

Publisher
Editor-in-Chief
Editorial Committee
Executive editor
Translation
Publishing Office
Address
Production
Customer service

Wang, Ju-Hsuan
Pan, Shih-Wei
Lee, Lai-Hsi · Chung, Lin-Hui · Lee, Chung-Cheng
Huang, Sheng-Yun
Earl Wieman
Council of Labor Affairs, Executive Yuan Taiwan
9F, No. 83, Sec. 2, Yangping N. Rd.,
Taipei City 10346, Taiwan R.O.C.
Taiwan Institute of Economic Research
886-2-25865000

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

Taiwan Labor e-Quarterly

MARCH 2011



Council of Labor Affairs, Executive Yuan 中華民國精彩一百

Quarterly Focus

◆ Measures of Foreign Workers Protection in Taiwan, R.O.C



Policies and Regulations

- ◆ New Administrative Focus for the Centennial
- ◆ Tocolysis Leave and Expanding Family Leave Coverage Provisions Added to Gender Equality in Employment Act
- ◆ Reinforcement of Health Services in the Workplace
- ◆ A New Milestone in Disabled Employment Rights--Protection for the Vision Impaired

News Outlook

- ◆ Hotline 1955 Boosts Interpretation and Legal News Services
- ◆ Don't Let Electrical Sparks Cause Huge Disasters. Lights, motors and switch gears which those three kinds of electrical apparatus installed in hazardous area will be requested to be certified from the beginning of 2012.



Quarterly Focus

Measures of Foreign Workers Protection in Taiwan, R.O.C

Supply and demand in Taiwan's job market has become unbalanced in recent years, and a shortage of basic-level workers has developed because of the island's industrial restructuring, growing incomes, rising education level, and changes in work values. In October of 1989 the government moved to resolve the problem industrial and household labor shortage by importing foreign workers from Thailand, the Philippines, Indonesia, and Vietnam.

Owing to the differences in language, culture, and lifestyle, these foreign workers need much more cares and attentions. Leaving far away from homes to work in Taiwan, they make significant contributions to supplementing the needs of our economic development and family care. Therefore the Council of Labor Affairs (CLA) takes protection on the rights of foreign workers seriously, and does not discriminate against them because of their nationalities.

Taiwan has always held to an attitude of fairness and justice in protecting the rights of its foreign workers, rendering them national treatment and promulgating laws and measures to protect their working conditions, ways of life, and right to work. Taiwan also constant review the protections to meet social, environmental, and other conditions requested. The measures that Taiwan currently has in place to protect foreign workers are described below.

Measures to Protect Foreign Workers

1. Negotiation with sending countries to hold pre-employment lectures and training

To prevent the working rights of foreign workers from being abused by their employers revoking their work contracts by qualification reason and thereby causing them to be repatriated, the CLA asks the governments of the sending countries to provide the workers with pre-employment training. Foreign caregivers are required to undergo 90 hours of training in accordance with curriculums requested by ROC's Ministry of the Interior and Department of Health, and to obtain skills certification, before coming to Taiwan.

2. Regulation of the costs and salaries of foreign workers in Taiwan

To keep foreign workers from being exploited before they enter Taiwan, "Foreign Worker's Affidavit for Wage/Salary and Expenses Incurred for Entry into the Republic of China to Work," verified by the competent authority of the workers' home countries, and the signed work contracts must be attached with their visas appliance. The wage/salary affidavits must state their wages/salaries and related expenses after arrival in Taiwan, and must be signed by the employer, the foreign workers, and labor

brokers in both Taiwan and the sending country; the affidavits must then be verified by the governments of the sending countries, and no changes unfavorable to the foreign worker are allowed.

3. Provision of entry/exit airport services for foreign workers

To help foreign workers entering Taiwan to understand their rights and learn about channels for consultation and grievance, the CLA has set up service stations at Taoyuan and Kaohsiung international airports to help foreign workers with immigration clearance, give them instruction manuals for working in Taiwan, and provide them with information regarding their legal rights, consultation and grievance hotlines, and other related matters. Information counters and grievance hotlines are also provided in the departure lobbies of the airports to take enquiries and grievance from foreign workers leaving Taiwan, and help them to resolve any disputes they may have before their depart are.

4. Propagandize of laws to employees and foreign workers

To strengthen the propagandizing of the rights and protections provided by the laws governing foreign labor, the CLA indulged the habits of foreign workers in receiving information and commissioned six broadcasting stations to produce 13 foreign-language programs for nationwide broadcast. The Council also used TV short films, radio broadcasts, and promotional leaflets to publicize related laws and protective measures; in addition, subsidies were given to local governments to hold meetings to educate employers, foreign-worker managers, and labor brokers in foreign-worker management laws.

5. Requirement that salaries be paid directly and in full

To assure that foreign workers actually receive their due salaries, and prevent them from being abused, the rules stipulate that employers must provide a detailed account of withholdings along with the salaries, and the salaries must be paid in full except for expenses that employees are required to bear and

deductions that are stipulated by law. An employer who fails to pay full salaries as stipulated in the regulations is given a deadline for making up the full amount or is fined NT\$60,000 to NT\$300,000, depending on the severity of the offence.

6. Establishment of a foreign-worker service centers

To strengthen protection of the rights of foreign workers and help them adapt quickly to working in Taiwan, the CLA grants subsidies to county and city governments for the establishment of foreign-worker service centers and the hiring of personnel to provide complaint and consultation services to foreign workers, in their mother tongues, concerning foreign-labor laws, work adaptation, salary disputes, and other matters. If foreign workers need legal consultation, if their employers arbitrarily terminate their contracts or fail to pay their salaries, or engage in other illegal behavior, the workers may file complaints or requests for consultation with the foreign-worker service centers of the local governments.

7. Establishment of the "1955" 24-hour consultation hotline for foreign workers

The CLA set up the toll-free "1955" 24-hour hotline for foreign workers on July 1, 2009 to provide them with an easy-to-remember hotline number. This hotline is manned by 42 bilingual staffers who work 24 hours in three shifts a day to take complaints, provide free legal consultation, make referrals for protective arrangements, and provide the workers with information on government services. Whenever complaints are received they are electronically turned over to local authorities for handling and follow-up.

8. Establishment of a verification mechanism for termination of employment

To prevent the mandatory expatriation of foreign workers, the CLA has established a pre-termination verification mechanism for the termination of employment, stipulating that if an employer and employee agree to the termination of a contract before the expiry of the contract, they must go to the local government for verification. Once the true intention of the foreign worker is determined, the local government will intervene immediately if any labor-management dispute is involved so as to avoid mandatory expatriation.

9. Establishment of an information system and matchmaking mechanism for change of employers

To protect the rights of foreign workers, the CLA has deregulated the rules for the transfer of employers; now, if the worker, previous employer, and new employer all agree, or if a worker whose previous employment contract has been abrogated and the new employer agree, the new employer can help the worker apply for a transfer of employer. For foreign workers who suffered physical abuse inflicted by their employers or other employees, there is no limit on the times of employment transfers. In addition, an employer-transfer operating system



▲ To protect foreign workers' rights, the CLA has made it easier for them to switch employers.



▲ Our government should guarantee the foreign workers' right, since they are working in Taiwan and far away from their home town.

for foreign workers has been set up to alleviate employment matchmaking; this system boosts the rate of successful transfers, and greatly simplifies the related administrative procedures.

10. Provision of protective settlement

To handle placement problems that arise as a result of labor-management disputes, physical abuse, human trafficking, or arbitrary repatriation by employers in violation of work contracts, and to provide foreign workers with appropriate care, the CLA has formulated the "Guidelines for Temporary Placement of Foreigners Engaging in the Jobs Specified in Items 8 to 11, Paragraph 1 to Article 46 of the Employment Service Act" to help deal with the settlement of foreign workers and afford them with safety protection, translation services, medical and legal assistance, and any necessary economic support.

11. Setting of labor brokerage fee standards

To prevent Taiwanese brokers from exacting high brokerage fees from foreign workers, the CLA requires brokers to sign written contracts with the workers and to collect "service fees" from them only after the services have been provided. The overseas brokerage fees are administered by the sending countries; in addition to suggesting that the fees be limited to one month's minimum wage as stipulated by ROC law, the CLA also coordinates with the sending countries for the clear stipulation of items and amounts of brokerage fees and other related costs. The CLA further provides standard service contract for cross-border brokers in order to protect the interests of foreign workers, and includes the signing of written contracts into the indicators used in evaluating the brokers.

12. Implementation of brokerage evaluation and market withdrawal measures

To well management and enhance service quality of brokers and institute a market dropout mechanism for brokers, the CLA delivered on an evaluation of brokers firms in 2003 and, in 2007, revised the "Private Employment Service Organization Licensing and Management Regulations" to provide a legal frame-work for evaluation. The CLA also carries out on-site evaluation of the service management and customer service of brokerage

firms on an annual basis, giving evaluation grades of A, B, or C and publishing those grades on the website of the Bureau of Employment and Vocational Training to serve as a reference in choosing brokers.

13. Inspection of foreign-worker working and living management conditions

To make sure that employers properly carry out living management for foreign workers and execute their labor contracts in accordance with the "Life Care Service Plan for Foreigners," the CLA has subsidized local governments for the provision of foreign-worker inspectors to conduct regular inspections of foreign-worker entry reporting and carry out regular inspections of employment cases in order to understand how the work and lives of foreign workers are managed, and to check whether employers provide proper meals, accommodation, and living facilities in accordance with their labor contracts. These inspectors also exercise unscheduled inspection visits to brokers to check their collection of fees and whether they engage in the illegal brokerage or other violations.

14. Implementation of the direct-hiring system

To provide employers an additional channel for hiring foreign workers and alleviate the burden of brokerage costs imposed on foreign workers, the CLA has set up a Direct Hiring Service Center to help employers rehire their previous foreign workers without brokers' services. Besides lowering the fees paid to domestic and overseas brokers, direct hiring also shortens the time and simplifies the process needed for foreign workers to re-enter Taiwan. Consultation, enquiry, and transfer and mailing services are provided in different languages, along with the reminding of employers by short message text or e-mail to handle of the necessary paper work after foreign employers enter Taiwan.

15. Establishment of a mechanism for interpreters to accompany foreign workers for questioning

To help foreign workers conduct interviews with government and enable them to fully express their opinions and advocate their rights, the CLA has established "Operating Guidelines for Questioning, by Special Municipality, County, and City Governments, of Foreign Workers Accompanied by Non-Profit Organizations" to make use of interpreters from foreign-worker consultation centers and NGOs to accompany foreign workers during questioning, thereby strengthening the provision of information on the legal rights and obligations of victims.

Conclusion

Taiwan shares the universal values on human rights and implements various measures to protect the rights of foreign workers. In addition to showing the emphasis which it places on human rights and its determination to live up to international norms, the government of Taiwan will, in the future, continue holding firmly to this principle and to perform accordingly.



New Administrative Focus for the Centennial

At the beginning of the Year of the Rabbit, with the global economy showing gradual signs of recovery, Taiwan is welcoming the Centennial of the Republic of China and the CLA is looking forward to its upgrading to a ministry in 2012. On the eve of this momentous development, the CLA will work with an even more stable attitude and vigorous action to carry through with the "Ten Key Focal Points of Administration for the Centennial."

Looking back at the CLA's administrative achievements over the past year, it is evident that with the concerted efforts of the entire administrative team the CLA has carried out numerous administrative plans and completed the revision of numerous laws. The revision of major laws has now come to a conclusion; and, as we enter the Centennial year, the CLA will carry through with the spirit of revision and welcome the establishment of the Ministry of Labor in 2012. The CLA has now entered the stage of detailed planning and has introduced the "Ten Focal Points of Administration" with the goal of building up a more comprehensive labor environment and heightening the happiness index of laborers, so that each laborer will have an ideal job with protected rights and benefits so that everyone can share in the fruits of economic growth.

The "Ten Key Focal Points of Administration for the Centennial"

The "Ten Key Focal Points" are described as follow:

1. In line with the government organizational reconstruction that will take place on Jan. 1, 2012, the CLA will actively scheme the reforms related to the Ministry of Labor, set up a brand-new labor administration system, and give expression to a new labor climate so as to meet the ever-changing challenges.
2. Revision of the "three labor laws" has been completed, and the revised laws will be implemented on May 1, 2011. To assure smooth implementation, the formulation of necessary subsidiary laws and work on advance operations will continue so that laborers will be able to organize and join labor unions with greater freedom and more protections. Good-faith negotiation and labor-management dispute arbitration mechanisms will be installed, thus bringing Taiwan's labor-management collective bargaining relations into a new era of progress.
3. The "decent work" as advocated by the International Labor Organization has been incorporated into the labor policies of many countries. The Constitution of the Republic of China also guarantees the human dignity of labor; and so, in addition to elevating the "decent work" to the policy level, the CLA will strengthen publicity work regarding the "decent work" and promote education designed to instill the "decent work" concept.
4. Strengthening of the regulatory system for the protection of labor rights in regard to special work characteristics and flexibility in the forms of employment has drawn increasing attention in recent years. The CLA will formulate a legal system for the protection of domestic workers and for protection of the rights of workers under new forms of employment, and will prod employers to bear employment and labor insurance premiums for their employees.
5. The creation of friendly corporate workplaces is vigorously promoted and enterprises are assisted in providing day care, carrying out employee assistance programs, and assisting laborers to take care of their family responsibilities.
6. In regard to the improvement of occupational safety and health, the Occupational Safety and Health Act will be revised to expand its scope of coverage to all workers, programs for the prevention of excessive fatigue and other new occupational ailments will be carried out, and labor health services will be strengthened so as to protect the lives and safety of laborers.
7. An important labor issue at the present time is alleviation of the gap between the supply and demand for labor. To address this issue the CLA will boost its employment matchmaking rate and improve its employment service capabilities, strive to enhance the overall quality of Taiwan's training through National Training Quality Awards and the establishment of occupational competency standards, and reinforce personal and online employment services with the aim of helping employers hire the manpower they need as quickly as possible.
8. In the area of skill assessment, the CLA will work to develop assessment for new types of vocations and will make use of Internet resources to provide companies and the public with more convenient services.
9. Taiwan will undertake talks on free trade agreements (FTAs) with other major trading countries and areas in 2011; and, in reference to the methods and experiences of the advanced countries, will provide domestic-demand industries that are weak in competitiveness and easily affected by trade liberalization, and their workers, with on-site training, help in acquiring technician certification, labor support services, and boosting of entrepreneurial ability so that their employment rights will be protected.
10. Foreign worker management will be carried through and the situation regarding missing foreign workers will be improved. Value will be added to the "1955" foreign-worker hotline service and the functions of the direct-hiring website will be expanded so as to strengthen foreign-worker hiring management and enhance service quality.

Moving forward into the New Century with Enthusiasm

In this Centennial Year of the Republic of China, Taiwan's economy can be expected to continue growing at a stable rate. Besides continuing to strengthen the implementation of general employment service measures and assisting middle-aged and elderly laborers find employment, the CLA keeping assist youths—those vital human resources for national development, who have a relatively high rate of unemployment which results in their resources cannot be utilized effectively, thus affecting national construction projects. The main reason for high unemployment among youths in recent years lies

in the gap between what they learn in school and the skills that are required in the workforce; they lack the vigorous attitude, perplexed about the job market, work attitude is not active enough, and also lack the sufficient work experience. In order to assist youths to find jobs, the CLA has integrated youth employment service resources and works in line with the job needs of youths in planning and implementing youth employment and vocational training projects.

In the future, the CLA will continue holding the principles of "equality, humanity, safety, and dignity" in line with the developmental trends of the times to better serve Taiwan's laborers, and creating an even more ideal labor environment.



Policies and Regulations

Tocolysis Leave and Expanding Family Leave Coverage Provisions Added to Gender Equality in Employment Act

In order to assure protection of the labor rights of pregnant employees and keep pregnant women from withdrawing from the labor market because of concerns about miscarriage due to a lack of leave time, on May 4, 2010 the CLA has promulgated a revision of the Regulations of Leave-Taking of Workers. The new Item 2, Article Four of the Regulations provides that, "When a worker diagnosed pregnancy with threatened abortion by physician, out-patient treatment period shall be included to hospitalized sick leave." effective May 6, 2010.

Another added provision, Item 3, Article 15 of the Gender Equality in Employment Act, is designed to prevent tocolysis leave from affecting the female laborers' full-attendance bonus payments or personal evaluation by providing that during the period of medical treatment, care, or recuperation, her leave-taking and salary shall be calculated pursuant to the related statutes and administrative regulations. According to those regulations, a laborer who is covered under the Labor Standards Act may handle her tocolysis leave and calculation of salary in accordance with the provisions Items 2 and 3, Article 4 of the Regulations of Leave-Taking of Laborers; in addition, when she applies for tocolysis leave under the provisions of Article 21 of the Gender Equality in Employment Act, her employer may

not reject her application or consider the leave as non-attendance so that it affects her full-attendance bonus payments or personal evaluation, or undertake any adverse disciplinary action.

Under Article 20 of the Gender Equality in Employment Act prior to its revision, family leave could be granted only to employees if their employers had five or more employees and members of their families who need inoculation, who suffer serious illness, or who must handle other major events. To assure that all employees are able to take family leave, and fulfill both their job and family responsibilities, Article 20 was revised to remove the limits on the range of coverage. In the future, an employee will be able to apply for seven days' family leave per year however many employees his or her employers have. Employers may not reject an application for such leave, consider it as non-attendance that affects full-attendance bonuses payments or personal evaluation, or take other unfavorable disciplinary action.

The additional provision in the Gender Equality in Employment Act that governs tocolysis and family leave were promulgated and implemented by the President on Jan. 5, 2011, and became effective on Jan. 7, 2011.



Policies and Regulations

Reinforcement of Health Services in the Workplace

The implementation of Taiwan's national health system has popularized medical care resources and greatly improved employment medical services for laborers. This development, along with the C161 Occupational Health Services Convention that the International Labor Organization (ILO) has announced in 1985, proclaiming that the primary objective of occupational

health services was prevention, this means that "prevention is better than cure" and the demand for enterprises to set up medical units focusing mainly on diagnosis and treatment has weakened. Further, with the changes in forms of work and industrial structure in recent years, along with an aging society and increased female participation in the work force, laborers

today face not only the traditional threats in the workplace but also performance pressures, excessively long work days, shift work, psychological pressures, and other threats to health. In order to deal with excessive fatigue and the increase in musculoskeletal and other occupational diseases, there is an urgent need for greater protection of laborers' health.

The "Laborers' Health: Global Plan of Action 2008-2017" that the World Health Organization (WHO) mapped out in 2007 emphasizes that worker health is an indispensable condition for productivity and economic development, and that the power of international cooperation is the best strategy for resolving the occupational disease prevention issues that different nations face in common. The plan puts forth five major objectives, No. 3 of which is "to improve the performance of and access to occupational health services." The plan also notes that occupational health service improvement programs need to focus on "primary prevention of occupational hazards" and "the development of a healthy work environment". Surveys conducted by the CLA indicate that in the past, the medical units of most enterprises did not carry through with job matching and occupational disease prevention, and that the ratio of enterprises with health services was a mere 10%--much lower than the 50~95% of the industrialized countries. In the face of Taiwan's declining birth rate and ageing society, the protection of workers' health so as to maintain a safe and healthy work force is an urgent task.

On Jan. 21, 2011, the CLA completed a revision of the Regulations for Labor Health Protection designed to better protect the health of Taiwan's laborers and increase various kinds of laborer health services. The CLA hopes that this will strengthen the labor health services system for laborers, improve the rate of labor health care, and carry through with occupational disease prevention, health inspections, graded health management, job matching, and job choice, and promote health labor. The main points of the revision are as follows :

1. In accordance with the type and scale of hazard at an enterprise, employers should hire or contract health service medical personnel to provide on-site health consultation and other services, and to assist the employers with health risk assessment and graded health management.
2. To improve laborer job choice and job matching, occupational disease prevention, and the implementation of labor health work, employers will be required to carry out health services including a provision that labor health service medical personnel must help carry out such work together with the resources of labor safety and other related units.
3. Physical and health examination items were revised and standardized forms for labors who engaged in specific hazardous job with different health threats (a total of 25 different forms) .
4. To reinforce labor health management, a definition of health management grades were revised along with a requirement for such continuing measures as health guidance, follow-up examinations, and job changes.



Policies and Regulations

A New Milestone in Disabled Employment Rights--Protection for the Vision Impaired

The new People with Disabilities Rights Protection Act, was promulgated and implemented by the President on Feb. 1, 2011, has set a new milestone for bringing the protection of employment rights for the disabled in Taiwan. The newly revised law (it was developed out of the former Disabled Citizens Protection Act) contained seven articles concerning the employment rights of the disabled. In response to the maximum three-year validity of Grand Justice Interpretation No. 649, which states that only the vision impaired may provide massage services, the new law contains a number of provisions to protect the job opportunities of the vision impaired. In regard to hiring quotas of physically handicapped, the new law also contains an additional provision to the effect that the calculation of jobs by units excepted from the hiring quota must include job analyses and rules for especially established enterprise. Another new provision specifies rules for life reconstruction services for the vision impaired.

Assuring Employment for the Vision Impaired

In order to protect the employment rights of the vision impaired, the People with Disabilities Rights Protection Act contains revisions of Article 46 (protection of massage jobs for the vision impaired) and Article 98 (fines for illegal massage) , and adds a new Article 46-1 (ratio of vision impaired in public-sector telephone operator jobs) and 69-1 (tax credit for massage cooperatives for the vision impaired) . Seeing people are still banned from massage jobs until the regulations against other than the vision impaired engaging in massage expires on Oct. 31, 2011. The revised provisions for assistance to the vision impaired are as follows:

1. Revised Article 46: The rules banning those who are not currently vision impaired from massage jobs are retained, but will expire on Oct. 31, 2011. In order to assist the vision impaired engage in massage and physiotherapy massage, the agency in charge of labor will assist them in upgrading 

their professional skills and management abilities, and will subsidize expenses necessary for operation. Authorization is given to the CLA to establish assistance and subsidy measures. To increase massage job opportunities for the vision impaired, the Act stipulates that hospitals may hire them to engage in non-medical massage work; in addition, the non-vision impaired may not be offered massage or physiotherapy massage jobs in hospitals, railway and bus stations, civil airports, and parks, nor in government agencies.

2. New Article 46-1: For government agencies and state-owned enterprises that operate their own telephone consultation services, or outsource such services, if 10 or more telephone operators are employed, at least one-tenth of them should be vision impaired. This will provide non-massage jobs for the vision impaired.
3. New Article 69-1: The vision impaired are provided assistance in establishing massage-worker cooperatives that pay business income tax at a rate of 1%. This helps the vision impaired to operate massage business cooperatives as groups, and burdens them with an insignificant business tax.
4. Revised Article 98: In regard to the new Article 46 provision about operators in hospitals, railway and bus stations, civil airports, and parks, or in government agencies being prohibited to offer massage jobs to the non-vision impaired, a business place that violates the ban and fails to improve within a set deadline will be fined NT\$10,000 to NT\$50,000, and the fine may be imposed for each violation.

A survey conducted by the CLA in 2010 revealed that 97.7% of the vision impaired massage workers now on the job would continue so if massage were opened to the sighted. To help current massage workers stay on the job, the CLA carried out numerous discussions with vision impaired groups and then planned out an employment stabilization program to provide professional training to improve job skills and stabilize employment. The CLA will also help the vision impaired engage in telephone consultation work by surveying public-sector organizations that operate their own telephone consultation services or outsource such services, compile the numbers of personnel engaged in providing such services, and calculate how many vision impaired persons they should hire. Based on the results of the survey and the willingness of the vision impaired, the CLA will provide professional training and employment promotion services for

telephone consultation personnel.

New Physically Disabled Hiring Measures

In regard to regulations for the hiring of all physically handicapped persons, Article 38 (calculation of hiring quota) was revised and Article 38-1 (especially established enterprise) was newly added to the Act. The contents of these new provisions are described below:

1. Revised Article 38: In response to strong demand from private groups that the "exempt calculation unit" and "position" portions should be strictly examined; and, for the newly added provision about the use of job analysis in the "exempt calculation unit," there should be particularly careful inspection of existing exceptions to the disabled-hiring calculation as to whether their jobs really need to be exempted from the hiring calculation. A complete inventory will be carried out, as required by law, within three years.
2. New Article 38-1: In order to assist large enterprises hire their set quotas and increase job opportunities for the physically disabled, the Japanese "special subsidiary enterprise" method is introduced. An enterprise establishing a related company whose ratio of physically and mentally disabled employees reaches 20% may carry out a combined calculation of the number of disabled employees required for the two entities together. Those with outstanding performance in protecting the employment rights of the disabled and manifesting the spirit of corporate social responsibility will be given incentives. The agencies in charge of the target industries are working with the CLA to formulate incentive measures for special subsidiary enterprises.

Integrating Life and Occupational Reconstruction Services for the Vision Impaired

Article 60-1 was introduced to integrate life and occupational reconstruction services for the vision impaired. This new article stipulates that the central government agencies in charge of the Act will work with the central government agency in charge of labor in assisting special municipality, city, and county governments in providing life and occupational reconstruction services for the vision impaired, and that the Ministry of the Interior will work with the CLA in establishing rules for living skills and orientation & mobility training services, and



News Outlook

Hotline 1955 Boosts Interpretation and Legal News Services

In order to help foreign workers in Taiwan to better understand the related laws and regulations governing their rights, and to assist them in resolving difficulties caused by language barriers, the Council of Labor Affairs expanded the scope of services provided by its toll-free "1955 24-hour Protection Line for Foreign laborers" as of this February. The hotline now offers 24-hour interpretation services in Indonesian, Vietnamese, Thai, and Tagalog, as well as legal tips services.

Foreign workers may encounter language barriers in their daily

life or in the workplace, or when dealing with government agencies, during their time of employment in Taiwan. Should they need interpretation services concerning adaptation to local life, obtaining medical care, official business, work, or way of life in Taiwan, they can all call "1955" for immediate interpretation assistance provided by service agents. Furthermore, the hotline also issues a legal newsletter service every three months to strengthen the dissemination of information regarding the protection of foreign laborers' rights.

The CLA reports that the hotline has received 146,867 calls in 2010, of which 140,594 cases were requests for consultation services, 5,301 cases were general complaints, 847 cases were emergency complaints, 28 cases were requests for legal information services, 5 cases were requests for protective placement referral, and another 92 cases were requests for information on services provided by other agencies.

From the analyses of the incoming call records show that 57.4% of them were made during non-working hours (including holidays and nighttimes). Approximately 56% of these non-working-hours calls were of an emergency complaint, it is evident that the 24-hour hotline truly meets the needs of foreign laborers. Since its inauguration the 1955 hotline has assisted numerous foreign laborers and their employers to resolve all types of problems

and disputes related to the employment of foreign laborers. Especially in those cases of salaries in arrears, and many foreign workers have received their over due salaries or changed to other employers through intercession by the hotline and disposition by local governments. A total of 854 foreign laborers have successfully changed employers through the hotline, and foreign laborers have reclaimed a total of NT\$88.48 million in overdue salary.

The CLA notes that most foreign workers travel far from home to Taiwan in order to earn a better living. Employers should treat them decently, and communicate with them in a rational and amiable attitude. When foreign laborers encounter emergency situations and fear that they might have a language barrier, they can just dial 1955 and request for interpretation services. Timely assistance will be provided for them.



News Outlook

Preventing Let Electrical Sparks Cause Huge Disasters Lights, motors and switch gears which those three kinds of electrical apparatus installed in hazardous area will be requested to be certified from the beginning of 2012.

A single spark can start a fire; even a tiny electrical spark can raze an entire chemical plant. It is usually heard about explosions that lead to great disasters, resulting in tremendous property losses and heavy casualties.

Illuminating lights, motors, and switch gears are types of electrical apparatus that are often utilized by enterprise units, and when such equipment is employed it produces sparks of one kind or another. Even though the sparks themselves are weak, they are able to cause flammable gases to explode into conflagrations.

For instance, a factory that stores organic solvents in a poorly-ventilated area, and laborers need to go to that storage room to pick up some of the solvent. An explosion occurred at the instant of turning on the light, but the factory's operators do not understand the reason for explosion. The organic solvents are volatile, and the air of the room was filled with the flammable gas; and, since the fluorescent lights that illuminate the room are not explosion protected types. The spark which generated by the lights ignite the flammable gas to cause the explosion incident.

Electrical equipment installed in a dangerous place with flammable gases is required by law to meet structural criteria for suppressing the capacity for sparking. Since the criteria of explosion prevention for electrical apparatus is highly complicated, however, it is difficult to distinguish from external observation if the equipment is explosion protected. The determination must be made through scientific methods, and then a qualifying label should be affixed to the equipment so that the user can choose correctly, in order to assure the function of anti-explosion.

In fact, Europe, the United States, Japan, Korea, and other nations have had certification systems for explosion prevention

electrical equipment in place for decades, but in the past, Taiwan had not established such a system due to a lack of relevant laws, systems, equipment, technology, and manpower. As a result, Taiwan's export products had to be certified abroad and products sold domestically did not have to meet the requirements for certification. This, of course, caused a gap in safety management. To protect the safety of laborers and strengthen the prevention of explosions caused by sparks, the Council of Labor Affairs has devoted to plan and to establish the certification scheme. Including guidance of the relevant test laboratory of the Green energy & Environment Research Laboratories of the Industrial Technology Research Institute (ITRI) for passing ISO 17025 certification, and updating the testing standard to international standard IEC 60079. CLA has officially announced ITRI to be the organization for executing the type-approval commission from Jan. 1, 2011 to Dec. 31, 2013.

Beginning on Jan. 1, 2012 all newly installed or replaced illuminate lights, motors and switch gears which installed in the hazardous area must be approved by ITRI, and it must have qualifying labels affixed. Violators of these regulations will be subjected to a fine of NT\$30,000 to NT\$150,000. In order to minimize the impact on industry, the CLA has provided a one-year grace period in which operators can prepare and adapt. Also in consideration of the difficulty of implementing the new system in its initial phase, a staged implementation strategy will be used with step-by-step expansion of the list of products requiring certification. The CLA has already intensified its related planning, guidance, publicity, and consultation measures, and tender procedures for the provision of related services were to be completed in early April. ❀