源分配時納入性別觀點。同時，加強落實中長程個案計畫及法律案件修訂時進行性別影響評估，並於勞委會政策及預算上呈現性別觀點。

落實性別主流化主要有六大措施，概述如下：

一、成立性別平等專案小組

由勞委會首長或副首長擔任召集人，且由勞委會相關人員及外聘民間委員3至5人組成。其任務就性別平等業務提供諮詢及指導規劃、性別平等觀念宣導及推動、落實現職人員之性別主流化相關訓練以及性別預算、性別影響評估審議事宜。

二、進行性別影響評估

於研擬中長程個案計畫、修訂法律或施政措施時，蒐集相關性別統計資料，進行性別分析，並運用性別影響評估檢視表，針對不同性別者的影響及受益程度進行評估檢討。

三、建置性別統計

持續充實及建置性別統計資料，尤其就性別影響評估所需之性別統計，加以檢視是否需要增加統計項目。此外，按年更新及充實勞委會性別統計專網，並建置國際勞動性別相關統計資料，以瞭解國際勞動性別發展趨勢。

四、加強性別分析

運用性別統計資料及相關資訊，從性別意識之觀點來分析性別處境及現象。此外，未來每年對於民衆申訴案件類型及事業單位違法情形進行專題分析。

五、落實性別預算

除運用性別影響評估檢視表，檢視勞委會中長程個案計畫或其他計畫各階段性別相關預算編列外，每年亦彙整性別影響評估計畫預算編列情形。另外，配合行政院主計處發展我國性別預算編製流程、作法及範例。

六、強化性別意識

透過性別主流化研習營、高階主管性別主流化訓練以增進同仁性別敏感度；同時，對各縣市勞政人員進行性別工作平等相關課程訓練。另建置性別專家資料庫，以建立勞委會性別主流化種子師資及專家資料。

未來，勞委會將持續落實性別主流化，建構性別平權友善職場，縮小性別職業隔離，加強性別工作平等勞動檢查，期透過各項政策及措施之推行，充分保障勞工之福祉，促進性別平等之實現。

今（99）年6月29日海峽兩岸已簽署經濟合作架構協議（以下簡稱ECFA），並於今年9月12日正式生效，簽署ECFA臺灣產品出口至中國大陸將享有減免關稅的優惠，國內企業不必外移至對岸設廠，讓企業深耕臺灣，降低對中國之依賴度，創造更多就業機會。再者，相較於中國大陸，臺灣投資環境較為穩定與透明，簽署ECFA歐美日國家來臺投資機會將增加，可吸引跨國企業利用我國做為進入東亞的經貿投資平臺，創造更多就業機會。

但對於中國產品進口影響本土內需型、競爭力較弱的產業勞工的就業機會，行政院勞工委員會已規劃「因應貿易自由化勞工就業發展與協助方案」將投入365億元，對於可能受到影響產業的勞工，設置單一窗口，運用專線電話（0800-777-888）、網站專區（<http://ecfa.cla.gov.tw>）、公立就業服務機構專責櫃檯專人服務，提供以下協助勞工提升技能及支持服務。

- (一) 輔導事業單位辦理在職訓練，提升員工工作技能。
- (二) 協助勞工個人參訓，增加職場競爭力。
- (三) 經營在地訓練與服務網絡。
- (四) 協助取得技術士證。

提供受貿易自由化影響之勞工免費心理諮詢、心理健康講座及受影響的企業有專人進入工廠輔導服務。協助勞工面對挑戰，並走出生涯困境。

此外，對於簽署ECFA致使有些產業無法升級、轉型，而無法營運，對於這樣產業及其勞工，勞委會已擬妥以下優先協助就業安定，協助轉業及再就業措施。

1. 創業諮詢輔導及適性分析。
2. 企業見習。
3. 創業貸款及利息補貼。





「金展獎」表揚進用身心障礙者績優單位



為了協助身心障礙者就業，身心障礙者權益保障法明定一定規模之公、私立單位須進用身心障礙者，新制實施1年多來，已增加1萬2,247名身心障礙者進入職場，勞委會感謝這些長期進用身心障礙者的公私立單位，於99年10月22日下午舉辦金展獎頒獎典禮，表揚今年得獎的48個公私立績優單位及18位績優身心障礙者職業重建服務專業人員。

公私部門提高進用身心障礙者

勞委會表示，身心障礙者定額進用新制於98年7月11日施行，主要降低公、私部門進用門檻，以往公部門員工人數達50人必須進用身心障礙者，新制降低為達34人即須進用身心障礙者、私部門則由達100人須進用身心障礙者降為達67人即須進用，另外也提高公部門進用比率由2%調至3%，至99年7月底，達到進用門檻單位共進用6萬2,555位身心障礙者，比法定進用人數多了1萬4,473人，希望透過「金展獎」的頒獎典禮，對進用身心障礙員工的公私立單位、勤奮打拼的身心障礙勞工以及媒合就業的職業重建專業人員，致上最崇高的感謝及肯定，也藉此拋磚引玉，邀請更多企業、機關加入進用身障員工的行列。

願身心障礙朋友有更多機會

行政院長吳敦義蒞臨金展獎會場致詞表示，社會要平衡和諧，要靠真誠地敬重彼此，包括身心障礙朋友，然後大家才可以共同分享社會上更多的機會；所以，政府要積極宣揚金展獎的精神，鼓勵公營機關企業多進用身心障礙人士。吳揆並期許獲獎的企業及個人都能成為成功的典範及標竿，使臺灣在經濟成長及各方面都能向上提升。

今年有中央圖書館臺灣分館、國防部軍備局生產製造中心第204廠、花蓮縣警察局、桃園縣私立脊髓損傷潛能發展中心、陽光社會福利基金會、宏廣股份有限公司等單位獲頒金展獎優等獎，其中中央圖書館臺灣分館及軍備局204廠更因累計5年獲優等獎，而獲頒楷模獎。

勞委會主委王如玄表示，本著「平等、人性、尊嚴及安全」的施政理念，勞委會希望為身心障礙勞工打造一個平等無歧視、完善無障礙的尊嚴職場，讓他們能在職場上盡情發揮。此外，101年政府組織改造後，勞委會升格為勞動部，政府尤其重視身心障礙者的就業，未來成立勞動條件暨就業平等司，將身心障礙者就業政策由勞動部層級研擬，實踐「真平等」，讓社會較弱勢的身障勞工，獲得應有的保障。♣