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Council of Labor Affairs, Executive Yuan

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## Quarterly Focus



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## "Fair employment Together" – The Council of Labor Affairs works together with employers to create a friendly workplace free of obstacles and with fair employment practices

Under the process of globalization, industries in Taiwan are seeing a large-scale increase in the opportunities for international cooperation. The subsequent impact of international talent mobility is inevitable. As corporate owners seek to lower industrial production costs, lowering labor costs becomes an irreversible phenomenon. Meanwhile, atypical employment practices (such as professional and labor outsourcing and part-time labor) and the rise of contract labor has changed traditional industrial relations, impacting labor health and safety systems. Governments all over the world are faced with planning to provide protections to labors with the least conditions, especially in the area of guaranteeing equal labor rights to disadvantaged labor groups that the International Labour Organization are most concerned with. In addition to promoting disadvantaged labor rights (Employment Service Act, Article 24), Taiwan also prohibits discrimination in 16 categories, namely, race, class, language, thought, religion, political affiliation, nationality, place of birth, gender, sexual orientation, age, marital status, appearance, facial features, physical or mental disability or previous union membership

(Employment Service Act, Article 5, subparagraph 1).

### Prevention of employment discrimination is an international prerogative

Prohibition of employment discrimination is an important indicator to assess whether a country is implementing their protection policy on basic human rights for labors. The safeguarding of labors' fundamental rights is also a universal value that is recognized around the world. Following the amendment to subparagraph 1, Article 5 of the Employment Service Act in May 2007 to implement a prohibition on 16 categories of employment discrimination, all public bodies, public agencies, non-governmental groups and associations must act in accordance with this law when recruiting and employing staff. This has greatly increased the safeguarding of employment rights for the people.

In recent years, the government has placed increasing emphasis on the prohibition of employment discrimination and actively launched various programs to stamp out employment

Discrimination type	2009		2010		2011		2012		Total cases in 4 years
Race	2	0.49%	6	3.05%	4	1.19%	9	3.45%	21
Place of birth	2	0.49%	2	1.02%	8	2.38%	4	1.54%	16
Gender	259	63.02%	95	48.23%	165	48.97%	120	45.98%	639
Age	81	19.71%	42	21.32%	63	18.70%	51	19.54%	237
Disability	19	4.63%	20	10.16%	47	13.95%	37	14.18%	123
Other	48	11.68%	32	16.25%	50	14.84%	40	15.33%	170
Total cases per year	411		197		337		261		1206
Total cases fined under administrative decisions	41		26		46		40		153

discrimination. These include stipulating that public offices and agencies must endure their staff management regulations are in compliance with relevant anti-discrimination laws, using the mass media to establish the concept of anti-discrimination in employment, printing anti-discrimination handbooks and leaflets, such as the "Employer's Handbook to Preventing Employment Discrimination," "Guidelines to Preventing Employment Discrimination", and "Handbook for Handling Employment Discrimination Complaints." The content of these publications contains introductions to relevant laws, explanations of relevant terminology, analysis of various cases and explanations of how to deal with the cases, and in addition, information on employment discrimination complaint window, complaint documentation, and complaint procedures, etc. These handbooks and guidelines allow employers, labors and employment-seekers to understand rules and regulations relating to prohibiting employment discrimination and become familiar with all types of employment discrimination.

**Establishing an employment discrimination review body to help the government to examine cases fairly**

In order to establish a body to deal with the review of employment discrimination cases, the CLA drew on research completed by National Chung Cheng University's Professor Cheng Jing Jing, "Age Discrimination in Employment," to establish standards. This research took an in-depth analysis on the different types of age discrimination, the formation of age discrimination in employment, and exceptions to age discrimination. Using research on anti-employment discrimination methods and systems in countries such as the US, Ireland, Australia and the Netherlands, she Professor Cheng devised standards to evaluate discrimination that are suitable for Taiwan. For example, Professor Cheng offered insightful perspectives and recommendations for the definition, rules of exceptions and presentation of evidence on protected groups and age discrimination. Her research is very useful to local governments in dealing with complaints on employment discrimination.

According to statistics and data from 2009 to 2012 by the municipal and national county (city) government employment discrimination appraisal committee's cases (see table for details), complaints on gender discrimination were highest at 639 cases, followed by age discrimination at 239 cases and physical and mental disability discrimination at 123 cases. These three types of prohibited employment discrimination made up 82.84% of all complaint cases in the four years the data was collected. Additionally, statistics relating to the type of employment discrimination complaint shows that employment discrimination behavior has gradually changed from direct discrimination at the point of recruitment at the start of the four-year period (e.g. recruiting women only, aged 35 or younger, or men with a height of 165cm or taller), to indirect or less distinctive type of discrimination (e.g. requiring people who have completed military service, or limited to young, energetic people, current graduates or night school students, etc.), which makes it more of a challenge for the municipal and national county (city) government employment discrimination appraisal committee to judge on cases of discrimination. They must therefore be very careful when dealing with complaint cases and use evidence from the employers and various kinds of documentation to establish true facts and make appropriate judgment.

**Employment Service Act and People with Disabilities Rights Protection Act safeguarding the employment rights of people with disabilities**

With respect to employment discrimination toward people with physically or mental disabilities, if any employer makes a decision whether or not to hire a person based their physical or mental damage or functional impairment, or gives different fringe benefits not related to work performance, this could constitute disability discrimination. If an employer commits disability discrimination, they may be fined according to the Employment Service Act and People with Disabilities Rights Protection Act. Disability discrimination could occur before employment commences at recruitment, examination, hiring and work arrangement stages, and could also be after employment has commenced, at deployment, appraisal, promotion, salary, education, training, benefits, retirement, severance, resignation, or dismissal stages. Currently, 90% of cases that local competent authorities received relating to disability employment discrimination are at recruitment. However, discrimination after employment has commenced is relatively low. This could be due to the fact that labors are not aware of the rules and regulations, or they do not wish to confront their employers, and thus ignore their own rights and do not stand up for themselves.

According to Article 27 of the 2006 United Nations Convention on The Rights of Persons with Disabilities, any type of discrimination toward people with disabilities during employment is strictly prohibited. The United Nations established a disabled rights council to monitor affairs in member countries relating to this convention. A 2010 ruling by the Taipei High Administrative Court cited related provisions in the Americans with Disabilities Act of 1990 (ADA) and referred to its content for the adjudication of the case. According to Article A, Section 12112, Chapter 1 of the law: "No covered entity shall discriminate against a qualified individual on the basis of disability in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment." The term "qualified individual" mentioned in this section means: "an individual who, with or without reasonable accommodation, can perform the essential functions of the employment position that such individual holds or desires." "Reasonable accommodation" means: "1) making existing facilities used by employees readily accessible to and usable by individuals with disabilities, 2) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities." From this regulation, we could see how the law can safeguard the employment rights of people with disabilities and help them to avoid employment discrimination.

In fact, there are many advantages for enterprises hiring people with disabilities. From a passive perspective, once the number of people with disabilities employed reaches a legal quota, enterprises no longer need to pay a fixed subsidy cost, and they can then also apply to the government for a subsidy to reduce personnel costs. From a proactive perspective, people with disabilities perform just as well as any other employees in helping corporations profits, people

with disabilities often value their employment opportunities, are more stable and are more diligent. Furthermore, a workplace that is friendly toward people with disabilities is also a friendly workplace for all staff. Corporations hiring people with disabilities are servicing society, fulfilling corporate social responsibility and boosting their image and reputation.

The Bureau of Employment and Vocational Training of CLA also provides many types of employment assistance measures for people with disability, including having professional guidance team visits workplaces, providing added-value subsidies to people with disabilities, subsidies for job re-design, workplace study and re-adaptation subsidies, etc. Also, in accordance with Article 38-1 of the People with Disabilities Rights Protection Act, the Bureau is strongly urging enterprises establishing affiliated companies who are interested in strengthening their employment of people with disabilities or are interested in hiring a large number of people with disabilities to contact the Bureau's employment service centers or employment service stations.

### **The government takes on multi-pronged approach to prohibit employment discrimination for an equal employment environment**

Each year, an anti-employment discrimination conference is

held to enhance the professional knowledge of staff responsible for dealing with employment discrimination in municipalities, county (city) governments, to strengthen the function and capabilities of employment discrimination appraisal committees, to deepen work unit and non-governmental organizations' understanding of prohibited practices of employment discrimination, and to also guide employers to establish non-discriminatory selection processes. In the future, we will continue to promote awareness through legal education, printing of handbooks, and mass-media advertising. For example, the CLA recently printed a volume on "Fair Employment Together: A compilation of disability employment discrimination cases" and distributed it to employment service centers and county and city governments. The volume is also available on employment service center websites and the National Employment Website (<http://www.ejob.gov.tw>) for public reference and use. The CLA hopes that as corporate employers and labors become more aware of the implications of anti-employment discrimination, they will be more conscious toward the employment rights of people with disabilities. Together staff and employers will create a workplace environment of respect and cooperation that is fair and free from discrimination.



## **Council of Labor Affairs takes measures in response to signing of the Cross-strait Agreement on Trade in Services**

In order to promote the normalization of cross-strait trade, further the systemization of standards, safeguard the interests of cross-strait industrialists, expand market scope and cooperative exchanges, and reduce limiting measures, China and Taiwan completed the signing of the "Cross-strait Agreement on Trade in Services" on June 21, 2013. This is a step toward closer cross-strait relations since the signing of the Cross-Strait Economic Cooperation Framework Agreement (ECFA) in June 2010.

### **The Agreement on Trade in Services deepens cross-strait economic and trading rights and benefits**

Once the Cross-strait Agreement on Trade in Services comes into effect, Taiwan operators will be able to take advantage of various beneficial measures contained within the agreement to access the Chinese market. Although Chinese traders will be able to invest in Taiwan according to terms on the agreement, they are still subject to relevant provisions stipulated in the Ministry of Economic Affairs' "Measures Governing Investment Permit to the People of the Mainland Area" and will have to go through a joint review before they are allowed to invest in Taiwan.

Positive benefits from the signing of the Agreement include: increasing the level of control Taiwanese merchants have in their China operation footholds and expanding the scope of operations; expanding export activities in the service industry and increasing competitiveness of Taiwanese traders in China; attracting Chinese investments in Taiwan to invigorate the economy and increase employment opportunities. The Agreement is beneficial to Taiwan industries and is an early response to trade liberalization and participation in global economic integration. It will also establish stable foundations for Taiwan to take part in economic integration in other regions. The government will continue to remove trade obstacles and expand benefits through negotiations.

In addition, the government has integrated public budgets and related funds of the Ministry of Economic Affairs, Council of Labor Affairs (CLA) etc to allocate NT\$95.2 billion for 2010 to 2019 to aid industries, corporations and employees that might feel the effects of trade liberalization following the signing of the Cross-strait

Agreement of Trade in Services. Industries that might be affected are categorized into a industries requiring strong guidance, industry that might be impacted by trade liberalization, industries that are adversely affected, and industries that might be damaged. Three types of adjustment aid measure will be offered respectively: revitalization and guidance, structural adjustments, and damage relief. These measures will improve industry competitiveness, coach industry transformation, and strengthen employment security.

### **The CLA provides four types of assistance plans to help workers deal with the impacts of the Agreement on Trade in Services**

#### **(1) Revitalization and guidance strategies**

In response to possible labor disputes, the CLA provides labor management communication and consultation mechanism, as well as labor-management negotiation know-how to protect labor rights and benefits in affected industries.

#### **(2) Structural adjustments and damage relief strategies**

As for the service industries that might be adversely affected or damaged, an inter-departmental trade liberalization and industrial guidance ad hoc group will review the cases at hands and provide assistance measures that relate to revitalization and guidance, as well as "job security prioritization assistance" and "assisting re-employment after career change" measures to workers:

- (1) Measures to assist job security: including salary subsidies for employed workers, subsidies for job redesign, financial assistance to work units organizing training and employees participating in training.
- (2) Measures to assist re-employment after a career change: including re-employment assistance, employability assistance,

entrepreneur assistance, career change assistance, and unemployment assistance:

- a. Re-employment assistance: Employment grants, work experience, short-term employment, services related to severance notification mechanisms, employment inquiry services;
- b. Employability assistance: Diverse vocational training, post-training employment services, vocational training living allowance, assistance in obtaining technical certification;
- c. Entrepreneurial assistance: Entrepreneur skills and business management training, entrepreneur consulting and adaptive analysis, on-the-job corporate learning, entrepreneur loans and interest subsidies;
- d. Career change assistance: Employment-seeking transport allowance, relocation and rental allowance, employment-seeking allowances;
- e. Unemployment assistance: unemployment living allowance

### 3. Launch programs to improve work skills

The CLA will deploy relevant resources regularly and launch programs to improve the skills of service industry employees on a timely basis, subsidizing service industry work units that organize training programs for staff training, separate on-the-job training and vocational training for unemployed employees. In view that the majority of companies in the service industry are small or medium corporations, CLA will strengthen guidance for small and medium service corporations regarding the organization of training and providing training services, develop employees' work skills and employability, thus improving industrial competitiveness and helping employees to respond to the impacts of trade liberalization.

### 4. Establishment of "CLA-ECFA website"

To help the public to understand how the government assists employees to deal with the impacts of the Agreement on Trade in Services, the CLA has recently set up a CLA-ECFA website (address: <http://ecfa.cla.gov.tw>) provide service measure information, one-stop employment service locations and contact telephone numbers for public reference.



## Council of Labor Affairs partners with enterprises for the first time to host "National Workplace Safety Week" event to create a national occupational safety culture



▲ Left to right in the photograph are TRCA Secretary-General Li Mo-wei, CLA Vice-minister Kuo Fang-yu, TSMC Department Chief Hsu Fang-ming and AUO Department Chief Jian Huang-long taking part in a "National Workplace Safety Week" activity.

On July 8, the 2013 National Workplace Safety Week was held at the International Conference Center of National Taiwan University Hospital. The "Work Safety Management Seminar" that took place the same morning was the first that the Council of Labor Affairs (CLA) had jointly staged with the Taiwan Semiconductor Manufacturing Company (TSMC), AU Optronics Corp (AUO) and Taiwan Responsible Care Association (TRCA). In the afternoon, the CLA held a "Conference on Occupational Safety and Health," whereby the president of International Ergonomic Association (IEA), Dr. Eric Min-Yang Wang, and Vice President of the Competence Center – EHS and Security for Asia Pacific BASF, Mr. Anthony Clymo, were invited to present keynote speeches. The event attracted the enthusiastic participation of domestic occupational safety personnel.

### Continue to drive for revisions to relative laws and regulations and guarantee the safety, rights and benefits of workers

In his speech at the conference, CLA's Permanent Deputy

Minister Kuo Fang-Yu especially thanked the three companies and organizations for their participation in the organization of "Work Safety Management Seminar" and expressed his hopes for more enterprises and organizations participation the following year, for the support of labor health and safety. He also said that in recent years, efforts across a variety of quarters have led to progress and development, whether it be safety and hygiene measures, the improvement of management systems or raising safety awareness. For example, in 2012, the Occupational Injury Incidence Rate under Labor Insurance dropped below 4 per thousand people at 3.999. This is the best performance over the past 10 years and is gradually matching the level of advanced countries. Notably, the "Labor Safety and Health Act" was officially amended and announced by Presidential decree on July 3 to become the "Occupational Safety and Health Act." This will improve the safety and health of all workers and give them more concrete safeguards. In the future, the CLA will continue to drive for reforms in the "Act for Protecting Worker of Occupational Accident," to strengthen the overall care system for occupational accident victims to protect the rights and benefits of workers and their families.

In addition, the conference also presented awards to winners of the "OSH Five-star Award," "Best OSH Award of Public Construction Projects," and "Best OSH Award of Public Construction Individual." The CLA commended the winners' efforts and contribution to labor health and safety, while at the same time hoped that they can help domestic small and middle-sized enterprises to improve their working environment to reduce the occurrence of occupational accidents.

### Exchanging practical management experiences to raise the level of occupational safety and health

Though domestic occupational safety and health has improved significantly in recent years, there is still room for improvement with respect to design source-end measures to prevent accidents, both in terms of concepts and practices. Workers today are also faced with the risks of new types of occupational injuries (diseases). In order to help business owners and occupational safety personnel learn new knowledge, this year's conference specifically invited the

president of IEA, Dr. Eric Min-Yang Wang, to share how ergonomic knowledge can be applied to design tools, machines, systems, jobs and environments to make workplaces safer, healthier and more comfortable.

BASF, which was also invited to Taiwan to share their experience on how to establish a successful safety culture, is an internationally renowned chemical company that won the National Industrial Safety & Health Award last year. The company still

stands tall after being tested over 140 years since it was founded. The CLA called on the domestic petrochemical industry to establish company alliances and adopt international measures such as self-management through the establishment of industry-wide standards, through sharing practical management experiences to raise the level of occupational safety and health, and through realizing the win-win objective of sustainable management.



## Revisions to Measures for the Implementation of Employment Promotion Allowances

### Four major re-employment aids to help vulnerable and retired people seeking re-employment

In order to assist specially targeted people who have withdrawn their pension under the Labor Standards Act to return to the labor market, and reduce disputes relating to withdrawing the vocational training living allowance, plus to help middle-aged and elderly people engage in entrepreneurial activities, the Council of Labor Affairs (CLA) revised 12 clauses to the Measures for the Implementation of Employment Promotion Allowances. The revisions were published on July 31, 2013 and came into effect on August 2.

#### Revisions to the Measures for the Implementation of Employment Promotion Allowance broadened eligibility

Since its promulgation in 2002, the Measures for the Implementation of Employment Promotion Allowances has served as an important provision for specifically targeted unemployed and those who were out of work involuntarily to return to work, including: Allowance for temporary work, transportation subsidy for job search, living allowance for vocational training, subsidy for start-up loan interests. These measures provided people with short-term work placement, helped people to maintain a stable lifestyle while participating in vocational training, and provided interest assistance to middle-aged and elderly people with business loans. The measures have been very successful at spurring re-employment and taking care of basic living for fixed periods. In 2012 for example, NT\$760 million were subsidized to approximately 28,000 specifically targeted unemployed people returning to work.

In order to assist specifically targeted people who have withdrawn their retirement pension according to the Labor Standards Act return to the labor market, the CLA amended the Measures for the Implementation of Employment Promotion Allowances to apply to those who have already withdrawn their public pension, labor insurance and old-age benefits, civil service pension benefits, such as the financially disadvantaged, low- or

middle-income households that meet the social assistance act, people drawing on middle-income elderly living allowance or disabled assistance. Additionally, the measures are also applicable to those who withdrew only retirement pension in accordance with the Labor Standards Act but no other pensions or labor insurance or old-age benefits. The relaxation of the criteria is likely to mean that over 10,000 more people can take advantage of the Measures.

#### The CLA builds a new path for the re-employment of special and disadvantaged unemployed groups

Since participating in vocational training improves employment skills for the unemployed, it is also the best way to return to the workplace. Therefore, in accordance with the regulations of the Employment Insurance Act and Measures for the Implementation of Employment Promotion Allowances, the CLA provides participants a living allowance for the duration of their vocational training. Following the amendment of the Measures for the Implementation of Employment Promotion Allowances, people can apply for different schemes depending on their background. For example, according to the revised Measures, involuntarily unemployed people and employment-seekers who have paid employment insurance can now visit public employment service organizations to register for job search. They can then complete a vocational training recommendation form and apply for the living allowance. Those on a training course who meet the conditions of the Measures may apply with their vocational training unit.

The amount of living allowance for vocational training under the Employment Insurance Act is 60% the amount of insurance the applicant had paid in the last six months. For those with dependants, the amount can be increased depending on the number of people. In general, this allowance is more generous than the living allowance under the Measures for the Implementation of Employment Promotion Allowance. Therefore, the CLA reminds those with employment insurance to first claim for the living allowance under the Employment Insurance Act,

#### Applying for one of the four main allowances

- 1 **Temporary Work Allowance**  
Job seekers should register directly with any public employment services for employment-seeking consultation. If, after two weeks, a successful job recommendation is not given, the applicant is offered a short-term work placement, with a subsidy of NT\$109 per hour at no more than 176 hours a month for a maximum length of six months. (Inquiries: 0800-777-888)
- 2 **Transportation Subsidy for Job Search**  
Job seekers should register directly with any public employment services for job placement. If the distance between the job location and the place of residence is more than 30km, or if the family receives living assistance, a transportation subsidy of NT\$500 per person, limited to a maximum of four times a year, may be given. (Inquiries: 0800-777-888)
- 3 **Living Allowance for Vocational Training**  
Those who enrolled in a government-administered or a commissioned full-time vocational training course may receive a monthly living allowance equivalent to 60% of the basic wage (in 2013, this was NT\$11,428). The term of subsidy is six months or less, or up to one year for people with disabilities. (Inquiries: 0800-777-888, Vocational Training Curriculum website: [www.etraining.gov.tw](http://www.etraining.gov.tw))
- 4 **Subsidy for Start-up Loan Interest**  
Eligible and approved applicant should apply with a financial institution for an entrepreneur loan, and the first two years of interests will be subsidized. (Inquiries: 0800-092-957, Micro Entrepreneur Phoenix website: [www.beboss.cla.gov.tw](http://www.beboss.cla.gov.tw))

otherwise they may lose their entitlement to claim living allowance under the revised Measures.

In recent years, entrepreneurship has become one of the career choices for many middle-aged and elderly people. The Measures for the Implementation of Employment Promotion Allowance provides interest subsidy measures for middle-aged and elderly entrepreneurial loans. The revised loan interest rate uses the two-year fixed term Postal Savings adjustable interest rate and adds an annual adjustable rate of 0.575%. Interest on the first two years of the loan is completely subsidized by the central governing authority (current interest rate is 1.95%). The highest loan amount is NT\$1,000,000, with a maximum loan term of seven years. Aspiring middle-aged and



## The results of the 42<sup>nd</sup> World Skills Competition were announced; ROC competitors achieved a record haul of prizes

The "WorldSkills Competition" was first held in Spain in 1950, when the organization's original name was "International Vocational Training Organization" (IVTO). In 2001, its name was changed to the "WorldSkills Competition." The organization now has 67 member countries and regions, and its secretariat was established in Holland.

The ROC (Taiwan) has participated in the organization since 1970, and from the 20<sup>th</sup> annual competition it has sent country competitors to participate in the competition, with outstanding performances each year receiving international attention. The ROC also hosted the 32<sup>nd</sup> WorldSkills Competition in 1993. The WorldSkills Competition is held once every two years, and any member can apply to host. At the 42<sup>nd</sup> WorldSkills Competitions, forty-six events make up the formal competition, including the following six sectors: Construction and Building Technology, Creative Arts and Fashion, Information and Communication Technology, Manufacturing and Engineering Technology, Social and Personal Services and Transportation and Logistics.

The curtain came to a close on the 42<sup>nd</sup> World Skills Competition in Leipzig, Germany on July 7, 2013. Taiwan sent 44 competitors who competed in 39 skills, competing with over a thousand competitors from 52 countries and regions. Taiwan picked up six gold medals, four silver medals, eight bronze medals and 13 winner prizes overall, which was the best result in 15 years. Noting that both participating countries and competitors in this competition hit a new record, the result Taiwan acquired deserves praise.

Of 39 skills that Taiwan participated in this year, six gold medals were won for these following competitions: Electronics, Plastering and Drywall Systems, Floristry, Beauty Therapy, Sheet Metal Technology and Prototype Modelling. Out of these competitions, it was the first time that the ROC had taken part in Prototype Modelling. Not only does this show Taiwan's technological prowess, it also shows that the ROC (Taiwan) is a country that is undaunted of challenges. First gold medals were also won in the Beauty Therapy, Plastering and Drywall Systems and Floristry, the first time the ROC (Taiwan) has won gold medals for these skills in the Worldskills competition. The four silver

elderly entrepreneurs can use the loan subsidy policy to increase the success rate of entrepreneurship.

The legislative purpose of the Measures for the Implementation of Employment Promotion Allowance is mainly to provide specially targeted unemployed people and disadvantaged employment seekers with a better employment-seeking service, increasing the opportunities for the unemployed to return to the job market. Unemployed people can take advantage of the employment-seeking services, vocational training and entrepreneur assistance resources provided by the CLA's Bureau of Employment and Vocational Training to enhance their own skills so that they can return to the job market at the earliest possible opportunity.

medals were won in Mechatronics, Autobody Repair, Joinery and Restaurant Service; the events that the eight bronze medals were awarded in IT Network Systems Administration, Graphic Design Technology, Refrigeration and Air Conditioning, Cooking, Fashion Technology, Confectioner / Pastry Cook, Painting and Decorating and Plastic Die Engineering.

In addition to the above mentioned medals, prizes were also awarded in the Mech. Eng. Design-CAD, Cabinetmaking, Wall and Floor Tiling, CNC Turning, IT Software Solutions for Business, Welding, Bricklaying, Electrical Installations, Hairdressing, Jewellery, CNC Milling, Automobile Technology and Mobile Robotics.

The Council of Labor Affairs (CLA) specifically increased the prize amount this year in order to encourage participation and to strengthen the motivation for the country's competitors to make the country proud. The gold medal prize increased from NT\$500,000 to NT\$1,000,000 and the silver medal prize increased from NT\$400,000 to NT\$500,000. The selection of national representatives took a two-stage approach. This meant that, through both stages of the competition selection process, the competitors maintained a fighting spirit, continually sought to progress, and were able to better sharpen their skills.

After undergoing seven and a half months of training, competitors in all skills categories participated in the 42<sup>nd</sup> skills championship led by experts and instructors. After 22 hours over four days of competition, they finally received good outcomes. In addition to pocketing numerous medals and proving that the rigorous preparation was effective, what was most special was that five female competitors represented our country in this competition, with all of them an equal match for male competitors. They all obtained satisfactory results, which shows that women have a role to play in the technical and vocational system. The ROC team came third out of all participating countries in this competition, trailing only South Korea and Switzerland. This was a record result, and the total medal tally also set a new record. The Pride of Taiwan once again has shone brilliantly on the world stage!



## The Council of Labor Affairs (CLA) successfully holds the Vocational Honor – A Discussion about Technical and Vocational Education, Skills and Skill Certification Following the World Skills Competition seminar

The 42<sup>nd</sup> World Skills Competition ended on July 8, 2013 in Leipzig, Germany. Of the 39 activities, the ROC (Taiwan) won six gold medals, four silver medals, eight bronze medals and 13 winning medals, coming in third globally and breaking its 15-year record for total medal haul.

With the youth unemployment rate rising gradually each year, it has become necessary to examine the factors for continued high youth unemployment and the measures taken in response. On July

30, 2013, the CLA organized the "Vocational Honor – A Discussion about Technical and Vocational Education, Skills and Skills Certification Following the World Skills Competition" conference in order to assist youth with their career planning, foster occupational skills and establish correct occupation concepts. Therefore, from the start of school, they know how to effectively develop and use their own potential, helping youth adapt and adjust following their entry into society so that they can become the cornerstone of the

labor market. The seminar was conducted by Labor Minister Pan Shi-wei. The conference invited the United Daily News Deputy Editor Xie Bang-Zhen, Fullon Hotels Executive Chef Zheng Yan-Ji (also known as Master A-Ji), Taipei University of Technology Chancellor Yao Li-De, World Skills Competition referee Hou Shi-Guang and six gold medal winners to share their experiences, offer a holistic perspective and talk about Taiwan's technical and vocational education, vocational skills and the development of skills certification following the World Skills Competition in order to shape a vision of vocational education, vocational training and the development of skills testing for future youth.

Minister Pan said that in order to resolve the problem of the gap between study and practice, the government hopes to promote occupational qualifications. While occupational qualifications are handled in Germany by The Association of German Chambers of Commerce and Industry (Deutscher Industrie- und Handelskammertag, DIHK), in Taiwan they will be promoted by the government. The establishment of occupational qualifications was originally stated within the Industrial Innovation Act, requiring competent authorities in the industry to supervise the establishment of standards by cooperation. Since different industries have different occupational qualifications, each industry should participate in their



## The Council of Labor Affairs (CLA) Department of Planning, Director Chung is invited to participate in the US National Association of Government Labor Officials (NAGLO) annual conference, and boosts ROC-US labor cooperation

The US National Association of Government Labor Officials (NAGLO) is composed of chief labor officials from each state and territory of the United States; its main mission is to assist members in sharing experience relating to labor policies, laws and relevant implementation. The ROC (Taiwan) joined the association in 2001 and is currently an international member that regularly participates in the association's annual conference events.

This year's annual event took place from July 29 to 31 at the Omni Parker House Hotel in Boston, Massachusetts. The conference was opened by NAGLO's chairman Courtney Malveaux. Those taking part included the labor department chiefs or managers of states that included Massachusetts, Maryland, Iowa, Virginia, Minnesota, Oregon, Kentucky, Missouri etc, and the ROC representatives. Approximately 50 people participated in total. The ROC was represented by the Council of Labor Affairs (CLA) Department of Planning Director Chung Lin-Hui, accompanied by Huang Yao-Chang, secretary for labor affairs of the Taipei Economic and Cultural Representative Office in the US.

This year, the topics for discussion at this NAGLO annual conference included: Union Collective Bargaining and Right to Work (RTW) laws, regulations relating to "Hot Goods" within the Fair Labor Standards Act (FLSA), the Davis-Bacon Act determination of the Prevailing Wage, employment contract misclassifications within labor relationships, successful apprenticeship program cases, federal and state labor health and safety cooperation plans, etc.

On the afternoon of July 29, Director Chung gave a speech lasting approximately thirty minutes with the title "Taiwan's Best Practices: Employment Programs in Taiwan." The speech not only introduced

establishment because the industry will be clearest about changes in industrial technology, and this will be beneficial to the establishment of complete occupational qualifications. In addition, Minister Pan also emphasized that certification ought to stress effectiveness, with some certificates being a compulsory requirement and some autonomously required by the industry. If enterprises can encourage the greater use of certification, the effectiveness of certification will increase.

With the morale boost of these excellent results, the CLA has decided to prepare in advance of the World Skills Competition that will be held in Sao Paulo, Brazil in two years by establishing a preparatory board to coach competitors for the next competition. The International Labour Organization is particularly interested in corporate social responsibility and hopes that enterprises will be able to sponsor and invest in competitors and inject more non-governmental resources. The CLA will also assist with the career development of national competitors, helping them find employment with an enterprise afterwards. Attracting enterprise sponsorship will not only help contestants find funding, it will also help enterprises find talent, which creates a win-win situation of nurturing contestants and finding talent for enterprises. The conference's experts and gold medalists also enthusiastically shared their experiences and knowledge, ensuring that this Vocational Honor seminar came to a satisfactory conclusion.

the CLA and summarized Taiwan's labor market but also explained several effective and notable employment service programs, such as the "Multi-employment Promotion Program", "Phoenix Micro-business Start-up Program" and "Job Nannies" programs, which have been promoted by Taiwan. This gained an enthusiastic response by conference participants. Director of the Taipei Economic and Cultural Office in Boston, Hong Hui-zhu, was also invited to give a speech on the same day, and she emphasized the close relationship of Taiwan and the US, and the exchange visits between the NAGLO and the CLA which help the ROC (Taiwan) to connect the labor standard system with international systems.

The NAGLO annual conference was good for high-level ROC and US labor administrative interaction. Not only were opinions exchanged with the heads of state labor departments, the conference was also used to meet and conduct exchanges with US Labor Department officials. The ROC (Taiwan) has now participated in NAGLO annual conferences for quite a few years, and the presentation given this year by Director Chung about employment programs launched by Taiwan at the annual conference allowed participating US federal labor officials and state labor department heads to gain a broader understanding of the state of Taiwan's labor development and employment service programs. It also allows them to share labor administrative experience with the ROC representatives and was extremely beneficial in promoting Taiwan-US labor affairs exchange. If the ROC can continue to participate in NAGLO annual conferences in the future, it will be important for the deepening of cooperation and exchange between the ROC and all levels of US labor administration.



## Multi-Employment Promotion Plan gains international approval International representatives visit the ROC to observe, exchange and share results

August 12, 2013, the Multi-Employment Promotion Plan (MEPP) International Forum Sharing Meeting and Visit opening ceremony was held at the Chang Yung-Fa Foundation International Conference

Center. Special guests invited by the Council of Labor Affairs (CLA) included: President of the World Association of Public Employment Services (WAPES) Dr. Angeles Bermudez-Svankvist and Executive



▲ Patrick Piche (left) of the Regional Committee for Socio-Economic Development Council being told about the characteristics of the product by an employee at Organic Yam Shelter Factory.

Secretary Ms. Lenka Kint, WorldSkills International Chief Executive David Hoey, WorldSkills Europe President Jos de Goey, International Federation of Training and Development Organisations (IFTDO) Secretary-General Dr. Uddesh Kohli, Asia-Pacific Economic Cooperation (APEC) Lead Shepherd Dr. Jin Rong-Huan and 17 important members and government representatives from international employment service, skills competition and social enterprises organizations in nine countries, such as the European Foundation for the Improvement of Living and Working Conditions (Eurofound), the Sweden Employment Service Department and the Dominican Employment Service Bureau. Through the meeting, speeches and on-site visits, international expert representatives in the aforementioned areas were able to meet with Taiwan government and scholars and experts from third sector so that they could share experience about expanding the promotion of diverse employment and social enterprises.

### Multi-Employment Promotion Plan wins an international prize and helps more than 120,000 people return to work

This international meeting and visit events were parts of the CLA's Multi-Employment Promotion Plan, which took part in the International Federation of Training and Development Organization (IFTDO) "Global Human Resources Development Prize" competition, and stood out amongst 25 global competition participants, winning the main prize in the "Improving Work and Living Quality" category. This honor also sealed international recognition of Taiwan's achievement in the area of manpower development. The Bureau of Employment and Vocational Training's Director-General Lin San-Quei said that since 2002, when the CLA established the Multi-Employment Promotion Plan, it has created more than 8,300 cases and it helped more than 120,000 unemployed people to rebuild their self-confidence and develop the strength to return to work, and through the diverse and creative thinking of non-governmental groups, it has brought vitality to every corner of Taiwanese society.

The opening ceremony of the forum was overseen in person by Labor Minister Pan Shi-Wei, with IFTDO Secretary-General Dr. Uddesh Kohli presenting the "Global Human Resources Development Prize" certificate and cup. During the forum, Director Lin San-Quei introduced results of his bureau's Multi-Employment Promotion Plan, which was followed by the sharing of some examples by organization that have taken part in the Multi-Employment Promotion Plan, such as the Taipei City Parents' Association for the Visually Impaired and Alan City New-Style Promotion Group. To collect overseas experiences, the meeting also invited Patrick Piche of the Regional Committee for Socio-Economic Development Council and Jobs Australia deputy-executive director Dr. Maylyn Lam to share social enterprise techniques used in Canada and Australia. A comprehensive discussion took place, and, through the exchange of opinions between worldwide experts, reference points were provided for the future direction of development and management style for ROC social corporations.

### On-site visits raise international awareness of Taiwan's soft power

In order to help foreign representatives understand more about the running of Taiwan's multi-employment and to offer advice, on-site

visits were organized at work units and not-for-profit organizations that participate in the multi-employment promotion plan in cities such as Hualian, Taitung and Kaohsiung. This helped to increase mutual exchange and interaction with respect to the promotion of social corporations.

On August 14 in the company of the Director of the Kaohsiung-Pingtung-Penghu-Taitung Regional Employment Services Center, Ko Xiu-Yan, a visit took place to the Original Love Factory at the former site of Duoliang Elementary School in Tamali; the factory combines the multiple facets of employment opportunities, cultural preservation, skills training and industrial reconstruction to allow the foreign guests to appreciate in person the charm of "diverse and empowering employment", and created a successful international exchange of experience for the government. The foreign guests were amazed by the mass of wooden tools, pieces of art and daily life goods that had both fine and meticulous engravings and demonstrated aesthetic designs. They found it hard to believe that the works were the products of a group of unemployed aboriginal laymen that had only been through one or two years of training. Their sense of aesthetics and art and craft skills were of a professional standard. Also, works by the clothing artists also grabbed the guests' attention; a blend of the aboriginal handicraft cross-stitch totem was a notable highlight, with various kinds of fabric bags being both refined and unique, demonstrating a deep sense of design, all produced single-handedly by mothers within the tribal village. The group of foreign guests became convinced of the results of the empowerment plan on local employment and tribal village culture.

Also on August 15, in the company of the Bureau of Employment and Vocational Training Director-General Lin San-Quei, they visited the Old Railroad Bridge Association and San-He Tile Kiln in Zhu-Liao town, Dashu region. The Director of the Old Railroad Bridge Association, Lin Li-Hui said that the foundation was originally made up of a group of volunteers concerned about local development, and, with five years of Multi-Employment Plan assistance given by the CLA over five years, the number of volunteers now exceeds 200 people, which has not only created local employment opportunities but, with the hard work of volunteers and local residents in the Dashu district, the Old Railroad Bridge area has been transformed from a wasteland into a famous wetland park scenic spot, that actively protects water resources from a minority of industrialists who pollute the river.

At San-He Tile Kiln, a kiln factory with over a hundred years of history, generations of brick kiln style can be seen everywhere. In 2009, San-He Tile Kiln accepted Multi-Employment Plan assistance from the CLA and in three years, it has trained numerous new masters in the art of creating cultural goods. The factory has also undergone an industrial transformation and has started to focus on tourism in recent years; former old-style brick kiln workhouses have been turned into art and DIY areas, leading to the international guests to comment that they felt as though they were entering a time tunnel.

Director-General Lin said that assistance from the CLA's Multi-Employment Plan has helped the Old Railroad Bridge Association and San-He Tile Kiln to nurture almost 20 people with diverse skills; not only did this assist with the activation of the local cultural industry, plus help to create local employment opportunities, the Old Railroad Bridge and San-He Tile Kiln have also already started to develop under their own steam and are becoming good examples of the Multi-Employment Plan, leaving a deep impression on the foreign guests.

A group of important guests from the international organizations, together with Labor Minister Pan Shi-wei, met Vice-President Wu Den-Yih on August 16<sup>th</sup> and a discussion took place on the important topics of the Multi-Employment Promotion Plan, vocational training, employment services and vocational skill building. Wu Den-Yih said that the ROC (Taiwan) is committed to improving and developing the employment skills level of its citizens and hopes that international organizations and the countries they represent will also gladly share their experiences, and together they will be able to improve the employment skills and techniques of Taiwan's laborers. Taiwan's current labor issues are complex; on the supply side, there are too many university and higher education graduates, which is like an army having only officers and not enough soldiers, who are the backbone of the army. On the demand side, firms cannot find laborers with the skills they require, which leads to a skills gap in the labor force. Based on this, the ROC has launched a series of initiatives to nurture a backbone labor force, like a non-commissioned officer core, also bringing together labor force development measures such as vocational training, skills competitions and employment services to seek a stable society with full employment and an actively developing economy.





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# 台灣勞工簡訊

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

Taiwan Labor e-Quarterly

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## 專題報導



「公平就業，有你有我」—  
勞委會與企業雇主共同營造沒有障礙、  
公平就業的友善職場

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- 》「多元就業開發方案」獲國際肯定 各國代表訪臺觀摩交流分享成果



## 「公平就業，有你有我」— 勞委會與企業雇主共同營造沒有障礙、公平就業的 友善職場

臺灣產業在全球化過程中，國際合作機會已有大幅度增加的趨勢，後續受到國際人才流動的影響勢必在所難免，而企業經營者無不追求降低產業生產成本，故追求低人力成本是不可逆的現象。同時非典型僱用（如業務外包於人力派遣業或部分工時等）及承攬型態隨之興起，因而原傳統勞資關係產生疏離變化，對勞工就業安全制度產生影響。各國政府無不就如何為勞動者提供最低勞動條件之保障做積極的規劃，以為因應。其中如何保障弱勢族群工作平等權最受國際勞工組織的重視；我國除立法促進弱勢族群工作權外（就業服務法第24條規定），更對「就業歧視」議題以列舉（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共計16項）方式予以禁止（就業服務法第5條第1項規定）。

### 防制就業歧視已是國際共識

因就業歧視之防制，已成為檢視國家保障其勞工基本人權是否落實的重要指標，對勞動者基本人權的保障，亦成各國認定之普世價值。《就業服務法》第5條第1項規定於2007年5月修正施行禁止就業歧視之16個態樣後，各公務機關、公民營事業機構、民間團體社團等招募人才及僱用均須依該法條規定辦理，對民衆的就業權益保障大幅提升。

近年來，政府愈來愈重視就業歧視禁止的問題，積

2009年至2012年全國直轄市暨縣（市）政府就業歧視評議委員會執行成效統計表

申訴就業歧視項目	2009年		2010年		2011年		2012年		4年度案件量合計
種族	2	0.49%	6	3.05%	4	1.19%	9	3.45%	21
出生地	2	0.49%	2	1.02%	8	2.38%	4	1.54%	16
性別	259	63.02%	95	48.23%	165	48.97%	120	45.98%	639
年齡	81	19.71%	42	21.32%	63	18.70%	51	19.54%	237
身心障礙者	19	4.63%	20	10.16%	47	13.95%	37	14.18%	123
其他	48	11.68%	32	16.25%	50	14.84%	40	15.33%	170
年度申訴案件量	411件		197件		337件		261件		1206件
歧視成立處行政罰鍰案件數	41件		26件		46件		40件		153件

極推動防制就業歧視各項業務，如公部門各機關須檢視人員管理規定，須符合禁止歧視之相關法律規定，並運用大眾媒體宣導防制就業歧視觀念的建立，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，供雇主、勞工參閱，內容涵括相關法令簡介、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。

### 建立就業歧視審議機制，協助政府公平審定

另為建立就業歧視評議案件處理機制，委由國立中正大學教授完成「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的標準。如保護對象、年齡歧視的定義、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。

又據2009年至2012年直轄市暨全國縣（市）政府就業歧視評議委員會執行成效統計資料顯示（詳附表），其中就業性別歧視申訴案最多有639件，次之為年齡歧視案件有237件、身心障礙者歧視123件，上述3項法定就業歧視禁止項目就占4年度全部申訴案件82.84%。又依所發生的就業歧視申訴案件態樣顯示，就業歧視行為已逐漸由先期招募廣告直接歧視行為（如限女性、35歲以下、限男性身高165公分以上等條件），轉變為間接歧視或類似模糊概念的情形（如限役畢、限年輕、精力旺盛、限應屆畢業生、夜校生等條件），使各直轄市暨縣（市）政府就業歧視評議委員會在審理歧視案件認定上更受挑戰，須細心以對，並透過雇主所負之舉證責任及各式文件資料，以釐清案情真相，據以判定個案。

### 《就業服務法》及《身心障礙者權益保障法》保障身障者就業權益

其中，在身心障礙者就業歧視方面，舉凡雇主因求職者或受僱者肢體上或心理上的損傷或功能障礙，決定僱用與

否，或在勞動條件上非因工作表現給予不同的待遇，即可能構成身心障礙就業歧視，若雇主違反，依《就業服務法》及《身心障礙者權益保障法》可處罰鍰。身心障礙就業歧視可能發生在就業前的招募、考試、甄選、進用和分發階段，也可能發生在就業後的配置、考績、升遷、薪資、教育、訓練、福利與退休、資遣、離職、解僱階段。目前地方主管機關所受理的身心障礙就業歧視申訴案，有90%都是屬於招募階段時的就業歧視，就業後的歧視反而較少，有可能是勞工不懂法律規定，或不想與雇主對立，因而忽視自己的權益或隱忍不提。

依據聯合國2006年身心障礙者權利公約第27條，任何形式在就業上對身心障礙者加以歧視之舉，皆應嚴予禁止。聯合國並設置身心障礙者權利委員會來監督各會員國遵守此一公約之相關事宜。我國臺北高等法院行政法院判決（99年度簡字第648號）中，亦曾引用美國1990年制定之「美國障礙者法案」（Americans with Disabilities Act of 1990, ADA）的相關規定，並將其內容做為審理案件適用之參考。依該法第1章第12112條第a項：「禁止雇主對適格之身心障礙者，因其身心障礙原因，於招募、僱用、晉升或解僱、薪資報酬、職業訓練或其他就業條件、情況及權利方面，予以歧視」規定，所謂「適格身心障礙者」（Qualified Individual with Disabilities）是指：不論雇主有無提供合理措施，身心障礙之人能從事其個人所保有或希望擁有就業之基本機能；所稱雇主應提供合理之措施（Reasonable Accommodation），是指：一、提供受僱人使用之現有設施，讓身心障礙者順利運用及使用；二、將身心障礙者的工作重新調整、採用部分工時或修改工作時間、重新安排至新職位、取得或修改設備或工具，對考試、訓練教材或政策的合理調整或修改、提供適格的朗讀或翻譯者，或提供其他相同的設施等。可見確保身心障礙者的就業權益、使其免遭就業歧視。

其實，企業進用身心障礙者好處很多，消極面來看，企業僱用身心障礙人數達法定進用比例後，不必繳納定額進用差額補助費；以及可以申請政府補助，減低人事成本。而就積極面來看，身心障礙者的能力不輸一般人，一樣可為企業帶來獲利；身心障礙者更珍惜工作機會、工作態度認真、穩定度高；此外，友善身心障礙者的職場，亦對所有員工都友

善；以及回饋社會，善盡企業社會責任，可提升企業形象與知名度。

勞委會職訓局亦提供各項身心障礙者就業協助措施，包括成立專業輔導團到事業機構訪視評估、提供身心障礙者加值輔導補助、職務再設計補助、職場學習及再適應補助等。另依《身心障礙者權益保障法》第38-1條規定，正全力推動事業機構成立關係企業加強進用身心障礙者，事業機構成立關係企業若需大量進用身心障礙者，可與職業訓練局所屬各就業服務中心、就業服務站聯絡。

## 政府防制就業歧視作法多管齊下，營造平等就職環境

為增進各直轄市、縣（市）政府專責處理就業歧視業務



## 勞委會因應兩岸簽署服務貿易協議之措施

為推動兩岸經貿正常化，進一步制度化規範及保障兩岸業者權益，擴大市場規模與交流合作，並減少限制性措施，繼民國99年6月簽署「海峽兩岸經濟合作架構協議」（Cross-Straits Economic Cooperation Framework Agreement, ECFA）後，兩岸再於今（102）年6月21日簽署完成「兩岸服務貿易協議」。

### 服貿協議深化兩岸經貿權益

「兩岸服務貿易協議」簽署生效後，我國業者得以利用協議中各項優惠條件進入大陸市場。大陸業者雖可依我方承諾來臺投資，惟仍需依據經濟部現行「大陸地區人民來臺投資許可辦法」等相關規定，經過聯合審查才可來臺投資。

簽署服務貿易協議的正面效益包括：提高臺商對大陸經營據點的控制力，擴大經營範圍；擴大服務業輸出動能，增加我業者在大陸的競爭力；吸引陸資來臺，活絡經濟並增加就業機會；有利我產業及早因應貿易自由化，參與全球經濟整合，並為我國參與其他區域經濟整合奠定基礎。政府將於未來持續透過協商，降低貿易障礙並擴大效益。

另外，對於兩岸服務貿易協議簽署後可能受貿易自由化影響的產業、企業與勞工，政府也已整合經濟部、勞委會等各部會公務預算與相關基金，編列新臺幣952億元經費，自99年至108年推動「因應貿易自由化產業調整支援方案」，針對產業受衝擊影響的評估認定結果，將產業定義為：加強輔導型產業、可能受貿易自由化影響之產業、受衝擊產業及受損產業，分別提供振興輔導、體質調整及損害救濟等3種調整支援措施，提升產業競爭力並輔導產業轉型，並強化勞工就業安全。

人員的專業知能，強化就業歧視評議委員會的功能與運作機制，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，依年度舉辦防制就業歧視業務研討會，以提升專業法律知識。未來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。例如勞委會日前編印「公平就業，有你有我——身心障礙就業歧視案例彙編」即分送各就業服務中心及縣市政府，並刊登於各就業服務中心網站，以及「全國就業E網」

（<http://www.ejob.gov.tw/>），有需要者可前往索取或自行上網下載。勞委會期待企業雇主、勞工更加瞭解防制就業歧視的意涵，並能重視身心障礙者的就業權益，共同打造員工與雇主彼此尊重、合作、無歧視、重平等的職場環境。

### 勞委會提供4大支援方案協助勞工因應服貿協議

勞工委員會依據前項支援方案，提供以下協助措施：

#### 一、振興輔導策略

為因應勞資爭議的可能發生，勞委會已推動入廠輔導企業，建構勞資溝通及協商機制，加強勞資雙方協商知能培訓，避免受影響產業勞工之權益受損，有效預防勞資爭議。

#### 二、體質調整及損害救濟策略

對於經服務業主管機關研提之受衝擊及受損的服務業，經跨部會「因應貿易自由化產業輔導專案小組」審議通過產業之所屬事業單位勞工，除提供振興輔導之相關協助措施外，提供「優先協助就業安定」及「協助轉業再就業」措施如下：

- （一）優先協助就業安定措施：包括在職勞工薪資補貼、職務再設計補貼、補助事業單位辦訓及勞工參訓。
- （二）協助轉業再就業措施：包括再就業協助、就業能力協助、創業協助、轉業協助、待業生活協助，說明如下：
  1. 再就業協助：僱用獎助、職場體驗、短期就業安置、資遣通報機制相關服務、就業諮詢服務。
  2. 就業能力協助：多元職業訓練、訓後就業服務、職訓生活津貼、協助取得技術證照。
  3. 創業協助：創業技能及經營管理培訓、創業諮詢及適性分析、企業見習、創業貸款及利息補貼。
  4. 轉業協助：求職交通津貼、搬遷與租屋津貼、就業獎助津貼。
  5. 待業生活協助：待業生活津貼。

### 三、推出提升勞工技能方案

勞委會亦將再調整相關資源，適時推出服務業勞工技能提升方案，補助服務業事業單位辦理員工訓練、個別在職訓練及失業勞工參加職訓單位的訓練課程；並針對服務業多為中小型經營型態的特色，加強輔導中小型服務業事業單位辦訓及提供訓練服務，強化勞工職場技能與就業能力，以提升

產業競爭力及協助勞工因應貿易自由化之衝擊。

### 四、建置「勞委會ECFA專區」

為使社會大眾瞭解政府如何協助勞工因應服務貿易協議，勞委會目前已建置「勞委會ECFA專區」（網址：<http://ecfa.cla.gov.tw/>），提供服務措施資訊、就業服務單一窗口據點及聯絡電話。



## 勞委會首度與企業聯手 辦理「全國職場安全週」活動，營造全民工安文化



▲ 圖左至右分別為TRCA李謀偉理事長、郭芳煜副主委、TSMC許芳銘處長、AUO簡煌隆處長參與「全國職能安全週」活動

2013年「全國職場安全週活動」（2013 National Workplace Safety Week）於7月8日在臺大醫院國際會議中心舉行。當日上午登場的「工安管理實務研討會」，是勞委會首度結合台灣積體電路製造股份有限公司（TSMC）、友達光電股份有限公司（AUO）及中華民國化學工業責任照顧協會（TRCA）聯手辦理；下午勞委會主辦的「職業安全衛生研討會」（Conference on Occupational Safety and Health），邀請國際人因工程學會（International Ergonomics Association, IEA）理事長王明揚教授（Dr. Eric Min-yang Wang）及巴斯夫公司亞太環安衛技術中心（Competence Center - EHS & Security Asia Pacific, BASF）副總裁（Vice President）Mr. Anthony Clymo進行專題演講，吸引國內工安人員熱烈參與。

### 持續推動相關修法，保障勞工安全與權益

勞委會副主委郭芳煜致詞時，特別感謝3家公司及團體參與辦理工安週活動，期許明年度能有更多的企業、團體願

意共襄盛舉，為勞工安全健康貢獻一分心力。同時也表示，近年來在各界的努力之下，不論安全衛生設施、管理制度的改善，或是安全意識的提升，均有所進展，例如去（2012）年勞工保險職業災害千人率為3.999，已降到4以下，是近10年來績效最好的一年，也逐漸接近先進國家的水準。尤其，勞工安全衛生法在7月3日亦經總統公布修正為《職業安全衛生法》，將使各行各業所有工作者的安全健康，獲得更多實質的保障。未來，勞委會仍將持續推動《職業災害勞工保護法》完成修法，以強化整體職災勞工照護制度，落實保障職災勞工及其家屬的權益。

此外，這次大會也表揚勞工安全衛生「優良單位五星獎」、「優良公共工程獎」及「優良公共工程人員功勳獎」的得獎單位，勞委會除肯定其對勞工安全衛生的努力貢獻外，也希望其能協助國內中小企業改善工作環境，減少職業災害的發生。

### 透過管理實務面的經驗交流，提升業界水準

近年來國內工安已有長足進步，惟在源頭設計端防阻工安事故的發生，不論在概念上或實務上，我國都有努力空間；另勞工也面臨新型職業傷害（病）的風險，為了讓企業老闆及工安人員有吸取國際新知的機會，因此，今年的大會特別邀請到國際人因領域領導者王明揚理事長分享如何應用人因學的知識，來設計工具、機械、系統、工作及環境，使職場更安全、健康與舒適。

另一位應邀來臺分享如何建立成功的安全文化的巴斯夫公司（BASF），是國際上知名的化工公司，也是去年國家工安獎得主，歷經140年考驗依然屹立不搖。勞委會呼籲國內石化業者能向其看齊，組成業者聯盟，效法國外自訂業界規範的自主管理作法，透過管理實務面的經驗交流，提升業界安全衛生管理水準，達到永續經營的雙贏目標。



# 修正就業促進津貼實施辦法

## 弱勢退休者再就業、4大就業促進工具 協助弱勢者再就業！

為協助已依《勞動基準法》領取退休金的特定對象重返勞動市場，減少職業訓練生活津貼領取爭議，及協助中高齡者創業，行政院勞工委員會修正通過就業促進津貼實施辦法12個條文，於民國102年7月31日發布，並自8月2日生效。

### 「就業促進津貼實施辦法」新修正規定 放寬適用條件

「就業促進津貼實施辦法」自91年頒訂以來，一直是特定對象失業者及非自願離職者再就業的重要措施，包括：臨時工作津貼、求職交通補助金、職業訓練生活津貼、創業貸款利息補貼等措施，提供民眾短期工作安置、協助民眾參加職業訓練期間穩定生活，並協助中高齡者創業貸款利息補助，對於促進失業者迅速重回就業市場以及照顧其一定期間基本生活，有一定成效。以101年為例，共支出新臺幣7.6億元，約計協助2.8萬位特定對象失業者再就業。

為協助已依《勞動基準法》領取退休金的特定對象重返勞動市場，勞委會修正通過就業促進津貼實施辦法，放寬已領取公營事業退休金、勞工保險老年給付、公教人員保險養老給付人員，如為經濟弱勢、符合社會救助法低收入戶或中低收入戶資格、領取中低收入老人生活津貼或身心障礙者生活補助費者，可適用此辦法。另外，僅依《勞動基準法》領取退休金，未再領取其他退休金（俸）或勞工保險老年給付的勞工，亦可適用。此次放寬適用預計符合資格人數約有1萬餘人。

### 勞委會為特定及弱勢失業群用心打造 重回職場之路

由於失業民眾參加職業訓練提升就業職能，是重返職場的最佳途徑，故勞委會亦依照「就業保險法」及「就業促進津貼實施辦法」規定，提供職業訓練期間的生活津貼。此次就業促進津貼實施辦法修正後，民眾可依身分別不同提出申請，如為非自願離職並投保就業保險者，依就業促進津貼實施辦法新修正規定，應先至公立就業服務機構辦理求職登記並開立職業訓練推介單，即可申請就業保險職業訓練生活津貼；其他符合就業促進津貼實施辦法的參訓者，則另由參訓的職業訓練單位協助申請。

就業保險法的職業訓練生活津貼是依申請人前6個月平均月投保薪資的6成給付，有撫養眷屬者，還可以再依人數加成給付，平均而言會較就業促進津貼實施辦法規定的職業訓練生活津貼更為優惠。因此，提醒具有就業保險年資民眾，應先請領就業保險法的職業訓練生活津貼，否則依新修正規定，將撤銷職業訓練生活津貼請領資格。

此外，近期創業成為中高齡的生涯選擇之一，就業促進津貼實施辦法針對中高齡的創業貸款提供利息補貼措施，此次修正貸款的利率按郵政儲金2年期定期儲金機動利率加年息0.575%機動計息，貸款人前2年的貸款利息，由中央主管機關全額補貼（現行利率為1.95%），貸款額度最高100萬元、貸款期限最長7年，有志創業中高齡可以運用該項利息補貼政策，增加創業的成功率。

就業促進津貼實施辦法立法目的，主要在於提供失業特定對象及就業弱勢者更好的就業服務，增加失業者返回職場的機會，失業民眾可多加運用勞委會職訓局所提供的就業服務、職業訓練及創業協助資源，增加自身職能，以早日回歸職場。

## 4大津貼申領

1

### 臨時工作津貼

親向公立就業服務機構辦理求職登記，經就業諮詢及2週內無法推介就業者，提供短期工作安置，補助每小時基本工資109元，每月最高176小時，最長6個月。（洽詢電話：0800-777-888）

2

### 求職交通補助金

親自向公立就業服務機構辦理求職登記經推介就業，其推介地點與日常居住處所距離30公里以上或為生活扶助戶者，得發給求職交通補助每人每次500元，每年度4次為限。（洽詢電話：0800-777-888）

3

### 職業訓練生活津貼

參加政府機關主辦或委託辦理之全日制職業訓練，每月按基本工資60%發給（102年度為1萬1,428元），最長6個月，身心障礙者最長1年。（洽詢電話：0800-777-888、職訓課程網站：[www.etraining.gov.tw](http://www.etraining.gov.tw)）

4

### 創業貸款利息補助

經政府同意核貸向金融機構申請創業貸款，補助貸款人前2年的貸款利息。（洽詢電話：0800-092-957、微型創業鳳凰網站：[www.beboss.clg.gov.tw](http://www.beboss.clg.gov.tw)）



## 第42屆國際技能競賽成績揭曉， 我國選手再創歷史新佳績

「國際技能競賽」早期由西班牙於1950年發起舉辦，原組織名為「國際職業訓練組織」(International Vocational Training Organization, IVTO)，於2001年改稱為「國際技能競賽」(WorldSkills Competition)，目前該組織的會員計有67個國家(地區)，祕書處設於荷蘭。

我國自民國59年(1970)起參加該組織，並從第20屆起每屆皆遴選國手參賽，歷屆成績表現優異，深獲國際間重視；也曾於民國82年(1993)主辦第32屆國際技能競賽。

「國際技能競賽」每2年舉辦1次，由各會員國申請主辦，列入正式競賽的職類有46個，包括：建築技術、創意藝術和時尚、資訊和傳播技術、製造和工程技術、社會服務及交通運輸等6大類別。

第42屆「國際技能競賽」已於2013年7月7日在德國萊比錫隆重落幕。我國選手共有44人參賽，在39項競賽職類中，與其他52個國家或地區逾千名選手同場競技，共奪下了6面金牌、4面銀牌、8面銅牌和13項優勝獎項，超越15年來國際技能競賽成績。值得一提的是，此屆無論參賽國家及參賽選手數均再創新高，能有此一佳績，實難能可貴。

此屆我國於參賽的39項競賽職類中，電子(工業電子)、粉刷、花藝、美容、板金及外觀模型創作等6職類勇奪金牌。其中，外觀模型創作職類才第1次參加，就獲得金牌，充分表現我國的技能水準外，更顯示我們不懼陌生勇於挑戰的國風。另外在美容、粉刷及花藝職類也是我國首度在國際

技能競賽獲得金牌；而獲得銀牌的4個項目是：機電整合、汽車板金、門窗木工和餐飲服務；而銅牌的8個項目則是：資訊與網路技術、圖文傳播設計技術、冷凍空調、西餐烹飪、服裝製作、西點製作、油漆裝潢和塑膠模具。

除前述獎項外，CAD機械製圖、家具木工、建築鋪面、CNC車床、資訊技術、銲接、砌磚、電氣裝配、美髮、珠寶金銀細工、CNC銑床、汽車技術和機器人等職類，則獲得了優勝獎項。

勞委會為獎勵參賽選手，特別在今年提高了獎勵金額，強化國手為國爭光的動機。其中金牌獎金部分自新臺幣50萬元提高至100萬元；銀牌獎金自40萬元提高至50萬元。其次，國手選拔則採取兩階段的作法，使得競賽選手能在兩階段之間，一直保持鬥志，不斷的求進步，使得實力能夠更上一層樓。

各職類國手在歷經7.5個月的培訓後，經由裁判長及指導老師帶領，參加第42屆技能競賽。經過4天22小時的奮戰，最後喜訊傳來，除了獲得眾多獎牌，證明諸多改革有所成效外，最特別的是此屆代表團中共有5位女性選手，個個巾幗不讓鬚眉，全數獲得佳績，代表女性在技職體系裡，亦占有一席之地。我國的團隊成績在這次所有參賽國中名列第3，僅次於南韓和瑞士，再度創下歷史佳績，總獎牌數亦創下歷來參賽最佳紀錄。「臺灣之光」再次於世界舞臺上展現耀眼的光芒！



## 勞委會舉辦「技職尊榮—從國際技能競賽談 技職、技能與技檢」座談會圓滿完成

第42屆國際技能競賽(WorldSkills Competition)已於2013年7月8日德國萊比錫結束比賽活動，在39項競賽項目中，我國總共榮獲6面金牌、4面銀牌、8面銅牌和13項優勝獎，排名數為全球第3名，總獎牌數創下15年來參賽最佳紀錄。

時值各國青年失業率逐年攀升之際，各國紛紛探討青年失業居高不下的原因及因應對策。為協助青少年做好職涯規劃、培育職業技能、建立正確職業觀念，讓他們從就學開始，就知道如何有效開發及運用自我潛能，以利進入社會後，能適才、適所及適用，成為勞動市場的中流砥柱，勞委



▲ 勞委會主委潘世偉主持「技職尊榮」座談會

會特於民國102年7月30日辦理「技職尊榮—從國際技能競賽談技職、技能與技檢」座談會，由勞委會主委潘世偉主持。會中邀請聯合報副總編輯謝邦鎮、福容大飯店行政總主廚鄭行基（阿基師）、臺北科技大學校長姚立德、國際技能競賽裁判長侯世光及6位金牌得獎選手經驗分享，以宏觀的視野，從國際技能競賽談我國技職教育、職業技能與技能檢定的發展，形塑未來青年在技職教育、職業訓練與技能檢定的發展願景。

潘主委表示，為解決學習與實用的落差問題，政府希望推動職能標準，而職能標準在德國為工商總會辦理，我國則為政府推動，職能標準的建立原先是在產業創新條例中，要求各相關目的事業主管機關監督的產業單位來建立，由於不同產業有不同職能標準，應由業界參與建立，因為業界最清

楚產業技術的變動，有助於建構完整的職能標準。此外，潘主委強調證照應著重效用化，部分證照屬於強制要求，但部分必須由業界自行要求。如果企業界能多多鼓勵採用證照，證照的效用就能提升。

有了這次優異成績鼓舞，勞委會決定為2年後在巴西聖保羅市舉辦的國際技能競賽提前準備，成立籌備會培訓下屆選手。國際勞工組織非常關注企業社會責任，希望我們的企業能參與認養投資選手，注入更多民間贊助資源；勞委會也將協助國手職涯發展，幫忙媒介後續到企業工作，而引進企業贊助除是幫選手找資源，也是在幫企業找人才，在培訓選手和企業覓才間創造雙贏。與會專家及金牌選手也熱烈分享過去經驗與心得，使此次技職尊榮座談會圓滿落幕。



## 勞委會綜規處鐘處長應邀參與美國勞工行政官員協會（NAGLO）年會，推動臺美勞工合作

美國勞工行政人員協會（National Association of Government Labor Officials, NAGLO）係由美國各州、華盛頓特區等地的勞工行政機關、聯邦政府勞工行政部門之首長所組成，主要為協助各會員間對勞工事務的政策、法令及相關執行事項進行經驗交流。我國自2001年起加入該協會，目前為該協會的國際會員，並定期參與該協會的年會活動。

今（2013）年的年會於7月29日至31日假美國麻薩諸塞州波士頓市（Boston, Massachusetts）Omni Parker House 飯店舉辦，會議由協會（NAGLO）主席Courtney Malveaux 揭開序幕，共有承辦州包括：麻薩諸塞州、馬里蘭州、愛荷華州、維吉尼亞州、明尼蘇達州、奧勒岡州、肯塔基州、密蘇里州等州勞工廳長或主管及我國代表等約計50餘人與會，我國由行政院勞工委員會綜合規劃處處長鐘琳惠代表出席，且由駐美國代表處經濟組黃耀滄祕書陪同與會。

此次NAGLO年會之會議期間研討議題包括：工會集體協商及工作權法案（Right to Work, RTW）、公平勞動基準法（Fair Labor Standards Act, FLSA）中「熱貨（Hot Goods）」相關規定、戴維斯培根法案（Davis-Bacon）所規定之現行工資標準（Prevailing Wage）、勞動關係中僱傭承攬錯誤分類（Misclassification）、學徒制度（Apprenticeship Program）成功個案、聯邦與各州勞工安全衛生合作方案等。

席間勞委會鐘處長於年會首日（7月29日）下午以「臺灣典範：臺灣就業方案」（Taiwan Best Practices: Employment Programs in Taiwan）為題，發表約30分鐘的演說，除簡介行政院勞工委員會及我國勞動市場概況，並說明我國推動的「多元就業方案（Multi-employment Promotion Program）」、「創業鳳凰（Phoenix Micro-business Start-up Program）」及「就業多媽媽（Job Nannies）」等多項成效顯著之就業服務方案，獲得與會者熱烈回應。我駐波士頓辦事處處長洪慧珠亦於當日應邀致詞，強調臺美關係密切，而NAGLO與行政院勞工委員會的交流互訪，將有助於我國勞工規範制度與國際接軌。

NAGLO年會為我國與美勞工行政高層互動之重要管道，不但可與各州勞工廳長交換意見，也可藉此會議與美勞工部官員進行接觸與實務交流。我國已多年持續參與NAGLO年會，今年度由鐘處長於年會中就我國促進就業方案進行報告，讓此次參與的美國聯邦勞工官員及各州勞工廳長對臺灣勞動力發展狀況及就業服務方案有更深刻的瞭解，並與出席代表分享勞工行政經驗，對進一步推動臺美勞工事務交流極有助益。未來如能持續參與NAGLO年會，相信對深化我國與美國各級勞工行政部門合作交流將更具意義。



## 「多元就業開發方案」獲國際肯定 各國代表訪臺觀摩交流分享成果



▲ 育成蕃薯藤有機庇護工場的職員（左）向社會經濟發展委員會區域協調人Patrick（右）解說產品特色

「多元就業開發方案（MEPP）」國際分享會暨參訪活動於2013年8月12日上午9時，在張榮發基金會國際會議中心揭開序幕，勞委會特別邀請包括：世界公共就業服務協會（WAPES）會長Dr. Angeles Bermudez-Svankvist與祕書長Ms.Lenka Kint、世界技能競賽組織（WSI）執行長David Hoey、歐洲技能競賽組織（WorldSkills Europe）會長Jos de Goey、國際培訓總會（IFTDO）祕書長Dr.Uddesh Kohli、亞太經濟合作會議（APEC）主事國金榮桓博士及歐洲改善生活與工作條件基金會（EUROFOUND）、瑞典就業服務署及多明尼加就業服務局長等9國17位國際就業服務、技能競賽及社會企業組織重要成員、政府代表來臺，藉由分享會、專題演講及實地參訪的方式，讓國外該領域的專家代表與我國政府及第三部門學者專家對談，擴大多元就業及社會企業推動的經驗分享。

### 「多元就業開發方案」獲國際大賞，並協助12多萬人再度就業

此次國際分享會及參訪活動緣起於勞委會職訓局今年以「多元就業開發方案」參與國際培訓總會（International Federation of Training and Development Organization, IFTDO）「全球人力資源發展獎」競賽，並於全球25件參賽計畫中脫穎而出，榮獲「改善工作生活品質」類首獎，此項殊榮也印證了我國在勞動力發展上獲得國際肯定。職訓局局長林三貴表示，勞委會自2002年開辦「多元就業開發方案」至今，已超過8,300個案例，並協助逾12萬名失業者重建工作自信心及培養再就業的能力，更透過民間團體多元化與創意發想，為臺灣社會各個角落注入了豐沛的活力。

分享會由勞委會主委潘世偉親自主持開幕式，並由國際培訓總會祕書長Dr. Uddesh Kohli手中頒領「全球人力資源發展獎」之獎狀及獎盃。會中林三貴局長介紹該局「多元就業開發方案」辦理成效，接著由臺北市視障者家長協會及阿蘭城新風貌促進會等多元就業開發方案計畫執行單位進行案例分享。而為集思廣義，此次分享會也邀請社會經濟發展委員會區域協調人Patrick Piche及澳洲就業通Jobs Australia副執行長Dr. Maylyn Lam分享加拿大及澳洲社會企業的做法，並進行綜合座談，透過各國專家意見交流，提供我國社會企業未來發展方向及經營模式的參考。

### 實地參訪，臺灣軟實力向國際發聲

為使國外代表深入瞭解我國多元就業辦理情形及提供相關建議，此次活動也安排至花蓮、臺東、高雄等地的多元就業開發方案計畫執行單位、非營利組織進行實地訪視，以增進彼此在社會企業推動上的互動與交流。

其中，8月14日在高屏澎東區就業服務中心主任柯秀燕陪同下，外賓參訪位於太麻里多良國小舊址的「原愛工坊」，該工坊結合就業機會、文化保存、技藝培訓及產業重建等多面向含義，讓國際人士實際感受「多元及培力就業」的魅力，為政府締造成功的國際經驗交流。外賓對於雕工精細兼具工藝及美學設計的漂流木家具、藝品、生活用品，感到讚嘆，很難相信這些作品是由一群原鄉失業的門外漢，僅經過1、2年訓練學習後的成果，美感及工藝技術非常具有專業水準。此外，布藝人員的作品也相當引人注目，其融入原住民手工藝十字繡圖騰做為亮點，各式布包既精緻又有特色，深具設計感，得知是由部落媽媽一手設計生產，這群國際貴賓更加肯定培力計畫結合在地就業與部落文化的成效。

另於8月15日在職訓局局長林三貴陪同下，參訪位於大樹區竹寮村的舊鐵橋協會與三和瓦窯。舊鐵橋協會執行總監林立輝表示，協會原為一群關心地方發展的志工所組成，透過勞委會長達5年的多元就業方案協助，目前志工已超過200人，不但創造在地就業的機會，也讓大樹區舊鐵橋在大批志工與當地居民努力下，從一片廢棄地蛻變成知名的濕地公園景點，並積極保護水資源免於少數業者排放工業廢水污染河川。

而三和瓦窯這座已有百年歷史的瓦窯工廠，到處可見到代代相傳的窯場風貌；於2009年接受勞委會多元就業計畫的幫助，3年來培養了不少文化商品創作高手，三和瓦窯也進行了產業轉型，近年更開始朝向觀光，過去的舊式瓦窯場工寮改建為藝品區、DIY區，讓參訪的國際人士表示彷彿走進時光隧道。

職訓局林局長表示，勞委會職訓局多元就業計畫方案，協助舊鐵橋協會與三和瓦窯培訓近20位多元人力，除了協助地方活化文化產業，創造在地就業機會外，舊鐵橋協會與三和瓦窯已朝向自力更生發展，成為多元就業計畫的典範，讓國際人士留下深刻印象。

部分國際組織訪賓於8月16日在潘世偉主委陪同下，晉見副總統吳敦義，針對多元就業開發方案、職業訓練、就業服務與職能建構等重要議題進行會談交流。吳副總統表示，我國致力提升與深耕國民的就業職能水準，期盼各國際組織與其所代表的國家也樂意分享經驗，共同提升臺灣勞工的就業職能與技術。臺灣現在的勞工問題錯綜複雜，在供給面有太多的大學與受過高等教育者，如同軍隊只有軍官卻沒有最骨幹的士官；在需求面上，廠商卻找不到所需要的技術工人，以致勞動力出現技術落差。基於此，我國將推出一系列政策來培育士官型的骨幹勞動力，並結合職業訓練、技能競賽與就業服務等勞動力發展措施，追求安定、促進充分就業與積極發展經濟的社會。✎