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中英文版本內容如有出入，以中文版本為準。

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

「勞動基準法檢舉案件保密及處理辦法」 於106年5月15日發布

Labor Standards Act Regulations Regarding the Confidentiality and Processing of Violation Complaints Issued, May 15, 2017

為配合105年12月21日修正公布之《勞動基準法》第74條規定，勞動部於106年5月15日發布「勞動基準法檢舉案件保密及處理辦法」，明定檢舉案件之保密以及相關處理事項等規範。

勞動部表示，《勞動基準法》第74條除「勞工發現事業單位違反本法及其他勞工法令規定時，得向雇主、主管機關或檢查機構申訴」；「主管機關或檢查機構應對申訴人身分資料嚴守秘密，不得洩漏足以識別其身分之資訊。」等規定之外，更授權該部就受理檢舉案件之保密及其他應遵行事項訂定辦法。勞動部本日發布之辦法，已就檢舉案件之提出方式、處理情形之通知、檢舉人身分資訊之保密及案卷之管理等詳予規定，使主管機關或檢查機構於受理檢舉案件時，能夠確實遵循保密及相關處理規範。

勞動部強調，本辦法之訂定，勞工檢舉案件之處理得以更加細緻化，可強化檢舉人身分保密，降低資訊洩漏風險及疑慮，進而落實勞工權益保障。

In order to comply with Article 74 of the Labor Standards Act, amended on December 21, 2016, the Ministry of Labor issued the Labor Standards Act Regulations Regarding the Confidentiality and Processing of Violation Complaints on May 15, 2017. The regulations specify the regulations in ensuring the confidentiality of violation complaints and other related matters.

As pointed out by the Ministry, Article 74 of the Labor Standards Act not only states that "a worker, upon discovery of any violation by the business entity of the Act and other labor laws or administrative regulations, may file a complaint to the employer, competent authorities or inspection agencies", and that "the competent authority or the inspection agency shall keep the identity of the complainant confidential and shall not disclose any information which might reveal the identity of the complainant." Article 74 also authorizes the Ministry to establish regulations regarding the confidentiality of reported complaints and other matters that must be complied with. The regulations the Ministry announced today include detailed provisions on submission of reported complaints, notification of complaint processing, confidentiality of complainants' personal information, and management of relevant files. This allows the competent authority or inspection agency to guarantee confidentiality and comply with relevant regulations when processing reported complaints.

The Ministry stressed that the stipulation of these regulations will lead to more thorough treatment of labor complaints, strengthen the level of confidentiality for complainants, reduce the risks of and concerns about leaks, and better safeguard workers' rights and interests.

關鍵字：勞動基準法、檢舉、保密

Key words: Labor Standards Act, Complaints, Confidentiality



「外籍勞工請假返國辦法」於106年4月18日發布

Regulations Regarding Foreign Workers' Home Leave Announced, April 18, 2017



為配合 105 年 11 月 3 日修正公布之就業服務法第 52 條規定，刪除外勞聘僱期滿應出國 1 日才能再入國工作規定，保障外勞返鄉休假的權益，勞動部於 106 年 4 月 18 日訂定發布外籍勞工請假返國辦法，明定外勞請假的方式、日數、程序及其他相關事項。

依據就業服務法第 52 條規定，外籍勞工於聘僱許可期間請假返國，雇主應予同意。為保障外勞返國休假權益，外勞在聘僱許可期間內，依據勞動基準法或勞動契約取得特別休假後，即可利用該休假自行排定返國之時間，雇主應予同意。但雇主在外勞排定返國時間同時，若遇有企業需求或家庭被看護者照顧迫切需求時，雇主可與外勞協商調整返國期日。不過，當協商不成立時，仍應依外勞原排定日期，同意外勞返國。此外，外勞請求以特別休假以外假別如婚假、喪假、事假等返鄉探親時，則回歸勞動基準法、性別工作平等法或勞動契約約定辦理。

勞動部提醒雇主，違反請假返國規定，地方勞工主管機關將依法處以罰則。

To comply with the amendment to the Employment Service Act announced on November 3, 2016, the portion of Article 52 requiring foreign workers whose work permits have expired to leave the country for one day if they wish to return to be rehired was removed, and the right for foreign workers to take a home leave was ensured. In order to comply with these regulations, the Ministry of Labor has formulated the Regulations Regarding Foreign Workers' Home Leave and released them on April 18, 2017. The Regulations specify the method for a foreign worker to take a home leave, leave duration, procedures and other relevant regulations.

According to Article 52 of the Employment Service Act, when a foreign worker requests for home leave during the employment permit period, the employer shall give his/her consent. In order to protect the rights and interests of foreign workers to take a home leave, foreign workers with effective employment permits who have obtained annual paid leave in accordance with the Labor Standards Act or their labor contracts may use this leave to freely schedule trips to their home countries, and the employers shall give consent. In the events that the employer encounters urgent business needs or the care receiver is in pressing need for care, the employer may negotiate with the foreign worker to reschedule the worker's period of leave and return dates. However, if an agreement cannot be reached, the employer must grant the foreign worker their originally scheduled period of leave. Foreign workers who request other leaves, such as marriage leave, funeral leave, or personal leave, for purposes of returning and visiting relatives, are subject to the relevant regulations under the Labor Standards Act, the Act of Gender Equality in Employment, or their labor contracts.

The Ministry of Labor reminds employers that local labor authorities will impose penalties on them in accordance with the law if they violate the home leave regulations.

關鍵字：請假返國、特別休假、就業服務法第 52 條

Key words: Home Leave, Annual Paid Leave, Article 52 of the Employment Service Act

勞工於領取老年給付後再從事工作， 仍可參加職業災害保險

Workers Who Have Received Old-Age Benefits Can Still Enroll in Occupational Injury Insurance upon Return to Work

勞動部表示，為加強保障中高齡勞工的工作安全，已令釋放寬已領取勞工保險老年給付，或年逾65歲已請領公教人員保險、軍人保險等社會保險養老給付，再從事工作者，得由其投保單位辦理參加職業災害保險。

勞動部進一步說明，為促進中高齡勞工再就業，考量許多勞工朋友請領老年給付後，仍有繼續工作需要，不論其就業型態，皆有發生職業災害的可能，故放寬上述規定。鑑於近來發生數起職災意外事件，部分遭受災害的勞工朋友，因係領過勞保老年給付後再從事工作，而雇主並沒有為其辦理參加職災保險，導致無法請領職災保險給付。因此，勞動部特別呼籲，有僱用此類勞工的投保單位，可僅參加職災保險，一方面確保勞工職災給付權益，一方面也讓雇主得抵充職災補償責任，勞資雙方皆可受惠。

此外，勞動部為避免因雇主不熟悉法令，而未替渠等勞工辦理參加職災保險，除透過各種管道持續加強宣導外，勞工保險局亦主動寄發通知，提醒投保單位相關規定，以確保勞資雙方權益。



In order to strengthen the job security for senior and middle-age workers, the Ministry of Labor has ordered the loosening of previous restrictions on those receiving old-age benefits of labor insurance and those over 65 years of age receiving social security old-age benefits from civil servant and teacher insurance or military personnel insurance. Now, these workers can still apply for occupational injury insurance with their insured unit if they return to work.

The Ministry further explained that the above provisions were relaxed in order to promote reemployment of senior and middle-age workers, in consideration of the fact that many still need to work even after they have applied for old-age benefit. There exists the possibility of occupational injury regardless of the person's occupation. In many recent occupational accidents, victims involved were unable to claim occupational insurance payments, because they went back to work after having applied for labor pensions and their employers did not enroll them in the occupational injury insurance. The Ministry is therefore reminding insured units who employ such workers that these workers are still eligible for enrollment in the occupational injury insurance. This will ensure workers' rights to paid compensation for occupational injuries, while also reducing employers' burden with regards to compensation. This creates a win-win for both employees and employers.

The Ministry has continued to strengthen publicity efforts through various channels in order to prevent employers from not enrolling eligible workers because of unfamiliarity with the law. The Bureau of Labor Insurance has also taken the initiative to send out notices about the relevant regulations to insured units, in order to protect the interests of both employers and employees.

關鍵字：中高齡勞工、老年給付、職業災害保險
Key Words: Senior and Middle-age Workers, old-age benefits,
Occupational Injury Insurance

105年底外國專業人員在臺工作概況

2016 End of Year Overview of Foreign Professionals Working in Taiwan



在全球化的時代，優秀的人力資本是國家提升競爭力及產業發展的重要因素，各國除自行培育各項產業人才外，也積極延攬國際優秀專業人才，以厚植國家經濟實力。

一、105年底外國專業人員有效聘僱許可31,025人次，較100年底增4,227人次（約15.8%）。其中男性占77.8%，女性占22.2%；申請工作類別以「專門性或技術性工作」占5成8最多，其次為「補習班語文教師工作」占1成6。

二、外國專業人員以「日本」籍占2成8最多，其次為「美國」籍占1成7，二者合計約占4成5，「馬來西亞」籍則自101年起取代「加拿大」籍排名第3。

三、外國專業人員屬新南向政策之18個國家占2成7，其中以「馬來西亞」籍、「菲律賓」籍、「印度」籍居前3位，三者合計占6成9；以從事「專門性或技術性工作」占74.3%最多。

四、外國專業人員所從事行業以「教育業」占2成5最多，其次為「製造業」及「批發及零售業」。

五、外國專業人員工作地點集中於6都（臺北市、新北市、桃園市、臺中市、臺南市、高雄市）及新竹縣市，約占9成3。

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

I. As of the end 2016, the number of effective employment permits for foreign professionals was 31,025 persons, up 4,227 persons (or approximately 15.8%) as compared to the same period in 2011. Men made up 77.8% of the total; women, 22.2% of the total. The number of applications for "specialized or technical works" accounted for the largest block at 58%, followed by "full-time foreign teacher in cram school" at 16%.

II. By country, the largest group of foreign professionals was from Japan, which accounted for 28% of the total; this was followed by those from the United States, at 17%; these two countries alone accounted for approximately 45% of the total. Since 2012, the number of applicants from Malaysia has increased to replace Canada as the third largest group.

III. The number of foreign professionals from the 18 countries in the New Southbound Policy made up 27% of the total, with those from Malaysia, the Philippines, and India occupying the top three places, and combining to make up 69% of the total; of these, those engaged in "specialized or technical works" ranked the highest, at 74.3%.

IV. The number of foreign professionals in the education industry ranked highest at 25%, followed by the manufacturing and wholesale & retail trade industries.

V. The workplaces of foreign professionals are concentrated in the six cities of Taipei, New Taipei, Taoyuan, Taichung, Tainan, and Kaohsiung, as well as in both Hsinchu City and County, accounting for 93% of the total.

關鍵字：外國專業人員、有效聘僱許可、外國人在臺工作
Key Words: Foreign Professionals, Effective Employment Permit,
Foreigners Working in Taiwan



「顧安全 愛健康」106年職場安全健康週系列活動啓動

Ensuring Safety and Health--Kickoff of 2017's Workplace Health and Safety Week

為喚起國人對職場防災及勞工健康權益的重視與關懷，勞動部職業安全衛生署(以下簡稱職安署)配合「428世界職業安全衛生日」，於4月27日與高雄市政府勞工局合辦「職場安全及健康論壇」，共同揭開106年職場安全健康週序幕。

鄧署長子廉表示，近年勞工普遍面臨長工時及高工作負荷之壓力，為凝聚各界對職場防災與健康保護之共識，職安署每年於428前後辦理全國職場安全健康週系列活動，鼓勵各界共襄盛舉，共同打造安全衛生的工作環境。今年活動相當多元豐富，其中爭取在臺舉辦之「2017年第22屆亞洲職業衛生研討會(ACOH)」，由中華民國環境職業醫學會主辦，職安署等單位合辦，計有來自日、韓、新加坡等17位國外學者專家分享經驗，藉由汲取國際作法，提升我國推展勞工健康服務之成效。

職安署進一步強調，因應我國少子化、高齡化之趨勢，健康的勞動力，將為影響我國產業競爭力的關鍵，近3年職安署已陸續展開勞工健康服務制度的推動，近期亦著手修訂勞工健康保護規則有關規定；呼籲各界能與政府共同配合努力，為所有勞工朋友打造安全健康及友善的職場環境，以維護勞動者身心健康，確保國家永續競爭力。

關鍵字：全國職場安全健康週、世界職業安全衛生日、亞洲職業衛生研討會
Key words: National Workplace Health and Safety Week, World Day for Safety and Health at Work, Asian Conference on Occupational and Environmental Health (ACOH)

In order to raise public awareness for workplace accident prevention and workers' rights, the Ministry of Labor's Occupational Safety and Health Administration (OSHA) has, in recognition of the fact that April 28 is the World Day for Safety and Health at Work, co-organized the Workplace Health and Safety Forum on April 27 with the Labor Affairs Bureau of Kaohsiung City Government. Together, they jointly unveiled the beginning of the 2017's Workplace Health and Safety Week.

Director-General of OSHA Tzou Tzu-lien said that in recent years, workers have been dealing with the stress of long hours and higher workloads. In order to solidify consensus on the prevention of workplace accidents and on assuring workers' health, OSHA has hosted annually a series of National Workplace Health and Safety Week events on or around April 28. The administration encourages participation from all sectors so all parties can work together to build a safer and healthier work environment. There were a variety of events this year. Taiwan won the right to host the 2017 Asian Conference on Occupational and Environmental Health (ACOH), which was organized by the Taiwan Environmental and Occupational Medicine Association and co-organized by OSHA and other entities. Seventeen foreign scholars and experts from countries such as Japan, South Korea, and Singapore spoke in the forum. This forum drew on international practices to help enhance the occupational health services in Taiwan.

OSHA further emphasizes that an aging population and low fertility rates mean that ensuring a healthy workforce for the future will be the key to maintaining Taiwan's industrial competitiveness. In the past three years, OSHA has launched a system of workers' health services, and is planning to revise relevant provisions for worker health in the near future. The administration calls on all sectors to work together with the government to provide workers with healthy, safe, and friendly work environments in order to guarantee the physical and mental wellbeing of workers and to ensure sustainable competitiveness for the country.

勞動部訂定勞資爭議調解倫理規範， 建構不適任者之退場機制

Ministry of Labor Formulates Ethical Code for the Mediation of Labor-Management Disputes and Establishes Disqualification Mechanism for Unsuitable Mediators



勞動部表示，100年所修正施行之勞資爭議處理新法，已增設「調解人」機制，為能持續穩定爭議調處品質，業於近期修正通過「勞資爭議調解辦法」第24條之1，並訂定「勞資爭議調解倫理規範」，未來調解人如經地方主管機關查證有不當行為屬實且情節重大者，將可透過「調解人註銷證書審查小組」審議，以建立不適任者之退場機制，相信將能使調解制度持續獲社會大眾與勞資雙方當事人之肯定與信賴。

勞動部強調，除法制規範面外，去(105)年底亦完成「調解人不當行為態樣宣導短片」，並發送各地方主管機關使用，後續仍將透過各項宣導、訓練與研習等行政手段，持續教育調解人，務必讓我國爭議調解的服務品質，繼續在經濟快速基礎上，讓勞工權益得以確保。

The Ministry of Labor said that the 2011 amendment of the new Regulations for the Mediation of Labor-Management Disputes introduced the mechanism of mediators. In order to maintain the quality of dispute mediation and in accordance with the recently amended Paragraph 1, Article 24 of the Regulations for the Mediation of Labor-Management Disputes, the Ministry has formulated the Ethical Code for the Mediation of Labor-Management Disputes. In the future, if local authorities confirm misconduct in a mediator and find that the circumstances are serious, the matter will be passed on to the Mediator Invalidation and Certification Review Team for deliberation. This regulation establishes a dismissal mechanism for unsuitable mediators and ensures that the mediation system will continue to be trusted and its authority recognized by employers, employees, and the general public.

關鍵字：調解人、勞資爭議、倫理規範

Key words: Mediator, Labor Disputes, Ethical Norms

In addition to the legal amendments, the Ministry has created a short educational video, "Types of Inappropriate Mediator Conduct". The video has been sent to local authorities to assist them in spotting misconduct. The Ministry will continue to follow up and educate mediators via dissemination, training, workshops and other administrative methods. Quality mediation will continue to guarantee workers' rights while maintaining a foundation for rapid economic growth.