



臺灣

勞工簡訊

Taiwan Labor E-Newsletter

中英文版本內容如有出入，以中文版本為準。

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

The new amendments to the Labor Standards Act stipulate 'exceptional' instances. The Ministry of Labor will definitely keep a close watch together with various national competent authorities for business objectives (“competent authorities”) so that exceptions will not become the rule.

Exceptions included in the new provisions of the Labor Standards Act stipulating the amount of rest time in between shifts and the six-day work week are under the watch of both the competent authorities and the Ministry of Labor; the competent authorities will consider advice from labor groups in accordance to industry demands, conduct evaluations based on industry characteristics and necessity, and then report to the Ministry of Labor.

The Ministry of Labor's review mechanism is the Labor Standards Advisory Council review panel, comprised of members from labor, business, politics and academia, and determines whether industry demands meet job characteristics, special reasons, or specific circumstances such as time, location, nature and conditions, which are all carefully evaluated.

For each industry reported on by the competent authorities, if opinions of labor organizations are not asked, such an industry will not be submitted to the Advisory Council for discussion, which is not possible to make an announcement for such a designated and applicable industry. In addition, the draft of designated and applicable industries will be published in The Executive Yuan Gazette as an advanced notice in order to consult with the public and, erring on the side of caution, the ministry will ask relevant labor unions to express their opinions during the notice period.

The Ministry of Labor emphasizes that it will definitely keep a close watch on all exceptions to the Labor Standards Act, together with various national competent authorities for business objectives, so that exceptions will not become the rule.



Ministry of Labor and local governments launched the Labor-Management Meeting Strengthening Mechanism Project to urge business entities to hold labor-management meetings according to law.

The Ministry of Labor has launched the Labor-Management Meeting Strengthening Mechanism Project in July to comprehensively conduct activities such as advocacy, training, workshops and on-site consultation through cooperation with local governments in order to improve business entities' compliance with relevant laws in holding Labor-Management Meeting, and provide labor representatives with all the relevant knowledge regarding Labor-Management Meeting.

The Ministry of Labor said that in order to encourage business entities and labor to understand and comply with provisions relevant to holding Labor-Management Meeting, the ministry, for the current year, is focusing on the different requirements of those instances of labor and management which “have not held Labor-Management Meeting” and which “have held Labor-Management Meeting”, establishing in March the Labor and Management Meeting Strengthening Mechanism Project. In working with local governments, the ministry invited business entities holding 26 publicity events related to “the practice and procedure of Labor-Management Meeting”. At the same time, the ministry followed this up with case-by-case on-site consultations of 107 business entities on setting up and holding labor-management meetings; and for those business entities which held labor-management meetings, this year the ministry will invite nearly 2,000 representatives from the labor side of listed companies to strengthen their awareness of relevant issues and procedures for labor-management meetings to ensure the healthy function of labor representatives and to avoid any fraud or misconduct. Also, the ministry conducted legal compliance activities for the more than 500 companies which did not hold labor-management meetings in the past three years, which is identified to be in violation of the law.

Lastly, the Ministry of Labor states that it hopes to promote this project alongside local governments so that more business entities can actually conduct labor-management meetings in accordance with the law and implement the protection of labor rights.



Ministry of Labor announces draft of Employment Law for Middle-aged and Senior Persons.

The Ministry of Labor announced the draft of the Employment Law for Middle-aged and Senior Persons on July 12, 2018, with an expected public announcement period of 60 days. Any comments may be submitted to the ministry before September 11.

With a low birth rate and an aging population, Taiwan's working population of 15 to 64 peaked in 2015 and then gradually declined. In addition, the working population retires early and labor participation of middle-aged and seniors are lower than that of major countries such as Japan, South Korea and the United States. President Tsai proposes support for middle-aged and elderly employment, promoting labor policies for middle-aged and elderly employment, and to establish a friendly employment environment.

Since 2016, the Ministry of Labor has collected laws, regulations and measures from various countries that promote employment of the middle-aged and the elderly; received comments and opinions through a number of meetings between experts and scholars, labor management group representative consultations and administrative agency consultation meetings; and completed a draft composed of eight chapters and 45 articles with the key points as follows:

1. Prohibition of discrimination due to age: It is stipulated that employers may not discriminate against middle-aged and elderly employees and treat them differently due to their age; there shall be no adverse disposition and liability for compensation to the employees.
2. Assistance to middle-aged and elderly employees to ensure stable employment: Provide measures such as job redesign, on-the-job training, family care options and workplace health to help employees to stay in the workplace.
3. Promotion of the employment of the middle-aged and elderly unemployed: For the employment of middle-aged and elderly persons, promote pre-employment training and improve work capabilities and provide them with entrepreneurial counseling and professional employment services to help start businesses or return to the workplace.
4. Support of reemployment of retirees: Encourage retired middle-aged and senior citizens to contribute their expertise and pass on their experience communicate with younger generations, provide reemployment advice after retirement, and establish the Seniors Workforce Development Service Center.
5. Development of employment opportunities: Encourage employers to release their vacancies by publicly recognizing institutions which have employed middle-aged and senior employees, and develop job opportunities suitable for the middle-aged and seniors.



Invite international experts and scholars to share their experience in promoting workplace health and strengthen the health of country's labor force.

On July 9 to 10, the Ministry of Labor's Occupational Safety and Health Administration (hereinafter OSHA) held the 2018 International Conference of Occupational Health Service at Tsai Lecture Hall, NTU College of Law. In addition to experts at home and abroad sharing their practical experience regarding middle-aged and older employee workplace services and overwork prevention, the OSHA also looked forward to working together with relevant civil societies, businesses and governmental departments to create a safe and healthy working environment for workers.

Director Zou said in his speech that although care rate of our workers' health and safety has seen a gradual increase in recent years it is still behind that of other advanced countries. The country's declining birthrate and aging population, combined with the rise of emerging occupational diseases caused by psychological stress due to mental illness, and changes in industrial structures and work patterns, makes the promotion of workers' health services very urgently and necessary. Considering that Taiwan's workers' health service system is still in its infancy, the conference specially invited international experts and scholars from the United States, Japan, South Korea and Singapore, countries which have twenty and thirty years' experience in promoting workers' health services, to share practical practices such as occupational health service strategies, middle-aged and older labor health service models, workers' health services for special groups and overwork prevention in order to further improve occupational health services in Taiwan by drawing on valuable experience from abroad.

Taiwan's labor force accounts for 48% of the country's population, and health of workers directly influences their willingness to seek employment and labor productivity. In order to strengthen physical and mental health protection of workers, the amendment of regulation of Labor Health Protection stipulates that starting on July 1, 2018, health services need to be provided on-site by hired or specially contracted medical personnel for one workplace with more than 200 workers; requirements for workplace with more than 100 workers and more than 50 workers will be implemented in phases, starting in 2020 and 2021, respectively; for companies with less than 50 employees, the Health Services Network, built by OSHA, provides counseling resources to ensure all workers to enjoy health care benefits.

OSHA stated that the promotion of the worker's health service system requires cooperation from industry, government and academia. Employers shall perform even better in workplace health and safety and worker's health management to create a "healthy workers, happy teams, and energetic enterprises" which will achieve a win-win cooperation for labor-management outcome.



2017 End of Year Overview of Foreign Professionals Working in Taiwan.

In this era of globalization, outstanding human capital is an important prerequisite for countries that wish to increase their competitiveness and industrial development. In addition to cultivating talent at home, countries are also actively recruiting outstanding professionals from abroad in order to bolster domestic economic strength.

1. At the end of 2017, the number of effective employment permit of foreign professionals was 30,928 person-cases, 76% of them were men, and 68% of them were age 25 to 44 years. Japanese, American and Malaysian professionals accounted for 51%.
2. The percentage of foreign professionals applications for “specialized or technical jobs” accounted for the largest block at 59%, followed by “full-time foreign teachers at cram school” at 14%.
3. Japanese and Malaysian professionals mostly engaged in “specialized or technical works” and Americans mostly engaged in “full-time foreign teachers at cram school”.
4. Foreign professionals mostly engaged in the “Education” at 24%, followed by “Manufacturing” and “Wholesale and Retail Trade”. Male foreign professionals mostly engaged in “Manufacturing” while women mostly engaged in “Education”.
5. Foreign professionals mainly worked in Taipei City, New Taipei City and Taichung City, accounting for 64%.
6. The number of foreign professionals from the 18 countries in the New Southbound Policy made up 29%, those engaged in “specialized or technical jobs” ranked the highest, at 76%.



Application for maternity benefit and funeral grants under Labor Insurance can be made at household registration offices.

In order to promote digital government services and provide more convenient and diversified channels for applications, the Bureau of Labor Insurance (hereinafter the BLI) worked together with the Ministry of the Interior to jointly plan and promote a “one stop convenient services”. Starting July 16, 2018, when the public go to a household registration office to register the birth of a child, they can also apply for maternity benefits under Labor Insurance or National Pension Insurance at the same time; when registering a death, they can also apply for funeral grants under Labor Insurance. Completing household registrations and benefit applications at the same time makes the procedure very convenient.

The BLI further stated that after the establishment of the one-stop convenient service, when the insured goes personally to a household registration office to register the birth of a child or a death of a family member, they only need to provide their account information for a domestic financial institution or post office account (limited to NTD accounts); after the application is printed out by staff at the office and submitted to the insured for confirmation and signature or seal, then the registration for maternity benefit under either Labor Insurance or National Pension Insurance or funeral grants under Labor Insurance is completed. The household registration office will notify the BLI the same day of accepting the application and spare people the time of delivering applications, and payments will be credited two to five business days earlier than written applications.

In addition, if the insured is unable to go to a household registration office in person, they may also entrust a family member to submit their application; Letters of authorization can be downloaded from the Department of Household Registration, Ministry of the Interior or the Bureau of Labor Insurance, Ministry of Labor websites. After the insured completes the letter of authorization, they can hand it over to their trustee for spare.

The BLI reminds the public that if the insured meets the requirements for the maternity benefits under the Labor Insurance and National Pension Insurance at the same time, they can only choose one; in order to avoid choosing the wrong item and delaying payment, be sure to choose the correct item during the application process.

