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中英文版本內容如有出入，以中文版本為準

行政院勞工委員會

Council of Labor Affairs, Executive Yuan Taiwan

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## 專題報導

### 振興經濟與人力投資

自2007年起，美國次級房貸風暴所引發的全球金融海嘯席捲全球許多國家。台灣屬小型開放經濟體，與國際經貿活動關係密切，故歐美國家景氣衰退直接衝擊台灣出口產業。台灣經濟景氣自2008年下半年起急速逆轉直下，當年第四季經濟成長率為-7.11%，而2009年全年經濟成長率為-1.91%。受到經濟不景氣的影響，台灣失業問題也隨之惡化。根據行政院主計處人力資源統計的資料，台灣失業率自2008年8月的4.14%一路飆升至2009年8月的6.13%，失業人數由45萬2千人增加為67萬2千人，爾後因景氣止跌回穩，失業問題才未持續惡化。

### 政府啟動因應措施挽救失業

金融海嘯除了造成失業率上升，國人薪資所得減少等立即衝擊外，更令人擔憂的是它會藉由兩個途徑來損害我國的人力資本。其一是當民眾因金融海嘯而失業時，其原先擁有的工作技能可能會因久未使用而生疏，此即人力

資本的折舊效果；其二是企業與民眾可能因所得減少而無力進行人力資本投資，或者因對未來景氣看壞而不願投資人力資本。有鑑於此，政府相關單位在因應金融海嘯衝擊時，除強化原有就業安全機制之外，更陸續推出多項因應措施，其中與人力資本的投資與維持有關者包括新增辦理「立即充電計畫」、「充電加值計畫」、「立即上工計畫」、「培育優質人力促進就業計畫」等措施。茲就這些措施的內容與執行情形，簡要說明如下：

#### 一、立即充電計畫

該計畫自2008年12月16日發布實施，其內容主要是協助民間之事業機構、非營利組織或團體辦理在職員工進修訓練，以持續提升企業人力素質及勞工工作技能，累積國家人力資本，增進整體競爭力。該計畫補助對象分為兩種：一般申請單位與專案申請單位。前者涵蓋就業保險之民營投保單位，並領有設立登記證明文件之事業機構或組織團體；後者則除了前列條件之外，還必須有人力運用調

整之必要，經勞委會穩定就業輔導團輔導，並與工會、勞資會議或勞工代表協議應實施在職訓練者。

此計畫對專案申請單位採全額補助，對一般申請單位則採部分補助，補助比率介於50%至70%；惟不論是專案或一般申請單位，凡是中小型企业則補助金額以新台幣95萬元為上限，大型企業以新台幣190萬元為上限。截至2009年12月，該計畫共補助1,240家企業，培訓221,270人。

## 二、充電加值計畫

該計畫自2009年2月2日發布實施，其內容也是補助企業辦理員工在職訓練，但不同於上述立即充電計畫，該計畫的實施對象僅限於實施無薪假的企業，而且是基於勞資協議共識，縮減工作時間達每二周16小時以上，並運用工作日實施員工在職訓練，且於參訓期間維持僱用參訓人員及員工僱用規模達99%以上者。針對這些企業，勞委會職訓局一方面全額補助訓練費用，但中小型企业補助上限為新台幣95萬元；大型企業新台幣190萬元；另一方面為彌補放無薪假勞工之薪資損失，並提高參加訓練的意願，凡參加訓練之勞工每人每參訓1小時可以獲得新台幣100元的補助，每月至多補助100小時，惟其領取訓練津貼與參訓期間之月投保薪資，合計不得超過於現職單位2008年投保期間最高6個月勞工保險平均月投保薪資。

該計畫2009年共受理888家提出申請，審查通過家數為887家，實際核銷補助家數為742家、訓練人數為18,778人，實際發放訓練補助總經費為358,423,637元，訓練津貼發放額度為227,532,236元。

## 三、立即上工計畫

該計畫自2008年10月22日開始實施，其目標是希望藉由薪資補貼鼓勵企業與民間團體僱用失業者，使其能從工作中賺取薪資，並且避免人力資本折舊。依據此計畫規定，凡是依法登記或立案、且加入勞工保險及就業保險之民營事業單位，皆可向各地公立就業服務機構提出申請，每僱用1名連續失業達3個月以上或非自願性失業之本國



籍勞工，每月即可獲得新台幣1萬元津貼補助，期間最長6個月。

截至2010年5月，本計畫已協助74,081人就業。為加強協助特定對象及災區失業者就業，勞委會已經擴大辦理本計畫，除擴大適用對象外，並針對弱勢勞工提高僱用補助額度。

## 四、培育優質人力促進就業計畫

該計畫自2009年5月起實施，其內容主要係以提供近3年大專畢業之待業者至（企業、非營利事業組織及教育基金會等）職場實習、從事教學服務、研究助理等工作機會，以及針對大專以上待業者提供訓練進修機會等16項培育優質人力促進就業措施。本計畫實施期間預計至2010年9月30日，總共經費為新台幣281億2,738萬元。在各項措施中，以「大專畢業生至企業職場實習方案」的規模最大，所編列經費高達107億7千多萬元。該方案內涵主要是提供每人每月新台幣2萬2千元的薪資補助，補助期限1年，以鼓勵企業提供最近3年大專畢業之待業者職場實習機會。截至2010年6月21日，本方案共進用41,338人。

## 五、大專以上人力加值方案

除大專畢業生至企業職場實習方案之外，「大專以上人力加值方案」是另一重要措施。此方案目的是以大專校院畢業之失業人員為補助對象，就不同需求，由國內公、



私立大專校院提供多元化實務導向的教育訓練課程，以提升失業者工作技能。此方案是以大專校院畢業之待業者為補助對象，而其實施方式可以分為兩種。其一是由教育部負責推動，補助學校開辦費及每位參訓學員每學分新台幣2,000至2,500元；其二是由勞工委員會職訓局負責辦理，補助每人訓練費新台幣33,775元，以及補助符合法定資格之參訓學員每人每月新台幣36,050元的職業訓練生活津貼。截至2010年4月30日，本方案已有94,340（人次）學員結訓。

## 政府積極的投資人力以振興經濟

綜合上述各項方案措施，可以看出政府在解決失業問題時並不以消極性的所得保障為主軸，而是強調積極性的人力資本投資。根據國際勞工組織的調查，各國對金融海嘯所採行的因應措施以「增加訓練措施」最為普遍，其中

超過6成以上國家有採行此類措施。由此可見，政府以投資人力資本來振興經濟的作法是符合國際趨勢。

隨著金融海嘯的退潮，國內經濟漸露曙光，加速產業發展以振興經濟遂成為政府當前重要課題。有鑑於人力資源對產業發展之重要性，政府相關單位除持續增加對人力資本投資，強化職業訓練機制，以及調整高等教育內涵，提升大專青年就業力之外，更在新立法通過的產業創新條例中增列人力專章，其內容涵蓋人力供需的推估、職能標準的建置、以及政府相關部會人才培訓資源的整合與強化等。此外，勞委會職訓局也正積極進行職業訓練法的修法工作，希望配合國內產業需要與就業市場的發展情勢，建構完善的職業訓練體系與訓練內涵。這些法制工作的陸續完成充分反映政府對人力資本投資的高度承諾，而如何將這些承諾轉化為具體行動，則有賴政府與民間共同努力。

（作者為台灣大學國家發展研究所教授辛炳隆）



### 政策法規

## 行政院勞委會2010年施政目標

勞委會以「提升人力素質，營造友善工作環境，促進勞資和諧，實現勞動尊嚴」為使命，期為勞工建構「平等、人性、安全、尊嚴」的勞動生活。

### 年度施政目標

#### 一、保障勞動者平等機會

宣導防制就業歧視，落實性別工作平等法制；協助工會團結與發展，落實工會自主管理；建構勞資平等協商機制，提升勞資爭議處理效能；加強輔導簽訂團體協約；擴大勞保納保對象，使更多受僱勞工獲得保障。

#### 二、打造人性化工作環境

適時檢討基本工資，合理調整工時規定；加強勞動條件查處，保障勞動基準權益；研修勞動契約及派遣法制，保障多元勞動型態勞工權益；推動員工協助措施，建構人

性化工作環境。

#### 三、建構職場安全

提升勞動監督檢查效能，督促雇主改善防災設施及控制職場危害；推動安全伙伴制度、責任照顧制度及職業安全衛生管理制度；推動跨部會合作減災，強化安全衛生宣



導，增進勞工及雇主防災知能。

#### 四、提升就業安全

推動公立就業服務機構就業服務、職業訓練與失業給付三合一就業服務；運用「就業服務科技客服中心」、「全國就業e網」等服務通路，擴大就業媒合；加強辦理多元就業導向職前訓練，推動微型創業鳳凰貸款及諮詢輔導服務，協助失業者及弱勢勞工就業；提升技能檢定公信力，增進證照效益；健全就業保險法制，周全就業安全保障。

#### 五、增進勞動權益與尊嚴

推動產業民主與社會對話機制，強化勞動意識及倫

理，落實尊嚴勞動概念；推動職災個案服務，協助重返就業；落實勞保年金及勞工退休金制度，完備勞工生活保障；研議退休金管理機制，建構退休基金最適投資運用配置；檢討改進外勞政策，推動外勞保護措施，落實聘僱及仲介管理機制，維護外勞權益。

#### 六、提升為民服務品質

充實勞委會全民勞教e網內容與資訊，加強網站客服與學習服務，增進勞動事務新知；提升公立就業服務機構品質，檢討外籍勞工申請案件流程，逐年提升勞委會就服機構櫃檯服務滿意度。



政策法規

## 注重性別工作平等

## 婦女勞動權益大步走

我國隨著女性教育程度的大幅提升、產業結構轉型、社會邁向高齡化及少子化的背景下，婦女勞動議題日見重要性，對婦女勞動的定位亦重新予以思考。

### 女性投入為國家經濟挹注新力

過去女性在傳統文化規範薰陶下，往往以賢妻良母角色自許，國家在認知及政策上也將女性視為產業後備軍。台灣在1960至1980年代，經歷快速的經濟成長與發展，農業人口快速向工業及服務業轉移，導致1980年代中期產業缺工的問題日漸嚴重。

在男性勞工不敷產業需求、外勞引進又有諸多考慮的情況下，開發婦女勞動力並提升婦女勞動參與，逐漸被視為國家經濟發展的重要政策焦點；也因為這項政策的改變，女性有機會掙脫傳統女主內的束縛，積極參與勞動力市場，讓女性的能力與貢獻被看見，同時得以擺脫千年來做為依賴者的角色，這毋寧是我國頗具性別意義與性別正義改變的開始。

國際社會莫不肯定婦女勞動對一個貧窮社會邁向脫貧目標的重要性，婦女勞動不僅是關乎女性人權，更是國家



社會經濟永續發展的重要支柱。勞委會因而撰寫《婦女勞動政策白皮書》，鼓勵婦女進入就業市場，以減少近年女性因教育程度提升而未進入就業市場的人力閒置，與國家教育資源投資浪費的問題，使我國就業市場能因更多女性勞動力的投入，帶來國家競爭力的提升。

不過，我國政策立場並非強制所有婦女進入勞動力市場，而是朝著鼓勵婦女進入就業市場，積極規劃提供女性一個更為友善的工作環境政策，因為當家庭之養兒托老責任，未能獲得國家實質的協助及支持前，女性看似「自願選擇」退離職場的舉動，往往隱藏著「體制結構」的問題。這份白皮書將針對結構障礙，提出各種政策作為，為女性就業權益之提升奠定堅實的基礎。

此外，女性在經濟方面的劣勢，未來除了國家政策必須持續關注外，在省思宏觀政策如何訂定改善女性結構困境與障礙的同時，民衆性別平權意識的覺醒，以及勞動價值教育等，均須同步努力。

## Box

《婦女勞動政策白皮書》以追求「性別平等」及「尊嚴勞動（Decent Work）」理念的實現，而「機會」、「自主」、「選擇」、「權利」及「尊嚴」等目標也是我國婦女勞動政策所要追求的目標。對於婦女勞動議題，勞委會努力追求的目標不僅在於達成「男女平等」，更要求「自由、公平、尊嚴」的實踐。此外，「尊嚴勞動」所關懷的3大面向：勞動條件的低劣、職場的就業歧視、社會安全保障的不足，亦是現今女性勞工普遍面臨的職場現實。故未來我國婦女勞動政策除了追求性別平等之目標外，更要追求尊嚴勞動的實現。



## 政策法規

# 社會的基石，勞工的靠山 勞工保險年金制度

台灣早在1950年即已建立勞工保險之現代社會安全體制。在此之後，經由勞工保險法制之逐步完備，被保險人數已達910萬人，是目前國內給付項目涵蓋範圍最廣、投保人數最多的社會保險，充分發揮促進勞工朋友及其家庭經濟生活保障與社會安定的功能，台灣甚至被認為是亞洲四小龍中，於推動社會安全領域中極具成效者。

然而，隨著時代環境變遷，台灣人口與就業結構也產生極大變化，進入「高齡化」及「少子化」的時代，關係到台灣半數以上之勞動人口經濟生活保障的勞工保險制度，也為因應社會時代的需求而有迫切改革的契機。於是政府自1993年著手勞工保險老年年金制度的規劃。不過，勞保年金制度因從既有一次金給付體制改制而來，改革難度甚高，數度在立法院審查皆無法獲得一致共識。

勞工保險年金制度在政府歷經多年的努力與勞、資、學界充分討論，勞工也漸漸有「長壽風險」意識，加上在各界高度期待下，終於在2008年有了突破性的發展，於7月17日在立法院三讀通過，並於2009年1月1日施行，使台灣的社會安全制度更臻健全，是繼歐、美、日等國家之

後，邁入先進國家新的里程碑，勞工及其遺屬生活將可獲得更好的保障。

## 三「寶」好生活，勞工「薪」朋友

在台灣，勞工老年退休生活保障由第一層的「勞保年金」與2007年完成的「國民年金」制度相互接軌，並與2004年建立的第二層「勞工退休金新制」，共同建構完善的勞工退休生活保障體系。尤其是勞保年金每年所得替代率1.55%，並有展延年金，勞工的生活保障更為提高。以一個工作30年的勞工為例，將可達到所得替代率46.5%（ $1.55\% \times 30\text{年} = 46.5\%$ ），加上勞工退休金，勞工老年經濟生活可享有與其他職域相當的保障，這也是台灣政府對終生貢獻經濟發展的勞工所展現出應有的作為與責任。

除此之外，勞保年金內容尚有以下幾點特色：

### 一、年金給付與一次給付雙軌併行，勞工或其遺屬可自由選擇

年金施行前有保險年資者，原有之勞保給付權益不受影響，勞工或其遺屬可以在請領老年、失能或死亡給付



時，選擇請領年金給付或一次給付。

## 二、保障完整性，年金得相互轉銜

「老年年金」、「失能年金」、「遺屬年金」3者得相互轉銜，於領取老年或失能年金給付期間死亡，其遺屬亦得請領遺屬年金，所以勞保年金制度極具保障完整性。

## 三、年資採計無上限，保險年資愈久，給付金額愈高

勞保年金是按照實際保險年資為計算基礎，沒有年資上限，所以保險年資愈久，未來領取年金給付金額愈高。

## 四、領取年金可以避免因通貨膨脹導致給付縮水

為確保年金給付之實質購買力，當消費者物價指數累計成長率達正負5%時，年金給付金額亦會隨其成長率做調整。

## 五、勞保年金與國民年金之銜接性

- (一) 被保險人符合勞保及國保老年年金給付請領資格者，得向任一保險人同時請領，並按勞保及國保之年資，依規定分別計算後合併發給。
- (二) 被保險人未達請領勞保老年年金之年限條件，而併計國保年資後年資達15年者，亦得於65歲時請領勞保老年年金。

## 走過60，受惠勞工逾900萬人

勞保年金制度自2009年1月1日起施行已具相當成果，受惠勞工逾900萬人，累計至2010年4月底止，實際請領人數達8萬5,432人，核付金額為新台幣106億6,070萬餘元。其中，「老年年金給付」核付人數為8萬3,173人，



核付金額為104億1,346萬餘元，請領年金人數占已領老年給付人數66%；「失能年金給付」核付人數1,019人，核付金額計7,653萬餘元；「遺屬年金給付」核付人數為1,240人，核付金額1億7,070萬餘元。

台灣勞工保險制度已實施60週年，邁入成熟期，因應「高齡化」及「少子化」趨勢，勞工保險年金給付係以「確定給付之額度，面對不確定的退休歲月」，也是台灣社會安全制度最重要的基石，勞工保險年金制度的施行，讓台灣的勞工可以活到老領到老，保越久領越多，提供被保險人或其遺屬安定而有尊嚴的生活保障。因此，勞工保險年金制度可說是政府的責任，也是台灣勞工的靠山。



### 政策法規

## 就業保險法修正，提供勞工安心、安定、安全的就業環境

我國失業保險制度開始於1999年開始實施之「勞工保險失業給付實施辦法」，於勞工保險中新增失業給付之

給付項目，惟該階段仍屬消極的給予失業勞工之基本生活保障，並沒有包括就業服務與職業訓練的部分，故為了建

構完整的就業安全體系，「就業保險法」於2002年4月25日由立法院三讀通過，同年5月15日經總統公布，並訂自2003年1月1日起施行。

就業保險法施行至今亦已6年有餘，各界迭有檢討給付項目、擴大適用範圍等建議，且適逢全球金融風暴衝擊國內經濟環境及勞工失業日益嚴重之際，勞委會提出「就業保險法修正草案」，並於2009年3月31日由立法院三讀通過，同年4月22日經總統修正公布，並於2009年5月1日起實施，本次修正係就業保險法施行以來規模最大之變革，除新增婦女勞工引頸企盼之「育嬰留職停薪津貼」外，更針對失業週期較長之中高齡及身心障礙失業勞工延長失業給付請領期間，且失業勞工如有扶養眷屬，可加給給付或津貼，以提供勞工於嚴峻的失業狀況下，更周全的就業安全保障。

## 就業保險法修正要點

### 一、加保年齡上限提高至65歲

考量勞動年齡往後遞延之趨勢，並配合勞動基準法將強制退休年齡提高至65歲，為保障超過60歲且繼續工作之受僱勞工的加保權益，本次修正將加保年齡上限由60歲提高至65歲，因此，自2009年5月1日後，超過60歲仍繼續受僱工作者，雇主或其所屬機構應為其辦理加保手續，繼續參加就業保險。



## 二、國人之外籍配偶、大陸及港澳地區配偶依法在臺工作者得參加就業保險

此次修正前之就業保險法，僅針對具有中華民國國籍者方有適用，但考量本國人之外籍配偶、大陸及港澳地區配偶依法在臺工作者，亦可能面臨失業之風險，為提供其就業安全保障，乃將其納入就業保險適用對象，故自98年5月1日後，前開受僱勞工，雇主或其所屬機構應為其辦理加保手續，參加就業保險。

## 三、增列育嬰留職停薪津貼為給付項目

為使受僱勞工兼顧工作與家庭，兩性工作平等法於2002年立法時，已規定受僱勞工享有申請育嬰留職停薪的權利。為進一步使申請育嬰留職停薪者能享有津貼安心養育兒女，本次就業保險法修正所新增之「育嬰留職停薪津貼」規定，其目的就是希望能讓勞工在辦理育嬰留職停薪期間，可保有工作，穩定就業，又可得到津貼補助，以紓緩「蠟燭兩頭燒」的窘境，在育嬰照顧和經濟維持中取得平衡。根據修正後之就業保險法第11條規定，只要參加就業保險年資累計滿1年的勞工，子女在3歲以下，依性別工作平等法規定，辦理育嬰留職停薪者，不論是父親或母親都可以提出申請。而且給付標準按被保險人辦理育嬰留職停薪前6個月的平均月投保薪資60%計算，每一子女父母各得請領最長6個月，合計最長可領12個月。本此修正案特別強調父母各得請領，係因以往大家多認為育嬰是女性的職責，而大部分雇主也認定女性員工才能申請，但性別工作平等法中已明確規定父母雙方都能請育嬰留職停薪，意味育兒不只是媽媽的責任，而是家庭所有成員要共同承擔。因此，勞委會在規劃育嬰留職停薪津貼時，特別以落實性別平等為原則，強調父母均得請領，不僅讓許多有育嬰需求的職業婦女可以「有假也有錢」，不必擔心育嬰假期間的經濟壓力，更可以鼓勵另一半也負起共同育兒責任，降低就業市場對女性之就業歧視。

## 四、延長中高齡及身心障礙失業者失業給付期間至9個月

現行失業給付之請領期間，係考量我國勞工之平均失





業週期約為24~26週，且發放期間過長恐降低勞工積極就業意願，對基金財務亦為一大負擔，爰規定發放標準為勞工平均月投保薪資的60%，最長可領6個月。惟中高齡及身心障礙失業者，其平均失業週期較長，且再就業比一般勞工困難，故為加強保障其失業期間之基本生活，延長其失業給付請領期間最長可領9個月。

#### 五、失業勞工依扶養眷屬人數加給給付或津貼，最高可為平均月投保薪資80%

勞委會考量失業勞工，其工作收入來源中斷，恐將連帶影響其家庭生計，故增列被保險人於請領失業給付或職業訓練生活津貼期間，如有扶養無工作收入的配偶、未成年子女或身心障礙子女，則每一人可加發平均月投保薪資10%，最多加計20%，故給付或津貼標準最高可領到平均月投保薪資的80%。

#### 六、增列得辦理僱用安定、創業協助等促進就業措施

我國就業保險法係屬失業保險、就業服務及職業訓練之三合一就業安全制度，原本即規定中央主管機關得於經費額度內辦理被保險人之在職訓練或失業後之職業訓練、獎勵雇主僱用失業勞工等措施，本次修正則增加辦理僱用安定措施之規定，俾利企業於發生天災或經濟不景氣時，與勞工一起渡過經營困難期，避免大量解僱之發生，以發揮穩定就業的功能。

#### 修正迄今實施成果

截至2010年4月底止，育嬰留職停薪津貼共核付新台幣16萬9千餘件，金額共26億6千萬餘元；中高齡及身心障礙延長失業給付共核付9萬餘件，金額共20億2千萬餘元；加發眷屬補助共核付39萬8千餘件，金額共18億8千萬餘元。



新聞瞭望

## 從預防失業的角度出發 僱用安定措施規劃

「僱用安定」一詞，因2009年5月1日修正施行之「就業保險法」，有了法源的依據。就業保險法修正案提

出之時，金融海嘯尚未發生，當時乃因學者建議可考量將僱用安定措施增列為政府部門因應SARS、限水危機等特



殊狀況的工具，而在研訂相關子法的同時，適逢2008年下半年以來的全球金融風暴，對於僱用安定措施的功能有了另一種思考方向。

相較於過去對於勞工失業後提供的就業協助或是鼓勵雇主僱用、創造就業機會的就業促進方案，僱用安定措施從預防失業的角度出發，目標是協助將勞工保持於原任的事業單位中。此種穩定就業的措施，在國外已實行一段時間，但在台灣卻是較為陌生的。因此，在不斷的摸索、溝通與爭辯中，考量相關法令、勞資關係、社會風氣文化、實務運作限制與財務等因素後，於2010年5月3日發布「就業保險促進就業實施辦法」，激盪出屬於台灣的僱用安定措施。

## 僱用安定措施規劃內容

### 一、辦理方式

中央主管機關公告僱用安定措施實施期間內，雇主因經濟不景氣致虧損或業務緊縮，為避免裁減員工，擬定僱用安定計畫，報請公立就業服務機構核定，計畫經核定後，雇主按月代被保險人申請核發薪資補貼。（若屬公告僱用安定措施啟動前，事業單位即已實施僱用安定計畫者，亦得適用，但薪資補貼的核算，係從公立就業服務機構核定後起算。）

### 二、啟動時機

中央主管機關於全面經濟不景氣情形下啟動辦理僱用安定措施，至經濟不景氣之情形係指同時符合以下二者：

- （一） 每月領取失業給付人數占該人數加上每月底被保險人人數之比率，連續 3 個月達 2.2% 以上。
- （二） 該 3 個月期間失業率未降低。

### 三、實施期間

中央主管機關於經濟不景氣時，公告辦理僱用安定措施，最長為6個月。若屆滿當月，經濟不景氣情形仍未改善，得公告延長之，但合計最長1年。

### 四、勞工要件

- （一） 僱用安定計畫實施前，就業保險投保年資累計達 1 年以上。
- （二） 約定縮減工時前 3 個月內，屬全時工作者（按月計酬者、平均每週正常工作時間達 35 小時以上）。

### 五、僱用安定計畫要件

- （一） 計畫涉及雇主與被保險人約定縮減工時及依其比例減少薪資者，應經勞資會議同意。
- （二） 約定縮減之平均每週正常工作時間及月投保薪資之範圍為 20 ~ 80%，且約定後月投保薪資不低於新台幣 17,280 元。

### 六、受理與審查機關、程序

- （一） 雇主須於僱用安定計畫預定實施日 15 日前向公立就業服務機構報請核定。（若屬中央主管機關公告僱用安定措施啟動前，事業單位即已實施僱用安定計畫者，於公告日起 15 日內報請核定。）
- （二） 雇主按月為被保險人向公立就業服務機構申請薪資補貼，薪資補貼匯入被保險人帳戶。

### 七、給付標準與期間

- （一） 給付標準：
  - 1. 按被保險人約定縮減工時前後之月投保薪資間差額 50% 發給。
  - 2. 參加政府機關自辦、委辦或補助辦理之訓練課程達 16 小時以上，按差額之 70% 發給。
- （二） 給付期間：最長發給 3 個月。必要時，得延長至 6 個月。



## 制度化協助企業勞工渡過難關

整體言之，僱用安定措施若能落實，從社會與政府、雇主及勞工等3個層面，皆有其正向的功能。在目前經濟逐漸復甦的情形下，「就業保險促進就業實施辦法」所定的僱用安定措施暫尚無須啟動，而其執行成果

則待實施後檢視。與其他現行的就業促進措施比較，僱用安定措施的設計相對複雜，儘管這樣的規劃絕非完美，但至少若爾後再遇經濟嚴峻時，台灣已有制度化的措施可提供協助，期待屆時得以適切發揮功能，共同協助企業與勞工渡過難關。



新聞瞭望

## 增加勞工職涯選擇

我國勞動基準法規定之退休要件可分為：「自請退休」與「強制退休」兩類；前者主動權在勞工，勞工如符合該法第53條規定之自請退休要件，因其自請退休權利已形成，可隨時提出退休申請；後者發動權在雇主，雇主如不發動退休令，則尚不生強制退休之效力。

勞動基準法第53條自請退休之規定，具有鼓勵勞工久任及保障勞工獲取退休金，以維持老年生活之目的，故原條文規定「勞工在同一事業單位工作15年以上且年滿55歲者，或在同一事業單位工作25年以上者」得自請退休。嗣因勞動基準法第54條規定之強制退休年齡，因應我國人口老化，為有效運用中高齡人力資源，於2008年5月16日由原60歲延長至65歲。為避免影響企業人力新陳代謝，同時，兼顧勞工職涯選擇之權益，符合該法第53條鼓勵勞工久任之原立法意旨下，復於2009年4月22日修正公布該法第

## 修正勞動基準法第53條



53條自請退休，增訂「勞工在同一事業單位工作10年以上年滿60歲」，亦得自請退休。



新聞瞭望

## 安胎休養請假 維護勞工工作權

為落實人性化勞動條件及保障懷孕勞工的勞動權益，勞委會已完成修正「勞工請假規則」。依該規則新增訂第4條第2項「經醫師診斷，罹患癌症（含原位癌）採門診方式治療或懷孕期間需安胎休養者，其治療或休養期間，併入住院傷病假計算」之規定，懷孕勞工有流產之虞者，經醫師診斷需安胎休養，其治療或休養期間，併入住院傷病

假計算，該條文自2010年5月6日生效。

此次修正可避免有流產之虞的懷孕勞工，因無假可請，而被迫退出勞動市場。依原「勞工請假規則」規定，未住院普通傷病假1年內為30日，修正後經醫生診斷需安胎休養者，安胎休養期間可併入住院傷病假計算，住院傷病假最長可請1年，但並非安胎假一律為1年，且非每位懷

孕受僱者皆需請安胎休養，另亦無雇主額外給薪的問題。

有關安胎休養請假配套措施，勞委會針對事業單位遇有短期人力遞補，已建立短期工作人力資料庫，可提供短期人力補充專案媒合，以及協助補充人力之技能強化等服務。除懷孕期間安胎休養外，與懷孕受僱者密切相關的是分娩後的休息及幼兒的照顧。依現行性別工作平等法第15條規定，受僱者在分娩前後，雇主應使其停止工作，給予產假8星期。在幼兒照顧部分，依同法第16條第1項規定，受僱者任職滿1年後，於每一子女滿3歲前，得申請育嬰留職停薪，期間至該子女滿3歲止，但不得逾2年。

而為使受僱者於育嬰留職停薪期間之所得損失獲得補償，「就業保險法」於2009年5月1日修正施行，增列育嬰留職停薪津貼為保險給付項目。依勞委會統計資料顯示，截至2010年4月底止，初次申請核付人數已達3萬

7千餘人，其中男性勞工申請比例將近20%，而員工數在30人以下的中小企業勞工申請比例占所有申請者的一半以上，9成勞工在育嬰留職停薪結束後重返職場，打破以往社會各界認為，育嬰留職停薪只有大企業的員工可以申請，以及育嬰留職停薪結束無法復職而有「看得到吃不到」的迷思。



## 新聞瞭望

# 我國對於外籍勞工之權益保障具體措施

我國對於外籍勞工之權益保障，一向視同本國人民，不因國籍不同而有所歧視，且秉持基本權益公平正義原則、工作權益國民待遇原則及生活權益一視同仁原則。其中，對其勞動條件、生活及工作權益訂定相關法規及保護措施，包括：

### 一、成立「直接聘僱聯合服務中心」

為保障外勞權益，減輕外勞來台工作負擔，成立「直接聘僱聯合服務中心」，提供雇主以直接聘僱方式重新招募同一外勞、相關申請文書代轉代寄及其他諮詢、查詢、網路資訊等服務，降低外勞來台工作仲介費用、減輕來台工作之經濟負擔、避免遭不肖仲介剝削。

### 二、建置訪視員業務

為瞭解外籍勞工受僱情形並保障外籍勞工權益，補助各縣市地方政府設置240名外籍勞工訪視員辦理訪視業務，並配合相關法令及管理宣導，針對僱用外籍勞工之雇

主，進行例行性訪視，瞭解外籍勞工受僱情形、管理輔導等，確實要求雇主依「外國人生活照顧服務計畫書」及履行勞動契約，避免有非法使用等逾越法令規定之情事，以維護外籍勞工及雇主權益；若有仲介及雇主違法情事並加強查處。

### 三、成立外勞諮詢服務中心

為暢通外勞申訴管道，補助地方政府設置25所外勞諮詢服務中心，聘用雙語人員100名提供申訴諮詢服務，且為強化申訴網絡，建置（專線直撥1955）24小時諮詢保護專線，受理申訴並交地方政府查處，並於桃園及高雄國際機場設置外勞關懷服務站，除提供入境接機指引外，亦提供外勞出境申訴服務，加強維護外勞工作權益及人權保障。

### 四、實施提前終止聘僱關係驗證機制

為避免外勞遭強制遣返，實施提前終止聘僱關係驗證機制，凡雇主與所聘僱之外國人於勞動契約期限屆滿前合



意終止契約，皆須前往地方政府辦理驗證，經探詢外勞解約真意後，如有涉及勞資爭議情事，地方政府將立即介入處理，以防止外國人被強迫遣返。

## 五、加強宣導外勞法令及相關權益

加強媒體宣導相關權益及訊息，透過電視媒體及委託

廣播相關電台製播全國性及區域性外勞廣播節目，加強宣導外勞法令、合法僱用、非法罰責、鼓勵民衆檢舉；另印製外勞在台工作須知（中、外文對照版），提供相關單位分送外勞，及補助地方政府辦理外勞休閒輔導活動、外勞與雇主法令宣導會。



新聞瞭望

## 全力降低職業災害

為強化工作環境安全，促使職業災害率加速降低，達到美、日等工安標準國家之水準，勞委會擬定「職業安全衛生促進方案」，實施期間自2009年起至2011年底止，為期3年，並設定於2011年降低勞保職災千人率至千分之四以下之政策目標。

勞委會推動「職業安全衛生促進方案」，除將減災工作藉由部會合作方式，妥善運用政府有限資源共同防災外，跳脫以檢查為主之工安思維，藉由「宣導、檢查、輔導」三合一之檢查策略，並配合安全伙伴合作計畫的推動，結合雇主、相關團體與政府的資源及組織力量，共同建構防災體系；另針對職場作業之第一線勞工，藉由宣導及教育訓練，提升其防災知能。該方案主要策略包含以下各項：

- 一、協調各機關合作促進職場防災。
- 二、檢討修訂職場防災法規。
- 三、建構國家級職業安全衛生制度。
- 四、推動台灣職業安全衛生管理系統（TOSHMS）。
- 五、加強勞工參與安全衛生預防。
- 六、強化職場安全衛生輔導機制。
- 七、建置職業衛生危害預防及環境監視系統。
- 八、建構職業健康服務體系。
- 九、有效運用檢查人力，強化防災效能。
- 十、加強防災宣導行銷，建立全民工安意識。
- 十一、落實職場安全衛生教育訓練。

十二、擴大安全衛生資源整合。

十三、強化墜落災害預防能量及防災技術。

本方案所規定各項目，涉及跨部會推動事項，由各主（協）辦機關研訂具體作業計畫及配合措施，並由勞委會定期追蹤管考各工作項目辦理情形，彙整後提報「職業安全衛生促進方案協調工作會報」報告，並每年檢討執行成效報院備查。有關方案執行成效，依勞委會統計資料，2009年度勞保職災千人率，傷病為3.967、失能為0.291、死亡為0.034，合計為4.292，較2007年同期4.439下降0.147，降幅3.31%，已達成2009年之分年減災目標。勞委會為持續加速降低職業災害，除廣續推動方案策略之外，將隨時掌控職災趨勢，分析及評估職災問題，調整及強化相關減災作為，並訂定考評制度，期達成未來2011年之整體減災目標，以有效保障勞工工作安全，建構健康舒適之工作環境。❀



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Wang, Ju-Hsuan  
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※ The Chinese version rules if any contradiction in meaning exists between the Chinese version and the English version.

# 台灣勞工



Taiwan Labor e-Quarterly  
中華民國99年6月 JUNE 2010

簡訊

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

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## Quarterly Focus

### Economic Revitalization and Manpower Resources

The global financial tsunami that was triggered by the American subprime mortgage turmoil beginning in 2007 engulfed countries all over the world. Since Taiwan is a small open economy with close economic and trade ties with the rest of the world, its export industries suffered a direct impact from the recession in Europe and America. The island's economy entered a rapid decline in the second half of 2008, depressing economic growth to a negative 7.11% in the fourth quarter of that year and a negative 1.91% for 2009 as a whole. Taiwan's unemployment problem deteriorated along with the economic recession. According to statistics compiled by the Directorate General of Budget, Accounting and Statistics, the island's unemployment rate climbed from 4.14% in August of 2008 to 6.13% the same month of the following year, boosting the number of unemployed from 452,000 to 672,000; after that the economy bottomed out and began to recover, bringing an end to the deterioration of the unemployment situation.

### Government Activates Measures to Turn Unemployment Around

In addition to having such immediate effects as rising unemployment and falling wages, the financial tsunami aroused concerns that the tsunami would harm Taiwan's manpower resources in two ways. One was that when people lost their jobs

because of the tsunami, they might also lose their original job skills due to long disuse—the "human capital depreciation effect." The other was that the corporate sector and the public might be unable to engage in human capital investment because of reduced incomes, or might not want to invest in human capital because of a bad outlook for future prospects. In view of this situation, when government agencies responded to the impact of the financial tsunami they introduced new responsive measures one after another in addition to reinforcing the original employment security mechanism. New measures related to human capital investment and maintenance included the "Immediate Recharging Plan," "Value-added Recharging Plan," "Instant Jobs Plan," and "Quality Manpower Development and Employment Promotion Plan." Following are brief descriptions of the contents of these and other plans, and their implementation:

#### 1. Immediate Recharging Plan

This plan was implemented on Dec. 16, 2008, primarily to help private enterprises, non-profit organizations, and groups carry out advanced training of existing employees so as to continuously upgrade manpower quality and job skills, build up the nation's human capital, and enhance overall competitiveness. The plan provides subsidies for two types of recipients: general applicants and special-project applicants. The former includes

private enterprises, organizations, and groups that are covered by employment insurance and hold establishment registration documents. The latter must comply with the former conditions and also face a need to readjust manpower use; they must accept consultation with the CLA's employment stabilization team and reach agreement with their trade union, labor-management conference, or labor representatives on the provision of on-the-job training. A full subsidy is provided for special-project applicants and partial subsidies (50% to 70%) for general applicants. For small and medium-sized enterprises (SMEs), whether general or special-project applicants, the maximum subsidy is NT\$950,000; for large enterprises, the ceiling is NT\$1.9 million. By the end of December 2009, 1,240 enterprises had received subsidies for the training of 221,270 employees.

## 2. Value-added Recharging Plan

This plan was implemented on Feb. 2, 2009, also to provide enterprises with subsidies for on-the-job training but, unlike the Immediate Recharging Plan described above, is limited to companies that carry out leave without pay and reach labor-management agreements to cut working hours by at least 16 hours per two weeks, that provide on-the-job training during work days, and that maintain employment and on-the-job training participation ratios of at least 99%. The CLA's Bureau of Employment and Vocational Training provides subsidies to cover all of the training costs for such enterprises, up to NT\$950,000 each for SMEs and NT\$1.9 million for large companies. In addition, to help make up the lost salary for those placed on leave without pay, and to boost willingness to join in training programs, workers who participate are given a subsidy of NT\$100 per hour of training up to 100 hours per month; however, the total amount of training allowance and insured monthly salary received during the period of training may not exceed six months' average monthly insured salary paid by the employing enterprise in 2008.

A total of 888 enterprises applied for subsidies under this plan in 2009; 742 of the applications were approved, and 18,778 workers received training. A total of NT\$358,432,637 in training subsidies was disbursed, and NT\$227,532,236 in training allowances was paid out.

## 3. Instant Jobs Plan

This plan was implemented on Oct. 22, 2008 with the aim of encouraging enterprises and private groups to hire unemployed workers, and avoiding the depreciation of human capital, by offering wage subsidies. Under the plan, legally registered private enterprises that participate in labor insurance and employment insurance may apply to the local public employment service agency for a subsidy for hiring local citizens who have been without jobs for at least three continuous months or who have become involuntarily unemployed. The subsidy is NT\$10,000 per month per hiree, up to a maximum of six months.

By the end of May 2010, this plan had helped a total of 74,081 workers to find jobs. To strengthen employment help for designated



groups of workers and for workers in disaster areas, the CLA has expanded implementation of this plan not only to include more beneficiaries but also to increase the amount of subsidies available to disadvantaged workers.

## 4. Quality Manpower Development and Employment Promotion Plan

This plan, implemented in May of 2009, is designed primarily to provide opportunities for on-the-job training, educational services, and research assistant positions in enterprises, non-profit organizations, educational foundations, etc. for unemployed persons who have graduated from college or university within the past three years, and to offer advanced training to college and university graduates. In all, the plan contains 16 measures for the development of high-quality manpower and the promotion of employment. Spending on the plan, which is expected to run through Sep. 30, 2010, totals more than NT\$28 billion. The largest of the included measures is the "Workplace Internship Program for College and University Graduates," with a budget of almost NT\$10.8 billion. The main element of this program is the provision of a monthly wage subsidy of NT\$22,000 per person, paid for up to one year, to encourage enterprises to offer recent graduates internship training in the workplace. This plan had benefited 41,338 people by June 21, 2010.

## 5. Value-adding Program for College and University Graduates

Another important measure is the Value-adding Program for College and University Graduates. Its objective is to help college and university graduates who have lost their jobs by providing subsidies for public and private colleges and universities to offer a diversity of practice-oriented training courses designed to upgrade the work skills of the unemployed graduates. The program is being implemented on two tracks. One is being promoted by the Ministry of Education, which subsidizes schools for the cost of developing courses plus NT\$2,000 to NT\$2,500 for each participating trainee. The other track is being implemented by the CLA's Bureau of



Employment and Vocational Training, and provides a training subsidy of NT\$33,775 per person as well as a living allowance of NT\$36,050 for each trainee who meets the legally specified qualifying conditions. A total of 94,340 persons had received training under this program by April 30, 2010.

### Vigorous Government Investment in Manpower to Revitalize the Economy

When we look over the measures described above we can see that the government is not focusing its efforts on passive income protection, but is emphasizing active investment in manpower resources. A survey conducted by the International Labor Organization shows that "increased training" is the most prevalent method used by different countries to deal with the financial tsunami, with more than 60% of all the countries adopting such measures. This shows us that the government's investment in manpower resources as a means of economic revitalization conforms to international trends.

As the financial tsunami recedes Taiwan's economy is beginning to brighten, and boosting economic revitalization by accelerating industrial development has become an important

task for the government today. In view of the importance of manpower resources to industrial development, besides the efforts of government agencies to constantly increase investment in manpower, reinforce the vocational training mechanism, and readjust the content of higher education so as to enhance the employability of graduates, the newly enacted Industrial Innovation Act contains a special chapter on manpower with provisions covering the projection of manpower supply and demand, the establishment of skills standards, and the integration and reinforcement of the manpower training resources of the different ministries and commissions. In addition, the Bureau of Employment and Vocational Training is in the process of revising the Vocational Training Act with the aim of building up a complete vocational training system that meets domestic industrial needs and the trends of development in the job market. These tasks reflect the high level of the government's commitment to investment in manpower capital, a commitment that can be transformed into concrete action only through concerted efforts by the government and the private sector. (This article was written by Prof. Ping-Lung Hsin of the Graduate Institute of National Development, National Taiwan University.)



## Policies Regulations

### The CLA's Administrative Goals for 2010

The Council of Labor Affairs shoulders the mission of "upgrading the quality of manpower, creating a friendly working environment, promoting labor-ownership harmony, and realizing the dignity of work" as it strives to build a working environment of "fairness, humanity, safety, and dignity" for Taiwan's workers.

#### Annual Administrative Goals

##### 1. Assuring equal opportunity for workers

Provision of educational publicity for the prevention of discrimination in employment, and realization of a gender-equality regulatory system; assistance for solidarity and development of trade union groups, and realization of autonomous trade union management; construction of a negotiating mechanism with equality for labor and ownership, and enhancement of the performance of labor-ownership dispute resolution; strengthening of guidance for the signing of group agreements; and expansion of labor insurance coverage to encompass more employees.

##### 2. Creation of a human-centered working environment

Review of the minimum wage whenever necessary, and reasonable adjustment of regulations governing working hours; strengthening of working condition investigation, and assurance of workers' basic rights; formulation of labor contracts and dispatching

regulation, and protection of the rights of different forms of labor; and implementation of employee-assistance measures and formation of a human-centered working environment.

##### 3. Building of workplace safety

Enhancement of the performance of labor supervision and investigation, and encouragement of employers to improve accident-prevention facilities and control workplace threats; implementation of the safety partner system, responsible care system, and occupational safety and health management system; ►►



and promotion of interagency cooperation in accident prevention, reinforcement of safety and health publicity, and advancement of accident-prevention know-how among workers and employers.

#### 4. Enhancement of employment security

Implementation of three-in-one employment services including public employment service mechanisms and services, vocational training, and unemployment benefits; operation of the Virtual Employment Service Counter, ejob website, and other service channels to expand employment matchmaking; strengthened operation of multi-faceted employment-oriented pre-employment training, promotion of micro-enterprise loans and consultation services, and provision of employment assistance to unemployed and disadvantaged workers; boosting of public confidence in skills appraisal, and improvement of licensing effectiveness; and strengthening of the legal system for employment insurance, and provision of comprehensive employment security.

#### 5. Advancement of workers' interests and dignity

Implementation of mechanisms for industrial democracy and social dialogue, reinforcement of labor consciousness and

ethics, and realization of the dignity-of-labor concept; promotion of casework service for occupational accidents, and provision of return-to-work assistance; implementation of the labor insurance annuity and labor retirement benefit systems, and provision of full protection for workers' livelihood; formulation of a retirement pay management system, and development of optimal investment allocation of retirement funds; and review and improvement of alien-labor policy, implementation of alien-labor protection measures, carrying through with the recruitment and brokerage management mechanisms, and protection of the rights of foreign workers.

#### 6. Enhancement of the quality of public services

Augmentation of the information and content of the CLA's e-job website, strengthening of the website's service and learning functions, and advancement of new labor-affairs know-how; and upgrading of the quality of public employment service agencies, review of the application process for foreign workers, and year-by-year enhancement of satisfaction with the counter services of the CLA's employment service agencies.



### Policies Regulations

## An Emphasis on General Equality at Work A Great Advancement for the Interests of Female Workers

With the large rise in the degree of women's education, transformation of the industrial structure, low birth rate, and ageing population in Taiwan, the issue of working women on the island is becoming more important every day. This calls for a rethinking of the positioning of women workers.

### Participation by women injects new vitality into the national economy

In the traditional society of the past, women in Taiwan resigned themselves to the role of "virtuous wife and good mother" and the country also, in terms of perception and policy, viewed women as an "industrial reserve army." During the period of rapid economic development and growth from the 1960s through the 1980s, however, the agricultural population turned toward industry and services; this led, in the mid-1980s, to an increasingly serious problem of industrial labor shortage.

With insufficient male workers to fill the needs of industry and so many concerns about the importation of foreign labor, the development of the female work force and heightening of women's labor participation gradually came to be seen as a major policy focus in national economic development; and, because of this policy change, women gained the opportunity to free themselves from the bonds of the traditional "woman's place is in the home"



concept and participate actively in the labor market. This brought the abilities and contributions of women to the fore and allowed them to escape the dependency role that they had fulfilled for millennia. This was the beginning of a major shift toward sex significance and gender justice.

All of the international community recognizes the importance of female labor in helping poor societies break away from their impoverished state; female labor does not concern women's rights alone, but is also an important pillar of sustainable development ►►

for a nation's society and its economy. It is for this reason that the CLA has compiled the "White Paper on Female Labor Policy" with the aim of encouraging women to enter the job market and so alleviate the issue of idle manpower that has arisen in recent years as women have improved their educational level but failed to find jobs, and to lessen the wastage of investment in national educational resources. With more women entering the job market, Taiwan's national competitiveness will become stronger.

The policy stance of Taiwan's government is not, however, to make it compulsory for all women to join the labor market, but to encourage them to do so by offering them a friendlier working environment; because, until substantive assistance and support is provided to help bear the family burden of caring for the young and the old, for women to make their own choice about remaining in the workplace or leaving it is seen as being an issue of institutional structure. The "White Paper" addresses structural obstacles and proposes various kinds of policy behavior designed to lay down a firm foundation for the enhancement of women's employment rights.

In addition, besides continuing to be concerned with the disadvantageous economic position of women in the future,

the formulation of macro-policy must also consider the public consciousness of gender equality and education in the value of labor even as it strives to address the improvement of the structural difficulties and obstacles that women face today.

### Box

The "White Paper on Female Labor Policy" aims to achieve the principles of gender equality and decent work; other goals that are targeted in Taiwan's female labor policy include opportunity, autonomy, choice, rights, and dignity. The goals that the CLA is pursuing in relation to female labor encompass not only the achievement of gender equality but also the realization of freedom, fairness, and dignity. In addition, three major concerns involved in "decent work"—inferior working conditions, job discrimination in the workplace, and inadequate assurance of social security—are part of the reality that women generally face in the workplace today. In the future, therefore, besides pursuing the goal of gender equality, Taiwan's female labor policy will also seek the realization of decent work.



## Policies Regulations

# A Cornerstone of Society, Rock of Support for Labor Taiwan's Labor Insurance Pension System

Taiwan set up a modern social security system under labor insurance way back in 1950. After that the legal system for labor insurance became increasingly comprehensive so that today there are 9.1 million insured people, giving labor insurance the widest coverage of all payment systems on the island and the type of social insurance with the greatest number of insured. It completely fulfills the function of protecting the livelihoods of workers and their families, and thus promoting social stability. Among the "Four Little Dragons of Asia," in fact, Taiwan is seen as having an outstanding performance in the promotion of social security.

As times and the environment changed, however, Taiwan's population and employment structure also underwent great changes and propelled the island into an era of ageing society and low birth rates. This brought the labor insurance system, which helps assure the livelihood of more than half of Taiwan's working population, face to face with an urgent need for reform. In response to this need, the government began planning an old-age labor insurance pension system. Because the level of difficulty of the reform involved in switching from the existing one-time lump-sum pension payment was very high, however, the change was deliberated in the Legislative Yuan several times without any consensus being achieved.

After years of effort by the government and discussions among the labor, ownership, and academic circles, workers gradually developed a consciousness of "longevity risk" and, together with the high expectations of all sectors, this finally helped to bring about a breakthrough in 2008. On July 17 that year the Legislative Yuan passed the bill embodying the change; it was implemented on Jan. 1, 2009, giving Taiwan a more comprehensive social security system and boosting it past a new milestone and into the ranks of the advanced countries. Now, the livelihood of Taiwan's workers and their survivors is well protected.

## Assuring livelihoods; the new workers' friend

In Taiwan, the first-tier labor insurance pension complements the national pension plan that was instituted in 2007; and these two programs, together with the second-tier new labor pension plan, comprise a complete system for assuring the livelihoods of retired workers. The salary replacement rate of 1.55% per year of service, and an extension of pensions, provide greater protection for workers' livelihoods. A worker who retires after 30 years on the job, for example, enjoys a salary replacement ratio of 46.5% (1.55% x 30) under the old labor insurance pension, and the new labor retirement pension boosts the figure to over 70%. This gives ►►



retired laborers an assurance of livelihood similar to that of retirees of other vocations, which the government sees as its obligation to laborers who have devoted their whole lives to the economic development of Taiwan.

The labor insurance pension also includes the following features:

### 1. Retirees allowed choice of lump-sum or annuity payment

The two-track implementation of the annuity pension together with the lump-sum pension does not affect the interests of retirees under the original labor insurance pension. When they apply for old-age pensions, disability payments, or death payments, workers or their survivors can choose between the new annuity payment or the old lump-sum payment.

### 2. Comprehensive protection with transferability of pension payments

Old-age pension, disability payments, and survivors' benefits are transferable. When a person dies while receiving old-age pension or disability pension, his or her survivors can apply for survivors' pensions.

### 3. No ceiling on years of service: the longer you work, the bigger your pension

The labor insurance pension is based on actual insured years of work, and there is no upper limit. The more years of insured service you put in, therefore, the bigger the pension you will draw when you retire.

### 4. No shrinkage of pension payments because of inflation

To assure the real purchasing power of pension benefits, whenever the accumulated growth (either positive or negative) of the consumer price index (CPI) reaches 5%, the amount of pension payments will be adjusted accordingly.

### 5. Linkage of labor insurance pension plan with the national pension plan

(1) Insured workers who qualify to apply for both labor insurance and national insurance benefits may apply to either insurer for pension payments; their years of service under labor insurance and national insurance will be calculated separately, and the



benefits will be combined in a single payment.

(2) Insured workers who have not served enough years under labor insurance to apply for benefits but whose period of service combined with national insurance reaches 15 years may apply for labor insurance pensions upon reaching the age of 65.

## A rock of support for Taiwan's workers

The labor insurance plan has achieved significant results since it was implemented on Jan. 1, 2009. By the end of April this year it had benefited 9 million people, and total payouts had exceeded NT\$10,660.7 million. Old-age pensions were approved for 83,173 people, who received more than NT\$10,413.46 million; disability pensions were granted to 1,019 people, who received a total of NT\$76.53 million; and survivors benefits, in the amount of NT\$170.7 million, went to 1,240 persons.

Labor insurance now has a history of 60 years in Taiwan, and has become mature. As the island confronts the trends toward a low birth rate and an ageing population, labor insurance benefits assure the livelihoods of people as they face the uncertainties of their retirement years and are thus the most important cornerstone of Taiwan's social security system. The institution of the labor insurance pension system allows workers to receive payments as long as they live; and the more insured years they work, the more they get. This assures a stable and dignified life for the insured and their survivors. The labor insurance pension program is, indeed, the responsibility of the government and a rock of support for Taiwan's workers.



## Policies Regulations

# Employment Insurance Act Revision Affords Workers a More Secure, Stable, and Safe Working Environment

Taiwan began to provide unemployment insurance with the implementation of the Unemployment Benefits Regulations in 1999, adding a new provision for unemployment payments under

labor insurance; but those were merely passive payments to assure the basic livelihoods of workers who had lost their jobs, and the regulations made no provision for employment services or ►►

vocational training. To provide a more comprehensive employment security system, the Employment Insurance Act was passed by the Legislative Yuan on Apr. 25, 2002, promulgated on May 15 that same year, and implemented on Jan. 1, 2003.

The Unemployment Insurance Act has been in force for more than six years now, and its items of payment have been repeatedly discussed and suggestions made for expanded coverage. When the impact of the global financial turmoil was weighing more and more heavily on Taiwan's economic environment and unemployment was becoming more and more severe, the Council of Labor Affairs (CLA) proposed a revision of the Act which was passed by the Legislative Yuan on Mar. 31, 2009, promulgated by the President on Apr. 22, and implemented on May 1 that year. This was the most comprehensive reform of the Act since its enactment; besides adding a provision for an allowance for women on child-rearing leave without pay—something for which women had been ardently hoping—the revision also extended unemployment benefits for the middle-aged and elderly and for the physically and mentally impaired, whose period of unemployment tends to be relatively long. In addition, an unemployed worker with dependents to support can now receive an additional insurance payment or allowance. This provides greater assurance of unemployment security for workers during the tough times when they are out of a job.

## Main Points of the Revision

### 1. Insured age ceiling raised to 65

In consideration of the growing age of workers and in line with the rise in the compulsory retirement age to 65 as mandated by the Labor Standards Act, the current revision protects the right to insurance for those who continue working past the age of 60 by heightening the insured age ceiling from 60 to 65 years. Effective May 1, 2009, when a worker continues on the job past the age of 60 his or her employer should carry out the paperwork for continued participation in labor insurance.



### 2. The foreign, mainland Chinese, Hong Kongese, and Macanese spouses of ROC nationals who are legally working in Taiwan may participate in employment insurance

Under the original provisions of the Labor Standards Act, these spouses were not eligible for labor insurance coverage unless they themselves were ROC citizens. In view of the fact that such legally employed spouses might also face the risk of unemployment, however, the revised Act draws them into the scope of labor insurance coverage. Beginning May 1, 2009, therefore, employers are required to carry out labor insurance procedures for such employees.

### 3. Provision of allowance for child-rearing leave without pay

To allow employed workers to take care of their families as well as their jobs, the Gender Equality in Employment Act of 2002 stipulates that employed workers have the right to take child-rearing leave without pay. To help workers take such leave with an easy mind, the revised Employment Insurance Act contains a new provision for an allowance so that they can keep their jobs and receive a subsidy that alleviates the difficulties involved in "burning the candle at both ends," thus helping to achieve a balance between the needs of child care and economic support. Under Article 11 of the revised Act, a worker who has been covered by labor insurance for at least one year and has children under the age of three years may, whether father or mother, apply for child-rearing leave without pay under the provisions of the Gender Equality in Employment Act. The allowance is calculated as 60% of the average monthly insured pay for the six months prior to taking leave, and is provided for up to 12 months. The revised Act emphasizes in particular that both men and women can apply, because in the past most people felt that raising children was a woman's job and most employers thought that only women could apply; but the Gender Equality in Employment Act stipulates clearly that fathers and mothers alike are eligible for child-rearing leave without pay, implying that child-rearing is not the responsibility of mothers alone but is to be shared by all members of the family. When the CLA made plans for the allowance for child-rearing leave without pay, therefore, it took care to follow the principle of gender equality by emphasizing that both mothers and fathers can apply. This now only allows career women who need to raise children to receive an allowance while taking leave, so that they need not feel economic pressure, but also encourages the "other half" to share the child-raising burden and reduces discrimination against women in the workplace.

### 4. Extension of unemployment benefits for the middle-aged and elderly, and the physically and mentally impaired, to nine months

In consideration of Taiwan's average unemployment period of 24-26 weeks, and out of concern that an excessively lengthy period of payment would reduce the willingness of unemployed ▶▶



workers to look for jobs, which would impose a heavy burden on finances, existing rules set unemployment pay at 60% of average monthly insured pay for a maximum of six months. The average period of unemployment for the middle-aged, elderly, and physically and mentally impaired is longer, however, and it is more difficult for them to find new jobs; to assure their basic livelihood while unemployed, therefore, the revision extends their maximum period of unemployment benefits to nine months.

#### 5. Additional allowance for unemployed workers with dependents brings maximum payment to 80% of insured salary

In consideration of the fact that an interruption of a worker's income might influence the livelihood of his or her family, the CLA added a provision for an unemployed person with an unemployed

spouse and/or underage or impaired children to apply for an additional 10% of average insured monthly salary per dependent, up to an additional 20%, during the period of unemployment benefits or vocational training. This brings the maximum amount of unemployment payments or allowances to 80% of average insured salary.

#### 6. Added provisions for employment stability and other job-promotion measures

Taiwan's Unemployment Insurance Act provides a three-in-one system that includes unemployment insurance, employment services, and vocational training. The original Act stipulated that the competent authority of the central government could, within a set spending quota, provide insured persons with on-the-job training or, during unemployment, vocational training, along with incentives for employers to hire unemployed workers; the revision adds provisions for employment stability measures to help enterprises weather their difficulties together with workers in times of natural disaster or economic recession, thus avoiding mass layoffs.

#### Results of the revision

By the end of April 2010 a total of over 169,000 cases of child-care leave without pay had been approved and more than NT\$2,660 million had been paid out; more than 90,000 cases of extension of benefits for middle-aged, elderly, and impaired workers had been approved and over NT\$2,020 million had been paid; and in excess of 398,000 additional subsidies for dependents had been approved and more than NT\$1,880 million had been disbursed.



#### News Outlook

## Taiwan Focuses on the Prevention of Unemployment Planning of Employment Stability Measures

The implementation of the revised Employment Insurance Act on May 1, 2009 provided a legal foundation for the term "employment stability" in Taiwan. The financial tsunami had not yet occurred when the revision was first proposed, but scholars suggested that employment stability measures be added to the law's provisions as tools for the government to use in dealing with special situations such as the outbreak of SARS and water-rationing crises. When the financial tsunami struck in the last half of 2008, just as the related subsidiary laws were being worked out, it gave new urgency to the function of employment stability measures.

In contrast to past practice, in which employment promotion programs provided employment assistance after workers lost

their jobs and encouraged employers to hire, and created job opportunities, employment stability measures start from the aspect of preventing unemployment with the aim of helping workers keep their jobs with their original employers. Such employment stabilization measures have been in effect in foreign countries from some time now, but in Taiwan they are relatively new. The "Employment Insurance Implementation Measures for the Promotion of Employment" were announced on May 3, 2010, following a period of constant groping for the right way forward, communication, and debate, with consideration given to such factors as related laws, labor-ownership relations, social values, practical constraints, and financing. These new rules provide Taiwan with its own employment stability measures.





## Content of Planned Employment Stability Measures

### 1. Method of implementation

Within the period of implementation of the employment stability measures announced by the competent authority of the central government, an employer who suffers losses or business contraction because of economic recession may, to avoid staff downsizing, formulate an employment stability plan and submit it to a government employment service agency for approval. Once the plan is approved, the employer can apply for a wage subsidy on behalf of insured employees. (This measure is also applicable to corporate entities that implemented employment stability plans before the announced employment stability measures became effective; such entities will be able to start receiving the wage subsidies, however, only after gaining approval from a government employment service agency.)

### 2. Timing of activation

The competent authority of the central government may activate employment stability measures when there is a general economic recession. To be considered in recession, the economy must meet the following two conditions:

- (1) The ratio of the number of people receiving unemployment payments each month to that number plus the total number of insured persons at the end of the previous month is 2.2% or above for three months in succession.
- (2) There is no reduction in the unemployment rate during the three-month period referred to in (1).

### 3. Period of implementation

The maximum period for implementation of employment stability measures announced by the competent authority of the central government in times of recession is six months. If during the final month of the implementation period there is no improvement in the recession, the period may be extended up to a maximum total length of one year.

### 4. Worker requirements

- (1) The cumulative time of coverage by employment insurance must be at least one year prior to activation of the employment stability measures.
- (2) The worker must have been a full-time employee within three months prior to an agreed shortening of working hours. (For those paid by the month, the average normal working hours per week must be at least 35 hours.)

### 5. Conditions for employment stability plans

- (1) When a plan involves a shortening of working hours and a proportionate reduction of wages agreed upon by employees and insured persons, the plan should be approved at a labor-management conference.
- (2) The scope of agreed reduction in average normal weekly working hours and monthly insured wages is 20~80%. The agreed insured monthly wage may not be less than NT\$17,280.

### 6. Handling and reviewing agencies and procedures

- (1) An employer must submit an application to a government employment service agency 15 days prior to the expected date of implementation of an employment stability plan. (If a corporate entity has implemented an employment stability plan before the competent authority of the central government announces activation of employment stability measures, the entity must apply for approval within 15 days of the announcement.)
- (2) An employer must apply, on behalf of its insured employees, to a government employment service agency for the wage subsidy on a monthly basis. The subsidy will be remitted into the insured employees' bank accounts.

### 7. Standards and periods of payments

- (1) Payment standards:
  - a. The wage subsidy will be 50% of the difference between the insured monthly wage of the employee before and after the agreed shortening of working hours.
  - b. For employees who participate in training courses of 16 hours or more that are organized by the government itself, are commissioned by the government, or are subsidized by the government, the wage subsidy will be 70% of the difference.
- (2) Period of payment: Maximum of three months, extendable to six months if necessary.

## Helping Companies and Workers Weather Difficult Times

Generally speaking, the implementation of employment stability measures will have a positive effect on society, the government, employers, and workers. With the economy now undergoing a gradual recovery, there is no need at present to activate the measures stipulated in the "Employment Insurance Implementation ▶▶



Measures for the Promotion of Employment" and their results will not be known for sure until after they are used. The design of the employment stability measures is relatively complex compared with that of the employment promotion measures currently in

place; while the new plan is certainly not perfect, the next time that Taiwan encounters severe economic conditions it will already have a set of systematic measures, ready for deployment, that can help employers and employees alike get through the hard times.



## News Outlook

### Labor Standards Act Revision Boosts Career Choice

Taiwan's Labor Standards Act divides conditions for retirement into two categories: voluntary and compulsory. With the former, the initiative lies with the worker; workers who comply with the voluntary retirement conditions stipulated in Article 53 of the Act may apply for retirement at any time. With the latter category the initiative lies with the employer, who must issue a retirement order before compulsory retirement can take effect.

The voluntary retirement provisions contained in Article 53 are designed to encourage workers to stay on the job for a long time and to protect their right to a pension that can maintain their livelihood in old age. According to the original stipulations of Article 53, a worker who has been employed by the same business entity for 15 years and has reached the age of 55, or who has been employed by the same business entity for 25 years, may apply for voluntary retirement. In response to Taiwan's ageing population, and to make better use of the island's middle-aged and elderly human resources, the compulsory retirement age as stated in Article 54 of the Act was extended from 60 to 65 on May 16, 2008. To avoid affecting the renewal of corporate manpower while assuring workers' rights to career choice in compliance with the



original intent of the provisions of Article 53—that is, to encourage workers to stay on the job for the long term—on Apr. 22, 2009 the terms were changed to allow voluntary retirement by workers who have been employed by the same business entity for 10 years and have reached the age of 60.



## News Outlook

### Revised Rules Allow Tocolysis Leave for Pregnant Women

The Council of Labor Affairs has completed a revision of the "Regulations of Leave-Taking of Workers" designed to realize human-centered working conditions and assure the right of pregnant laborers to work. Under the newly added Paragraph 2 of Article 4 of the Regulations, "A worker who is diagnosed as a doctor as having cancer and is undergoing outpatient treatment, or a worker who needs to undergo tocolysis, may include his or her period of treatment or tocolysis in the calculation of hospitalization leave." The revision took effect on May 6, 2010.

The revised rules allow a woman to avoid withdrawing from the labor market when she is in danger of miscarriage and needs treatment or recuperation, but has no leave time. The original regulations allowed 30 days of non-hospitalization sick leave

for year; the revision includes tocolysis in hospitalization leave, for which the maximum period is one year. This does not mean, however, that the period of tocolysis leave is a uniform one year, or that every pregnant employee may take tocolysis leave. It also does not involve the question of extraordinary wage payments by employers.

Accompanying measures for tocolysis leave include the establishment of short-term manpower databank to help with matchmaking for short-term manpower replacement, and the provision of assistance for the reinforcement of worker skills. Other closely related rules cover post-natal recuperation and child care. Under the provisions of Article 15 of the Gender Equality in Employment Act, an employer should provide eight weeks' pre- ▶▶

and post-natal leave. Article 16 of the same Act provides that a worker who has been on the job for one year may apply for unpaid leave to take care of children under the age of three. Such leave comes to an end when the child reaches the age of three, and may not exceed two years.

To help with the incomes of employees during the period of child-care leave without pay, a revision of the Employment Insurance Act that was implemented on May 1, 2009 provides for an allowance to be paid in such cases. Statistics from the CLA show that by the end of April 2010, more than 37,000 people—nearly 20% of them males—had made first-time applications for the allowance, and more than half of the applications had come from small enterprises with no more than 30 employees. Of those who took child-care leave without pay, 90% returned to work when the leave was over. This disproves the general perception that only

the employees of large enterprises can apply for child-care leave without pay, and that it is impossible to return to work after the conclusion of such leave.



## News Outlook

# Measures Instituted to Protect Foreign Workers in Taiwan

Taiwan has always protected the interests of foreign workers in the same way as those of local citizens, with no discrimination because of nationality, and has held to the principle of equality and justice in basic rights, and of national treatment in right to work. Resulting regulations and protective measures governing working conditions, as well as livelihood and working rights, include the following:

### 1. Establishment of the "Direct Hiring Service Center"

To protect the interests of foreign workers and alleviate their work burden in Taiwan, the Direct Hiring Service Center was set up to allow employers to re-hire their original foreign employees directly, to provide for the proxy transfer and mailing of related application documents, and to provide online information. These measures reduce brokerage costs for foreign workers, alleviate the economic burden of working in Taiwan, and avoid exploitation by unscrupulous brokers.

### 2. Establishment of inspection visits to foreign workers

County and city governments were provided subsidies for the installation of 240 officers to pay routine inspection visits to employers of foreign workers in coordination with related laws and management educational publicity in order to understand foreign workers' conditions and provide management guidance. Employers were requested to assure compliance with the "Life Care Service Plan for Foreigners" and the terms of labor contracts, and to avoid illegal use and other situations that violate legal provisions, so as to protect the interests of foreign workers and their employers. In addition, investigation and disposition of illegal behavior by brokers and employers was strengthened.

### 3. Establishment of Foreign Workers Consultation Service Centers

To provide foreign workers with a complaint channel, local governments were given subsidies for the establishment of 25 foreign worker consultation service centers and the hiring of 100 bilingual personnel to offer complaint consultation services. A 24-hour consultation hotline (1955) was also set up to reinforce the complaint network by accepting complaints and turning them over to local governments for handling. Foreign worker service stations were also established at Taoyuan and Kaohsiung international airports to provide entry guidance and exit complaint services, thereby strengthening protection of foreigners' working and human rights.

### 4. Implementation of a verification mechanism for early termination of employee relationships

To avoid the forced repatriation of foreign workers, the government has instituted a verification mechanism for the early termination of employee relationships under which an employer and foreign employee who agree to terminate their employer-employee relationship prior to expiration of their labor contract may go to the local government to carry out verification. Inquiries will be made to verify the true intention to dissolve the foreign-labor contract; should it be discovered that the matter involves a labor-management dispute, the local government will immediately involve itself in resolving the situation to prevent forced repatriation.

### 5. Strengthened educational publicity of foreign-worker laws and rights

Educational publicity in foreign-worker rights and other



information has been strengthened. Programs regarding foreign workers are produced for national and regional broadcasting on TV and radio with the purpose of strengthening publicity regarding foreign-labor laws, the legal employment of foreign workers, and punishments for illegal behavior, and to encourage the public to report illegal activity. Instructions for foreign workers

in Taiwan are also published (in Chinese-foreign language bilingual editions) and provided to the relevant agencies for distribution to foreign workers, and local governments are given subsidies for organizing leisure activities for foreign workers as well as meetings to publicize relevant laws for foreign workers and their employers.



## News Outlook

# Strenuous Efforts Undertaken to Reduce Occupational Accidents

The Council of Labor Affairs (CLA) has mapped out an "Occupational Safety and Health Promotion Program" designed to reinforce safety in the working environment, speed up reduction of the occupational accident rate, and achieve the standards of such benchmark countries as the United States and Japan. The target of the three-year program, which is running from 2009 through 2011, is to reduce the labor-insurance occupational accident rate to under 0.4%.

The task of reducing occupational accidents is being carried out through inter-agency cooperation in optimizing the use of limited government resources. The aim is to break away from the type of thinking based primarily on inspections and, instead, use a three-in-one strategy of educational publicity, inspection, and guidance. Resources and organizational strengths of employers, relevant groups, and the government are combined to help carry out the cooperative projects of "safety partners" and establish accident-prevention systems. Educational publicity and training are being used to enhance the accident-prevention know-how of front-line workers. The main strategies used in the program include the following:

1. Coordination with different agencies for cooperation in promoting accident prevention in the workplace.
2. Review and revision of workplace accident-prevention laws and regulations.
3. Establishment of a national-class occupational safety and health system.
4. Promotion of the Taiwan Occupational Safety and Health Management System (TOSHMS).
5. Strengthening of worker participation in safety and health preventive work.
6. Reinforcement of the workplace safety and health guidance mechanism.
7. Establishment of an occupational health threat prevention and monitoring system.
8. Establishment of an occupational health service system.
9. Effective use of inspection manpower to reinforce accident-prevention performance.

10. Strengthening of accident-prevention publicity and marketing to build up a consciousness of safety among the public.
11. Implementation of workplace safety and health training.
12. Expanded integration of safety and health resources.
13. Reinforcement of falling-accident prevention capability and accident-prevention techniques.

The provisions of this program require inter-agency implementation, and concrete operating plans and accompanying measures have been formulated by the organizing or co-organizing organizations. The CLA carries out scheduled follow-up evaluation of the different tasks and submits "coordination work reports for the Occupational Safety and Health Promotion Program." It also makes annual reports to the Executive Yuan on the implementation of the program, which does seem to be having an effect. Labor insurance accident-rate statistics show a ratio per thousand workers in 2009 of 3.967 injuries, 0.291 disabilities, and 0.034 deaths, for a total of 4.292; compared with the 2007 total of 4.439 per 1,000, this was a reduction of 0.147, or 3.31%, achieving the annual accident-reduction target for 2009. To keep up the accelerated reduction of accidents, the CLA is continuing to implement the program's strategies and is maintaining a grasp of occupational accident trends so as to meet the target for 2011, assure safety at work, and build up a healthy and comfortable working environment. ♣

