



Publisher	Wang, Ju-Hsuan
Editor-in-Chief	Pan, Shih-Wei
Editorial Committee	Lee, Lai-Hsi · Chung, Lin-Hui · Lee, Chung-Cheng
Executive editor	Huang, Sheng-Yun
Translation	Lax Kevin
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## Quarterly Focus

- ◆ Ministry of Labor Will Create A Future in which "Everyone Works with Dignity".



## Policies and Regulations

- ◆ For the protection of labor rights, establish a diverse and professional labor dispute resolution mechanism.
- ◆ Promoting Measures to Protect Atypical Labor Rights
- ◆ Corporate Nurseries Give Employees Peace of Mind
- ◆ Quality and Quantity Refinement through the National Skill Competition



## News Outlook

- ◆ Application requirements for employing home carers relaxed for people aged over 80 who are heavily dependent on care
- ◆ 6<sup>th</sup> Taiwan-Indonesia Labor Conference Comes to a Successful Conclusion in Bali



## Quarterly Focus

### Ministry of Labor Will Create A Future in which "Everyone Works with Dignity".

In the future, the Ministry of Labor will shoulder the mission of creating a user-friendly, safe, equal, and dignified labor environment, thus enhancing Taiwan's competitiveness of labor to allow the labor force a vision of "Everyone Works with Dignity" for the future.

#### Organizational Transformation of Executive Yuan: An Opportunity for setting up the Ministry of Labor

Labor administration should be able to adapt to the trend of the world and develop appropriate labor regulations to protect the labor standards, increase labor welfare, ensure workplace safety, and improve worker's quality of life. The organizational structure of the current Council of Labor Affairs (CLA) is broadly in line with the principles of the International Labor Organization (ILO). However, after some 20 years, there has been social changes and economic development, and Taiwan is faced with challenges of globalization, an aging population, low fertility rate, the labor market and industrial restructuring, rising unemployment rate, and prevalence of non-traditional forms of labor. With the increasing pressure of labor competition from the international community, CLA is expected to have to bear an even larger burden. In order to enhance

the national competitiveness of and strengthen the government's performance, CLA took the opportunity of organizational transformation to be upgraded to the Ministry of Labor. It is not only the consensus of the ruling and opposition parties but only embodies the government's attention to the labor force.

To be in line with the expectations of the society, the restructuring process started from the perspective of macro scope and was forward-looking and innovated; they conducted a comprehensive and systematic review and planning session of the organization. The Ministry of Labor hopes to use an administrative organization with a professional team and streamline performance and prioritize in labor to execute the labor administration functions to create a safe yet competitive labor environment for all.

#### Ministry of Labor- Innovation and Transformation

In response to the trend of the times, the future Ministry of Labor has the following issues to be handled with priority:

1. Development and utilization of human resources is a priority issue that will enhance the country's competitiveness.

With the advent of the era of economy of knowledge and economy of innovation, human resources have become the core to promoting economic growth and competitiveness. ►►

Countries around the world are adjusting administrative organizations of labor or human resources departments, taking importance in innovation, development, and nurturing of talents in order to improve national competitiveness. Human resources are Taiwan's most precious asset. Policies relating to training and development of human resources will be the government's future priority issues.

## 2. In face of labor market flexibility, the most urgent task of the government is to reduce the impact of economic changes.

In face of globalization and labor market flexibility, increasing unemployment rates, worsening of income distribution, employment instability, and other negative effects gradually emerging, it is the most urgent task for the government to be dedicated to improve employment security and reduce the impact of economic changes on labor.

## 3. The government should have new thinking and action in response to the impact of atypical forms of labor on traditional labor-management relations.

Atypical forms of labor have been prevalent in recent years, affecting traditional labor-management relations. The interaction of a labor-management relation is different from the way it was. The government should be innovative and act to protect labor rights and industrial disputes, and adjudicate and arbitrate improper labor behaviors.

## 4. In response to the advent of an aging society, the government should endeavor to enhance the economic security for retired workers.

In response to changes in the population structure due to aging and low fertility rate, ensuring economic security for retired workers and enhancing strategies of human resource development in response to possible crisis of lack of labor force are issues the government cannot ignore.

In response to these challenges, the Ministry of Labor, in addition to strengthening the core functions of the existing Council of Labor Affairs, should carry out large scale innovations and reformations to meet the demand of socio-economic changes:

### 1. Strengthening planning of labor force policies and labor force development work

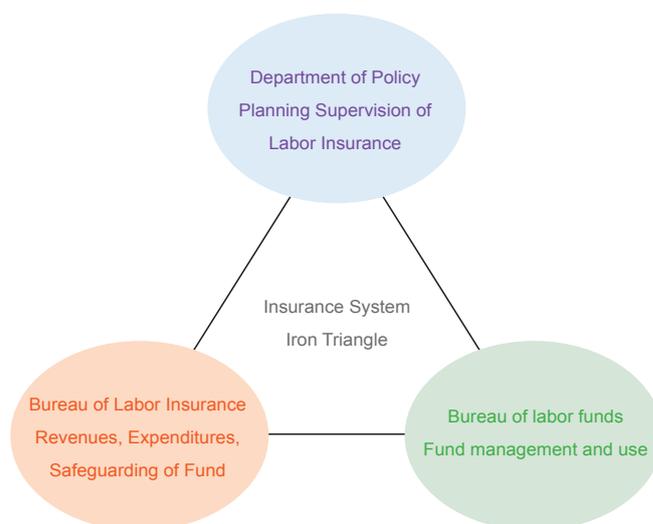
- (1) Adding the Labor Force Planning Department : Human resources are Taiwan's most precious asset as well as the fundamental of national competitiveness in the era of knowledge economy. In response to the trend of globalized international competition, the Ministry of Labor added the Labor Force Planning Department. With labor force use, upgrade and development strategies the development directions, the duties of the Department are prediction of demand and supply of labor force, assessments, and planning of labor force development and use strategies, promotion of labor force core functions framework, establishing skills assessment certification system, and overall planning for employment promotion and entrepreneurship assist policy. Strengthening inter-ministerial coordination and integration, the Department will play the role of a locomotive for national labor force policy planning.
- (2) Setting up the Workforce Development Agency : For effective implementation of the policies planned by the Labor Force Planning Department of the Ministry of Labor and strengthening of execution energy of programs and plans, the Bureau of Employment and Vocational Training will expand its functionality in the future and transform into the Workforce Development Agency. The organization of the Workforce Development Agency integrated the functions of six vocational training centers and five employment services centers into five branches to unify the organizational system, localize services, and build a concise service network. Thus the employment information between employers and employees will be more open, well-rounded, and transparent. It is expected to fully utilize the workforce to promote sustainable development of workforce.

## 2. Establishment of a Professional Research Institute of Labor Health and Safety

To make the planning of labor policies more professional, forward-looking, and macroscopic, the Ministry of Labor will expand the tasks and preparations of the current Institute of Occupational Safety & Health and establish Institute of Labor Occupational Safety and Health. The institute will become a think tank for national labor safety and health and a national labor safety and health technology center. Apart from grasping the overall international trend and pioneering in research against socio-economical changes and economic and trade impact, they will also conduct multinational research of various policies and systems, including safety and health, the labor market, human resources, employment security, and labor-management relations. The institute has professional manpower to carry out problem-oriented applied research, which will be their most powerful backup force for policy planning.

## 3. Establishing insurance system organization and management iron triangle

For the unity of the labor insurance policy and its supervision and to avoid needless duplication of organizational functions, the specialized supervisory authority will be abolished. Instead, the current supervisory duties of Labor Insurance Supervisory Committee will be incorporated into the Insurance and Retirement Well-being Department of the Ministry of Labor, closely integrating decision-making planning and oversight functions to streamline the organization. Moreover, to centralize the degree of professionalism within the organization, improve management efficiency, and achieve the effect of economies of scale, the Ministry of Labor will handover the management and use of seven major labor funds to the Bureau of Labor Funds. By this, they expect to achieve the comprehensive benefits such as sharing of research resources, integration of information system, more bargaining room, and strengthening external asset management's use of control mechanism to enhance long-term performance of labor funds. In the future, the Bureau of Labor Insurance will be restructured into third-level administrative agencies from the current organization to be responsible for income and output and management of labor insurance, so that the general public and workers can feel more at ease and have trust in the fact that the government is assuming unlimited liability for labor insurance business.



## 4. Adding the Labor Legal Affairs Department to perfect ruling and arbitration mechanisms of wrongful labor practice.

To safeguard the workers' right to associate, form unions, and negotiate and prevent employers from improper interference, our nation's labor dispute arbitration system will be drastically

reformed; ways of dispute processing will be increased, an arbitration Committee will be established at the Ministry of Labor, a specialized ruling and arbitration section will be set up in the Legal Affairs Division to assist the arbitration panel in handling various cases of wrongful labor practice and case investigations. In the future, such mechanisms will lower the risk for workers during setting up, organizing, and negotiating so the three basic labor rights are exercisable with thorough protection. The new arbitration system and the reformation in the labor dispute arbitration system will make legal system for collective labor-management relations more complete. They will have a positive influence on the development of labor-management relations.

## The Strategic Objectives of the Ministry of Labor

After the restructuring the Ministry of Labor will provide comprehensive services to workers with their professional team, streamline performance, and a new profile of priority in labor. Additionally, they will set macroscopic and forward-looking strategic goals to achieve their mission of "creating a work environment of humanity, safety, equality, and dignity and improving Taiwan's labor competitiveness" and the organization's vision "everyone has the dignity of work".

### 1. Strengthen development and use of the workforce and improve national labor competitiveness.

- (1) Develop skills standards and set up a skills certification system.
- (2) Review current skills assessment categories to comply with industrial transformations and adjustments.
- (3) Grasp international labor trends to enhance prediction and assessment of workforce supply and demand in Taiwan.
- (4) Review in a timely manner foreign labor force policies and employment permit management policies.

### 2. Construct a complete employment safety net and promote the sustainable development of the labor force.

- (1) Integrate the employment services and vocational training systems and promote a unified system and service localization.
- (2) Implement various employment promotion programs to develop diverse employment opportunities.
- (3) Strengthen vocational training services and provide diverse pre-employment training.
- (4) Review regulations regarding unemployment benefit and underwriting and improve the employment insurance legal system.

### 3. Strengthen retirement and insurance systems to ensure economic security of workers.

- (1) Construct optimal investment and use configuration for retirement and insurance funds.
- (2) Review the expansion of the scope of application of the new labor pension system and the insured object of labor insurance.
- (3) Continue to review age of retirement and relevant payments.

### 4. Improve labor legal system and enhance the quality of work life.

- (1) Continue to expand the scope of application of the Labor Standards Law and periodically review the basic wage.
- (2) Formulate legal systems for part-time work, labor contracts, and labor dispatch to protect the rights and interests of non-traditional workers.
- (3) Establish a labor occupational injury and disease reconstruction legal system to ensure stability of basic life.
- (4) Promote implementation of a ruling system for wrongful labor practice to safeguard the three basic rights of workers.

### 5. Implement gender equality and discrimination in employment prohibition norms to ensure equal opportunities for workers.

- (1) Promote a friendly work place and balance between work and family.
- (2) Integration of a complaints systems of employment discrimination and gender equality and formulate a legal system for work equality.
- (3) Strive to eliminate various kinds of employment discrimination and obstacle for elderly people, women, people with disabilities and other disadvantaged groups.

### 6. Create a safe and healthy work environment to protect workers' physical and mental health

- (1) Construct a national occupational health and safety system.
- (2) Promote an authentication mechanism for occupational safety and health management systems.
- (3) Construct comprehensive labor health care systems.
- (4) Strengthen the prevention of occupational accidents and the investigation, identification, and authentication mechanisms of occupational diseases.

### 7. Promote social dialogue and harmonious labor-management partnership.

- (1) Actively promote industrial democratic mechanisms in various enterprises.
- (2) Promote social dialogue between industries and locals and gradually construct a national social dialogue mechanism.

## Creating a future in which "everyone works with dignity".

The Ministry of Labor envisions for others a beautiful vision of the working life—to create a future in which "everyone works with dignity." When people choose to enter the workplace, they shall be given sufficient employment opportunities; work-related rights shall be protected; they shall obtain enough income and, at the same time, receive full social security to make life stable and keep them away from poverty; everyone can utilize her abilities and become an entrepreneur; they can obtain new technical skills and maintain their physical and mental health; they can take care of both family and work; women in the workplace will be treated equally and take control of their own working life and not be discriminated. This is work with dignity.



## Policies and Regulations

# For the protection of labor rights, establish a diverse and professional labor dispute resolution mechanism.

The nation's "Act for Settlement of Labor-Management Disputes" was established for the resolution of industrial disputes, protection of labor rights and stabilization of employment relations. The Act, since its revision and implementation on June 27, 1988, has only two minor fixes in July 1990 and May 2002, respectively. With the domestic political, economic, and

social changes, the original system framework and content have become insufficient for current needs. Thus the Council of Labor Affairs actively promoted amending the law, which was considered and passed by the Legislative Yuan in 2009 and came into effect on May 1, 2011. The amended points are as follows:

1. Add the mediator system to achieve the purpose of creating an industrial dispute resolution mechanism that is speedy, economic and protects the rights of workers.
2. To truly safeguard the workers' rights of solidarity and consultation, wrongful labor practice is quickly ruled out, normal operation of collective labor-management relations is restored and relevant provisions of the ruling mechanism for wrongful labor practice are added.
3. Waive labor judicature fee and security deposit.

The new Act for Settlement of Labor-Management Disputes has been in effect for a year and has remarkable influence on the effectiveness of industrial dispute resolution in the nation:

#### 1. New law adds a mechanism for sole mediators.

In the past, when local competent authorities received cases of request of mediation, they could only work through mediation committees to resolve disputes. For industrial dispute cases that are rather simple or involve small amounts of money, a mediation committee became very cost ineffective having so many people and so much time involved. Additionally, each local labor administration competent authority entrusted private organizations to conciliate employers and employees. When conciliating for a non-statutory dispute settlement mechanism, the parties are not subject to the protection of the Act for Settlement of Labor-Management Disputes even if the conciliation was settled.

For these reasons our government established a diverse and professional mechanism for industrial dispute resolutions to improve its effectiveness in industrial dispute resolutions. The new law included a mechanism for "sole mediators" and clearly specified the qualification of sole mediators. It is expected to resolve dispute between employers and employees in a more speedy, economic, professional manner as well as protect the rights of workers, forming a parallelism between sole mediators and mediation committee. Compared to a rate of successful mediation of 54% in 2010, out of 12,422 dispute cases handled by sole mediators, there is an average of 60% success rate. The figures showed the successful transition from conciliators to sole mediators system, which handle more than 70% of all cases. The rate of success is higher than that of mediation committees and conciliation cases in the past. We can see that sole mediators system is gradually accepted by our citizens and has established its professionalism and trust in industrial dispute resolution and plays its function of rapid resolution of industrial disputes.

#### 2. The new law adds "unfair labor practice ruling system."

Taiwan's "Act for Settlement of Labor-Management Disputes" prohibits unfavorable treatments given to workers for exercising statutory rights and requirements to sign the "yellow-dog contract" and added unjustified refusal to negotiate as an unfair labor practice to the Collective Agreement Act. It is a result of past cases in which employers infringed on the labor unions and basic rights of collective labor, the appearance was of an individual labor contract dispute, e.g., dismissal, transfer, etc. when the employee was in fact preventing workers from exercising the three basic labor rights.



▲ The government actively protect worker rights and stabilizes labor relations.

Facing such acts of employers, workers could only seek settlement through industrial dispute mediation or judicial litigation in the past. Judicial proceedings are often drawn out and thus judicial means are very time consuming. However, with the new addition to the law "unfair labor practice ruling system," rulings can be decided with three to five months. By August 8, 2012, the ruling committee has received 74 cases of ruling application. 33 of all the cases have been ruled and eight cases of application have had a settlement facilitated by the ruling committee during the trial. The ruling system has achieved the effect of repairing labor disagreements, restoring collective labor-management relations to normal operation, and thus promoting harmonious labor-management relations and ending disputes.

#### 3. The new law begins labor lawsuit reform.

To assist labor bring lawsuits, the Council of Labor Affairs also proceeded with labor lawsuit reform in the new law and formulated a special chapter on "temporary reduction of expenses of lawsuits and orders of compulsory execution". The new chapter stipulates that for lawsuits filed by workers or labor unions for acknowledgement of employment relationship or regarding payment of wages, half of the judicature fee is temporarily waived, and security deposit is reduced for workers applying for provisional seizure regarding issues with payment of wages, reducing the expenses that labor has to bear to bring a lawsuit and thus reducing obstacles to labor seeking to resolve a dispute with an employer. Also, the central competent agency has established a fund to provide financial assistance to help labor bring lawsuits and cover necessary living expenses and arbitration fees.

#### 4. Handling Sole Mediator Training

In order to ensure that the new law is implemented completely and developed effectively the Council of Labor Affairs held sole mediator trainings in 2011 and 2012. Next year (2013) training will continue the mediator's professional skills.

Looking to the future, the Council of Labor Affairs will continue to review and promote related mechanisms for handling such issues, forging ahead in the quality and balanced development of our country's labor-management relations handling systems, allowing labor disputes to be resolved more efficiently and professionally.



## Policies and Regulations

# Promoting Measures to Protect Atypical Labor Rights

In the last two or three years every aspect of society has been deeply concerned with the issue of labor dispatch. The Council

of Labor Affairs always values labor rights. In response to the rising use of dispatch labor, the Council of Labor Affairs on one

hand reminds the industry to pay attention to relevant laws and regulations by way of administrative guidance, and on the other hand hopes to investigate and punish violators, thus moving forward with implementation of the laws and regulations.

According to the Statistical Analysis of Manpower Utilization Survey performed by Directorate-General of Budget, Accounting and Statistics, the number of workers engaged in temporary employment or dispatch labor from 2008 to 2011 is 480,000, 508,000, 525,000, and 518,900 respectively. It seemed to increase each year except that the number from 2011 was less than the previous year by 6,100. The Statistics on Salaries and Productivity released by the Directorate-General of Budget, Accounting and Statistics shows the average salary for dispatch laborers in 2011 was 34,291 dollars. Though lower than the average salary of 45,642 dollars for regular employed workers, between 2009 and 2011 the average salary for dispatched laborers grew 9.69%, higher than the growth rate of 8.22% for regular employed workers. We can see that the salaries for dispatch laborers are not low or at minimum wage, as some people have suspected.

Minister of the Council of Labor Affairs, sent out a letter in 2012 to all dispatch companies in the nation, in which she wrote: "A dispatch company fulfilling its legal responsibility is cherishing every worker. When workers' interests are safeguarded, they can work with peace of mind and improve work efficiency!" Workers are a company's greatest assets. It is the Council of Labor Affairs' greatest expectation that employees and employers are in a win-win situation.

The Council of Labor Affairs reminds everyone again that the manpower supply industry became subject to Labor Standards Act on April 1, 1998 and that dispatch business units are obligated to comply to relevant laws and regulations of the Labor Standards Act. Also because of this, the Council of Labor Affairs emphasizes that dispatch businesses are absolutely prohibited from requiring dispatch laborers to pay for their own

labor or health insurance or the 6% fee for early withdrawal of retirement fund, or sign illegal termed labor contracts with dispatch laborers. Besides enacting and announcing "items that should and should not be on a dispatch labor contract", "reference template for contracts between dispatch business units and receiving units", "guiding principles for dispatch labor rights" and other relevant laws and regulations and reminds practitioners of them, Council of Labor Affairs also conducts projects of investigations on dispatch labor to manifest its stance of protecting the rights and interests of dispatch laborers.

The CLA spot-checked 500 dispatch business units in 2012; it was the biggest labor inspection in its history. When the results of inspections came out, the violators were required to make improvements immediately and were referred to local competency authorities to be tried and punished according to law to urge the dispatch business units to obey the law with exactness.

Regarding the outsiders' concern on the progress of the work of dispatch labor legal protection system, the CLA expressed that it is now actively strengthening communication with different employers and employees organizations and striving to resolve the discrepancy between them. It hopes to complete as soon as possible the application of the principle of "equal treatment" for dispatch laborers to strengthen protection of rights of dispatch laborers and increase employer's liability of receiving companies. Additionally, it will set a reasonable limitation to units using dispatch labor and the duties and working time for the dispatch laborer to achieve the purpose of safeguarding the rights of dispatch laborers and promoting employment security.

If you have any questions regarding labor laws, you may consult at a nearby county or city government competent authority of labor affairs or contact the CLA by telephone at (02)8590-2866. We will serve you with sincerity and provide you with accurate labor law information.



## Policies and Regulations >>>

# Corporate Nurseries Give Employees Peace of Mind

As time passes and socio-economic environment changes, double-income families have become more and more common as both husband and wife enter a competitive workplace to improve the quality of life and provide a better environment for their children to grow up in. However, balancing parental responsibilities and work performance is a difficult task; from time to time we hear stories of workers burning the candle at both ends: if they are too focused on work, the parent-child relationship will be jeopardized; if they give full attention to child's health and schooling, they will not be able to have outstanding performance at work. In order to address the needs of modern society, the Council of Labor Affairs has counseled enterprises in recent years to set up childcare facilities and measures in hope of giving the workers a friendly workplace that gives them peace of mind at work and at the same time allows them to care for their family.

## Positive Benefits of Provision of Childcare Services by Enterprises

When enterprises provide childcare facilities or measures, they allow employees not to have to worry about the care of their children when are working hard and reduce the employees' frequent need to handle the placement of their children and affecting their work performance. Many studies of

the international community have pointed out that enterprises providing childcare services have a positive effect on both the enterprises and employees.

### 1. The Positive Effects on Enterprises

- (1) Attracts talented people and lowers the cost of recruiting employees.
- (2) Retains talented people and reduces the cost of new staff training.
- (3) Reduces employee absenteeism and loss of work days and improves average productivity.
- (4) Improves work performance. Employees will be more focused at work and have higher morale.
- (5) Enhances the social image of enterprise and employee loyalty.

### 2. Positive Effects on Employees

- (1) Reduces employee stress caused by not being able to coordinate work and caring for their children.
- (2) Employees can have a more stable career planning.
- (3) Helps employees enhance quality of family life and parent-child relationship.
- (4) Reduces the chance of an employee being forced to leave their job because of their inability to take care of family and

life responsibilities.

(5) Helps put employee gender equality into practice.

## Counseling and Grants for Enterprises to Set up Childcare for Employees

When both the workers' family and work are taken care of and there is nothing to worry about, not only their sense of identity of the company is strengthened, they are more dedicated to work hard for the company and maximize the energy in work. To encourage enterprises to care for employees' family needs and create a friendly childcare environment, the Council of Labor Affairs of the Executive Yuan, pursuant to Article 23 of the Gender Equality in Employment Act that requires "employers who have 250 or more employees should set up childcare facilities or provide appropriate childcare measures", formulated the "Regulations of Subsidy and Establishment Standards for Child-Care Facilities and Measures". The regulations encourage employers to organize childcare services to solve employees' need for childcare and help them to reconcile family life and work by way of subsidizing employers to organize childcare facilities or measures.

### 1. Childcare Facilities

Employers set up childcare service institutions on their own or in joint manner.

- (1) Companies that set up childcare facilities and register them receive a subsidy of up to NT\$2,000,000 for the establishment.
- (2) Companies that register existing childcare facilities shall receive a subsidy of up to NT\$500,000 per year for improvement or renovation.

### 2. Childcare Measures

Employers entrust registered childcare service institutions by contract to provide childcare services and give allowances to employee's children attending kindergarten. They receive a subsidy of up to NT\$300,000 per year.

### 3. Joint Childcare

To encourage companies to organize childcare services, the Council of Labor Affairs amended the "operation guidelines for subsidy for childcare facilities and measures" on June 5, 2012 by the addition of the "joint childcare" subsidy project. Companies with childcare facilities can sign contracts with other companies to receive the children of employees. Participating companies



▲ The government actively provides guidance to help enterprises establish nurseries for employees' children.

of joint childcare can apply for subsidy for childcare facilities and measures according to provisions of the "Regulations of Subsidy and Establishment Standards for Child-Care Facilities and Measures."

Since the initiation of subsidy for corporate childcare services in 2002, the Council of Labor Affairs have subsidized corporate childcare facilities 268 institution-times, corporate childcare measures 483 institution-times, for a total subsidy amount of over NT\$112,000,000.

## Conclusion

With the resources of enterprise-supported childcare services and childcare subsidy provided by the government, enterprise childcare services have considerable benefits on both the enterprises and employees whether from the aspect of the system or the practice. Not only is the quality of labor force improved and a high-quality labor relation is established, employees' stress from childcare and family responsibility is also reduced. Employees will not have to run around as much for family matters but have more quality time to spend with family. Most importantly, our next generation can enjoy growing in parents' care and love; their sense of security, learning ability, and family relationships can all benefit from it. The meaning and value derived from enterprise nurseries is absolutely expected by the society.



## Policies and Regulations

# Quality and Quantity Refinement through the National Skill Competition

To encourage the citizens to participate in vocational education and vocational training, the Council of Labor Affairs has, through competition-type activities, promoted social attention that has aroused general interest. At the same time, the Council has also reviewed the teaching achievements of vocational education and vocational training and improved the skill level of technical staff through mutual consultations and observations to become the main force of the country's economic and social construction.

Since 1968, the Council of Labor Affairs has organized

national skill competitions regularly each year. All vocational training institutions, vocational schools, and industrial and commercial enterprises enthusiastically nominated players to participate in the competitions. Regional skill competitions are held at the beginning of each year when the first five per category are re-nominated to participate in the National Skill Competition. With about 500 units, or almost 12,000 participants, the National Skill Competition is considered a grand annual event for vocational training and technical education.

In coordination with the 42<sup>nd</sup> WorldSkills Competition held in

Germany in 2013, the Council of Labor Affairs, in addition to organizing the National Skill Competition, also conducted a competition to select participants in the WorldSkills Competition this year (2012). To motivate outstanding players, the Council specially increased rewards for the WorldSkills Competition: the money prize for a gold medalist is increased from NT\$500,000 to NT\$1,000,000 and silver medalist from NT\$400,000 to NT\$500,000. More talented players are expected to participate in skills competitions in the future.

The 42<sup>nd</sup> National Skill Competition regional qualifying competitions were held on May 11–13, 2012. They were conducted by Taoyuan Vocational Training Center (North District), Central Vocational Training Center (Central), and Tainan Vocational Training Center, respectively, of Bureau of Employment and Vocational Training, Council of Labor Affairs for a total of 2,815 contestants. 668 top-five winners from each category in each regional competition were selected. Along with 17 winners from the national secondary school students' skills competition and 109 previous winners from the 42<sup>nd</sup> WorldSkills Competition regional qualifying competitions, a total 794 people participated in the 42<sup>nd</sup> National Skill Competition and 42<sup>nd</sup> WorldSkills Qualifying Competition held at the Central Vocational Training Center on August 1 – 6.

The winners of the National Skill Competition receive a prize of NT\$80,000, the second place finishers receive NT\$60,000 and the third place finishers NT\$40,000. The top five finishers are issued certificates of merit. In addition to all of this, those students that finished above the middle grade are selected to be—according to direct admissions regulations—directly admitted to college, a vocational school, technical colleges, or a relevant program at a university without taking exams. In addition, according to the Article 11 of the Technician Certification of Professional Skills, those contestants in the National Skills Competition with passing grades may be awarded a proof of exemption for technical subjects; according to the provisions they must receive a skills assessment of a level B or C within three years to receive a proof of exemption.

Although the National Skill Competition has already come to an end, the 132 contestants still have a difficult battle ahead of them, because following is the second stage of the Worldskills



▲ The Council of Labor Affairs holds regular national competitions that provide an opportunity for exchange and mutual learning.

Competition national qualifying competition from September 21–23. After the competition the finalists will be chosen to represent our country and attend the 2013 42<sup>nd</sup> Worldskills Competition held in Germany.

The WorldSkills Competition is held once every two years and each member nation can apply to play host. It has been held 41 times. Our country has participated in the competition since the 20<sup>th</sup> was held in 1970, and every time we do so display excellent academic performance well received by the international community. Most notably, the 32<sup>nd</sup> WorldSkills Competition was held in Taipei from July 19 to August 2, 1993; 24 countries took part in the grand event.

The most recent 41<sup>st</sup> WorldSkills Competition was held in London from September 28 to October 10, 2011. Our country sent 43 contestants to participate in 38 different categories in the event, taking one gold medal, four silver medals, three bronze medals, and 15 honorable mentions. This put us in 8<sup>th</sup> place in the total medal count. Other than these honors, the delegation also returned with the friendship of the 48 participating countries and professional skills that moved forward in step with the international community.



## News Outlook

# Application requirements for employing home carers relaxed for people aged over 80 who are heavily dependent on care



▲ The government has relaxed regulations to meet the care service needs of elderly people over 80 years old.

On September 17 the Council of Labor Affairs announced amendments to Article 22 of The Reviewing Standards and Employment Qualifications for Foreigners Engaging in the Jobs Specified (The Standards below). From September 19, 2012 people aged over 80 who assessed by a doctor and judged to be heavily dependent on care can apply for a foreign home carer according to the regulations.

The CLA said that before the revision of Article 22 of the standards was announced, a person of any age with a certain serious disability or judged by a team of doctors to need 24 hour care could apply for a foreign carer when a long-term care management center could not arrange a Taiwanese carer. To meet the service needs of people over 80 years old and prevent accidents and to give suitable care to the elderly to delay the onset of serious incapacity, easing the burden on families, under the principles of not damaging the development of the long-term care system in Taiwan and using foreign labor to supplement local labor, the foreign carer application qualifications for people aged over 80 years of have been adjusted.

The CLA explained that, in accordance with amended Article 22 of The Standards, a person over 80 who is judged by a specialist hospital doctor and judged to be heavily dependent on care can apply for a foreign home carer; in accordance with the amendment of Article 22, revision of The Basic information form for applying for a foreign home carer were announced and came into effect on September 19, 2012; the Department of Health is currently revising the related diagnosis certificate.

Thus, from when the standards came into effect on September 19, 2012, a person over 80 years of age who is judged to be heavily dependent on care can apply for a foreign home care within 60 days of the issue of a diagnosis certificate. If a hospital is unable to provide the revised form the original diagnosis form will be used for the assessment and then checks carried out by a long-term care center under the Department of Health and the CLA in accordance with the related assessment form.



## 6<sup>th</sup> Taiwan-Indonesia Labor Conference Comes to a Successful Conclusion in Bali

The Council of Labor Affairs was invited to take part in the Sixth Taiwan-Indonesia Labor Conference in Bali on September 12, 2012, to discuss ways to strengthen Taiwan-Indonesia labor affairs exchange. The two sides exchanged opinions and reached a consensus with regards to lowering the loan interest rate and administration fee for Indonesian workers travelling to Taiwan to work and to expand the scope of direct employment, and it is expected that a firmer foundation will, as a result, be laid for future Taiwan-Indonesia labor cooperation.

It was Indonesia's turn to hold the Taiwan-Indonesia Labor Meeting. Lin San-gui, director of the CLA's Bureau of Employment and Vocational Training, led the CLA delegation. The conference was jointly chaired by Director Lin, Ambassador Andrew Li-Yan Hsia of the Taiwan Representative Office in Indonesia, Moh Jumhu Hidayat, the director of the National Agency for the Placement and Protection of Indonesian Overseas Workers, and Representative Mr. Ahmad Syafri of the Indonesia Economic & Trade Office in Taipei. At the opening of the meeting, Director Lin thanked Indonesia for its contribution to Taiwan's economic development and family care and said that taking care of Indonesian workers in Taiwan and ensuring they return home safely are directions in which Taiwan is making every effort.

During the conference the two sides discussed the introduction of Indonesian labor and their management and the following main conclusions were reached:

### 1. Continue to promote direct employment

Both sides agreed to move in the direction of expanding the scope of direct employment (including manufacturing workers, construction workers and institutional carers) and to continue promoting a cooperation proposal for the direct employment of Indonesian workers, to assist employers introduce Indonesian labor using a direct employment method.

### 2. Continue to coordinate the lowering of the administration fee and loan interest rate for labor going to work in Taiwan

To protect the work right of Indonesia workers, Indonesia agreed to continue to lower the administration fee and loan interest for Indonesian labor traveling to work in Taiwan, to make such workers who go to work in Taiwan a second time exempt from the mandatory loan requirement, to review and clearly state the overseas labor mandatory loan process, and to provide related information that can be disseminated amongst Indonesian workers in Taiwan by related agencies.

### 3. Indonesia agrees to review the reasonableness of the verification fees

With respect to the excessive fee charged by the Indonesian Economic and Trade Office in Taipei for verifying labor agreements, the Indonesians agreed to review the reasonableness of this fee.

### 4. Continue to reduce the percentage of Indonesian workers who abscond

With regards to the issue of Indonesian workers who abscond,



▲ The Taiwan-Indonesia Labor Conference laid down the foundation for better cooperation in the future.

both sides agreed to continue to reduce the percentage of Indonesian workers who abscond according to the Plan to strengthen the management of overseas workers and reduce the number of workers who abscond. Also, the two sides agreed to formulate restrictions that will be imposed on agencies that have an excessively high percentage of workers who abscond, to strengthen the checking of the identities of Indonesian workers who go to work in Taiwan and to formulate more effective incentives or related measures to solve the problem of workers absconding.

### 5. Strengthen infectious disease checks

To prevent Indonesian workers bringing infectious disease into Taiwan, Indonesia agreed to look into adding a stool examination for parasites when pre-work training is carried out, to continue to strengthen hygiene education and to review the equipment of hospitals that carry out entry health checks for overseas workers.

The conference came to a successful close jointly chaired by Director Lin, Ahmad Syafri and Andrew Li-Yan Hsia, meeting minutes were signed and both sides agreed to actively plan matters relating to the consensuses reached during the meeting.

In addition, to strengthen the pre-work training of overseas home carers, during the conference period, the CAL planned for representatives of Taiwan's Ministry of Interior and Department of Health to visit an institute that provides pre-work training to home carers who will go to work overseas. These representatives paid a visit to one such institute in Surabaya on September 13 and acquired an understanding of the pre-work training provided to Indonesian overseas workers which will be used as a reference when promoting the strengthening of oversea carer pre-work training institutions in the future to raise the level of care quality received by people who are cared for in Taiwan. ❀

發行人 王如玄  
 總編輯 潘世偉  
 編輯委員 李來希、鐘琳惠、李仲辰  
 執行編輯 黃聖紘  
 英譯 賴凱文  
 發行所 行政院勞工委員會  
 地址 10346臺北市大同區延平北路2段83號9樓  
 編輯製作 台灣經濟研究院  
 電話 02-25865000  
 編者註 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

## 專題報導

- ◆「勞動部」打造「人人有尊嚴工作」的未來



## 政策法規

- ◆ 為保障勞工權益，建構多元、專業之勞資爭議處理機制
- ◆ 推動非典型勞工權益保障措施
- ◆ 企業托兒，員工安心
- ◆ 量質精進 辦理全國技能競賽



## 新聞瞭望

- ◆ 80歲以上有嚴重依賴照護需要者 放寬申請外籍家庭看護工資格
- ◆ 第6屆臺印勞工會議於印尼峇里島圓滿完成



## 專題報導

### 「勞動部」打造「人人有尊嚴工作」的未來

未來「勞動部」將肩負「打造人性、安全、平等、尊嚴勞動環境，提升臺灣勞動競爭力」的使命，許勞工一個「人人有尊嚴工作」的未來願景。

#### 行政院組織改造：勞動部成立的契機

勞工行政應能順應世界潮流，制定合宜的勞動法制，以保障勞動條件、增進勞工福祉、確保職場安全、提升勞工生活品質。現行行政院勞工委員會組織架構大致符合國際勞工組織的原則，但20餘年來，經過社會變遷、經濟發展，臺灣面臨包括全球化、人口老化、少子女化、勞動市

場及產業結構轉型、失業率攀升、非典型勞動型態盛行等之挑戰，來自國際社會勞動力競爭壓力日益增加，勞工委員會被期待擔負更多的責任。值此組織改造之際，為提升國家競爭力，強化政府的治理績效，勞工委員會升格為「勞動部」不僅是朝野的共識，更是政府對勞工重視的體現。

為符合社會的期待，改組過程中勞工委員會從宏觀、前瞻、創新的角度出發，對組織做全面且系統性的檢討規劃，勞動部期能以一個專業團隊、精簡效能、以勞工優先的行政組織，發揮勞工行政功能，為全民打造一個既安全又具有競爭力的勞動環境。

## 勞動部的創新與變革

順應時代潮流，未來勞動部有以下應優先處理之議題：

### 一、人力資源的開發運用是國家提升競爭力必須優先考量的議題

隨著知識經濟及創新經濟時代來臨，人力資源已成為帶動經濟成長及競爭力的核心，世界各國均調整勞動或人力部門行政組織，重視人才之創新、開發與培育以提高國家競爭力；人力資源是臺灣最珍貴的資產，人力資源政策的規劃及勞動力培育、訓練、發展將是政府未來優先處理的議題。

### 二、面對勞動市場彈性化，降低經濟變遷的衝擊是政府的當務之急

面對全球化及勞動市場彈性化，失業率攀升、社會所得分配惡化、勞工就業不穩定等負面效應逐漸浮現，因此，致力提升勞工就業安全保障，降低經濟變遷對勞工的衝擊，是政府的當務之急。

### 三、非典型工作型態衝擊傳統勞資關係，政府應有新思考與作為

近年非典型工作型態盛行，傳統勞資關係受到衝擊，勞資關係互動有別以往，政府對於勞動者權益的保障及勞資爭議、不當勞動行為裁決與仲裁都應有一番新的思考與作為。

### 四、因應高齡化社會來臨，政府應致力提升勞工退休後經濟安全保障

高齡化、少子女化的趨勢，人口結構變動，保障勞工退休後的經濟安全，並加強人力資源開發策略，以因應可能面對之勞動力不足危機，成為政府不可忽視的議題。

為因應以上挑戰，勞動部除應強化現有勞工委員會核心職能外，更應有大破大立的創新與變革以因應社會經濟情勢變遷需求：

#### 一、強化勞動力政策規劃及勞動力發展業務

(一) 增設勞動力規劃司：人力資源是臺灣最珍貴的資產，也是知識經濟時代國家競爭力的根本。為因應全球化國際競爭趨勢，勞動部增設勞動力規劃司，以勞動力運用、提升及開發為策略發展方向，職司勞動力供需預測、評估、勞動力發展及運用之政策規劃、勞動力核心職能架構的推動及技能檢定認證制度的建立，並整體規劃就業促進與創業協助政策，強化跨部會的協調、整合，扮演全國勞動力政策規劃火車頭。

(二) 設置勞動力發展署：為有效落實勞動部勞動力規劃司規劃的政策，強化方案及計畫執行動能，未來將職業訓練局擴大功能，轉型為「勞動力發展署」。勞動力發展署之組織將原職掌分屬 6 個職業訓練中心

及 5 個就業服務中心的業務，整併成 5 個勞動力發展分署，使組織體系一元化、服務地方化，建構精實的服務網絡，讓勞雇雙方的就業資訊更公開、健全、透明，以期勞動力充分運用，促進勞動力永續發展。

#### 二、建立專業之勞動及安全衛生研究機構

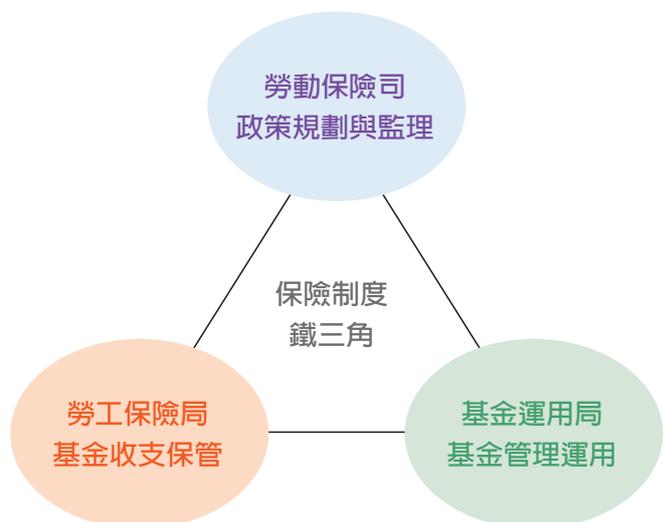
為使勞動政策之擬定更專業、前瞻與宏觀，勞動部將擴大原勞工安全衛生研究所任務及編制，成立「勞動及安全衛生研究所」；該所未來將成為全國勞動與安全衛生智庫、全國勞工安全衛生技術中心，除掌握整體國際情勢、經社變遷及經貿衝擊脈動進行先驅研究外，並對各項政策、制度進行跨國研究，範圍包括：安全衛生、勞動市場、人力資源、就業安全及勞資關係等，該所以專業人力進行問題導向的應用研究，將是政策擬定最有力的後盾。

#### 三、建構保險制度組織與管理鐵三角

為使勞工保險政策與監理合一，避免組織功能疊床架屋，將廢除專責監理機關，就現行勞工保險監理委員會監理業務併入勞動部的「保險退休福祉司」，使決策規劃與監督功能緊密結合，達到組織精簡效益。此外，為使組織專業度集中，提升管理效能，並達到規模經濟效果，勞動部將 7 大勞動基金之管理運用事宜，統籌於「勞動基金運用局」規劃辦理，預期可達到研究資源共享、資訊系統整合、取得更多議價空間，及強化外部資產管理機構運用控管機制等綜合效益，提升勞動基金長期績效。未來勞工保險局也將由目前事業機構改制為三級行政機關，負責勞工保險收、支與管理，讓社會大眾、勞工朋友對於政府在勞工保險業務上負起無限責任，更覺安心與信賴。

#### 四、增設「勞動法務司」，健全不當勞動行為裁決與仲裁機制

為維護勞動者結社、團結及爭議之權利，避免雇主不當干預破壞，我國勞資爭議仲裁制度將進行大幅改革，增加爭議處理之途徑，在勞動部成立裁決委員會，並於法律事務司設專責裁決及仲裁科，協助裁決委員會受理各項不當勞動行為之案件，並協助進行案件調查。未來該機制將



降低過去勞動者進行籌組、組織及爭議時的風險，使勞動三權的行使，獲得徹底保障。新設裁決制度及勞資爭議仲裁制度之變革，將使我國集體勞資關係法制更趨健全，對我勞資關係之發展將有正面影響。

## 勞動部之策略目標

勞動部組織調整後，將以專業團隊、精簡效能、以勞工優先的全新風貌，提供勞工全面性的服務，並宏觀、前瞻研訂策略目標，以達成「打造人性、安全、平等、尊嚴勞動環境，提升臺灣勞動競爭力」的使命及「人人有尊嚴工作」的組織願景。

### 一、強化勞動力開發與運用，提升國家勞動競爭力

- (一) 開發職能標準建立職能認證制度。
- (二) 配合產業轉型與調整，檢討現有技能檢定職類。
- (三) 掌握國際勞動力趨勢，強化我國勞動力供需預測評估。
- (四) 適時檢討外籍勞動力政策及聘僱許可管理政策。

### 二、建構健全就業安全網，促進勞動力永續發展

- (一) 整合就業服務及職業訓練體系，推動體系一元化、服務在地化。
- (二) 辦理各項促進就業計畫開拓多元就業機會。
- (三) 加強在職訓練服務，提供多元職前訓練。
- (四) 檢討失業給付、承保相關規定，健全就業保險法制。

### 三、強化退休及保險制度，確保勞工經濟安全

- (一) 建構退休及保險基金最適投資運用配置。
- (二) 檢討擴大勞退新制適用範圍及勞工保險納保對象。
- (三) 持續檢討退休年齡及相關給付。

### 四、健全勞動法制，提升工作生活品質

- (一) 持續擴大勞動基準法適用範圍、定期檢討基本工資。
- (二) 研修部分工時、勞動契約、勞動派遣法制，保障非典勞動權益。
- (三) 建構完善職災重建法制，安定職災勞工基本生活。

- (四) 推動落實不當勞動行為裁決制度，保障勞動三權之行使。

### 五、落實性別工作平等及就業歧視禁止規範，保障勞動者平等機會

- (一) 推動友善職場、工作家庭平衡。
- (二) 整合就業歧視與性別工作平等申訴制度，研訂工作平等法制。
- (三) 致力排除中高齡者、婦女、身心障礙者等就業弱勢族群之各種就業歧視與障礙。

### 六、打造安全、衛生工作環境，維護勞動者身、心健康

- (一) 建構國家級職業安全衛生制度。
- (二) 推動職業安全衛生管理系統驗證機制。
- (三) 建構勞工健康全面照護體系。
- (四) 強化職業災害預防與職業病調查、認定與鑑定機制。

### 七、推動社會對話，促進和諧勞、資夥伴關係

- (一) 積極推動企業內各種產業民主機制。
- (二) 推動產業別及地方之社會對話，逐步建構全國性社會對話機制。

## 打造一個「人人有尊嚴工作」的未來

勞動部希望為勞工勾勒出一幅勞動生活的美好願景，那就是打造一個「人人有尊嚴工作」的未來。所有人在選擇進入職場時，均應獲得充分的就業機會；工作相關權利應受到保障；並能獲取足夠收入，同時得到充分的社會保障使生活穩定並遠離貧窮；更進一步每個人的能力可以得到充分的發揮，並可以創業發展；隨時可獲取新的科技技能並保持身、心健康；可以兼顧家庭和工作；婦女在職場可以受到公平對待並掌握自己的工作生活，不受歧視，這就是有尊嚴的工作。



## 政策法規

### 為保障勞工權益， 建構多元、專業之勞資爭議處理機制

我國「勞資爭議處理法」乃為處理勞資爭議，保障勞工權益，穩定勞動關係所設。該法自民國77年6月27日修正施行，期間僅89年7月間及91年5月間2次小幅修正。隨國內政治、經濟及社會情況變化更迭，原有制度架構及規範內容已不敷實際，勞委會積極推動修法，於98年經立法院審議通過，並於100年5月1日正式施行，此次修正之重要內容如下：

- 一、增訂調解人制度及機制，達到勞資爭議處理機制之迅速經濟及兼顧保障勞工權益之目的。
- 二、為確實保障勞工的團結權及協商權，迅速排除不當勞動行為，回復集體勞資關係之正常運作，增訂不當勞動行為裁決機制之相關規定。
- 三、減免勞工裁判費及擔保金訴訟費用。

新勞資爭議處理法施行1年以來，我國勞資爭議處理 ►►

效能，已有顯著影響，其要說明如下：

### 一、新法中增加「獨任調解人」機制

以往地方主管機關受理調解申請案時，只能透過調解委員會的方式進行調解，但勞資爭議案件較單純或爭議金額不高之案件，卻必須勞師動眾、花費相當多的時間，非常不符經濟效益；又各地勞工行政主管機關透過委託民間團體方式協調勞資雙方，但「協調」非法定的紛爭解決機制，當事人即便協調成立，卻仍不受勞資爭議處理法的保護。

故我國政府為能有效提升勞資爭議處理效能，建立多元專業之勞資爭議處理機制，於新法中增訂「獨任調解人」機制，明確訂立獨任調解人資格，期能以更迅速、經濟、專業同時兼顧勞工權益，為勞資爭議當事人處理紛爭，形成「獨任調解人」與「調解委員會機制」併行之情況。又比較99年度協調成立比率約計54%，以獨任調解人方式處理爭議案件合計件數計12,422件，平均成立比率約計60%，顯見將以往之協調人轉為獨任調解人制度，已順利轉銜，且其調解處理件數已占7成之多，成立之比率高於調解委員會，亦高於以往協調案件，足見「獨任調解人」制度漸為國人所接受，並已於勞資爭議處理中建立其專業性及信任感，發揮迅速處理勞資爭議之效。

### 二、新法增設「不當勞動行為裁決制度」

我國勞資爭議處理法對於勞工因行使法定權益而受到的不利待遇、要求簽訂「黃犬契約」等規定加以禁止，並於團體協約法增設無正當理由拒絕協商之不當勞動行為之規定，因以往個案為雇主侵害工會與勞方集體基本權時，以個別勞動契約爭議之外觀，像是包藏在解僱、調職等個別勞動契約之爭議的外衣內，但是實際上卻是雇主妨害勞工行使勞動三權。

面對雇主此類行為，過去勞工僅能循勞資爭議調解或司法訴訟途徑解決，惟因司法訴訟常曠日廢時，已往若透過司法途徑將花費相當多的時間，但如透過新法所設之「不當勞動行為裁決制度」，於3至5個月內即做出裁決決定。截至民國101年8月8日止，裁決委員會已收受



▲ 政府積極保障勞工權益，穩定勞動關係。

74件裁決申請案，其中33件已做成裁決決定、8件申請案於審理期間由裁決委員促成和解，發揮修補勞資歧見，回復集體勞資關係正常運作，進而促進勞資關係和諧，達成息訟止爭之效。

### 三、新法中著手勞工訴訟改革

為協助勞工訴訟上，勞委會於新法中亦同步著手勞工訴訟改革，訂立「訴訟費用之暫減及強制執行之裁定」專章，規定有關勞工或工會提起確認僱傭關係或給付工資之訴訟，暫免徵收依裁判費之二分之一、勞工就工資等給付對雇主聲請假扣押之供擔保金的減免、因調解仲裁成立後聲請法院強制執行之暫免裁判費和執行費等減輕勞工訴訟負擔等規定，減少勞工尋求司法解決途徑之障礙。另由中央主管機關設置勞工權益基金補助勞工訴訟協助、必要生活費用、仲裁費等。

### 四、辦理獨任調解人訓練

為確保新法精神徹底執行，發揮成效，勞委會於民國100年及101年辦理獨任調解人訓練，明(102)年將持續辦理回流訓練，強化調解人的專業知能。

展望未來，勞委會仍將持續檢討、推動相關處理機制，促使我國勞資關係處理制度朝質量均衡發展邁進，使勞資紛爭解決更為有效率，也更為專業。



政策法規

## 推動非典型勞工權益保障措施

這2、3年來，社會各界對勞動派遣議題，有更多關切。勞委會向來重視勞工權益，對業界漸有使用派遣勞工

的態樣，勞委會一方面以行政指導的方式來提醒業者注意相關法律規定，另一方面則以勞動檢查方式，希望對違法

的業者依法查處，進而督促貫徹法令規定。

依據行政院主計處「人力運用調查統計分析」發現，2008年至2011年從事臨時性或勞動派遣工作者，分別為48萬人、50.8萬人、52.5萬人、51.89萬人，看似呈現逐年增加，但去（2011）年臨時性或勞動派遣工作者減少6千1百人；而依行政院主計總處公布的「薪資及生產力統計」，2011年派遣勞工的平均薪資是34,291元，雖比一般受僱員工平均薪資45,642元低，但2009年至2011年派遣勞工的平均薪資成長9.69%，高於一般受僱員工平均薪資成長8.22%。可見派遣勞工薪資並非如部分人士所質疑的，有低薪化或以基本工資約定給付工資。

勞委會主委於2012年對全國派遣業者發出一封信，信中提及：「派遣業者愈善盡法律責任，就是對每一位勞工的疼惜，勞工在權益獲得保障之際，也會安心工作，提高工作效率！」所有勞工都是業者最大資產，勞雇雙贏是勞委會最大期待。

勞委會再次提醒大家，人力供應業已於民國87年4月1日起公告適用勞動基準法，派遣事業單位有義務遵守勞動基準法相關規定。也因為如此，勞委會強調，絕不容許派遣業者要求派遣勞工自付勞、健保或勞退提撥6%等費

用，或與派遣勞工違法簽訂定期勞動契約等；勞委會除一方面制定並公告「派遣勞動契約應約定及不得約定事項」、「要派單位與派遣事業單位要派契約書參考範本」及「勞動派遣權益指導原則」等相關法律規定，提醒業者注意外，也以逐年辦理勞動派遣專案檢查的實際行動，展現維護派遣勞工權益的立場。

2012年將抽查500家派遣事業單位，是歷年來規模最大的勞動檢查，檢查結果出爐後，除要求違法者立即改善外，也同時移送地方主管機關依法裁處，以督促派遣事業單位確實遵守法令。

對於外界關注派遣勞動保護法制工作的進度，勞委會表示，目前正積極與不同勞雇團體加強溝通，努力化解彼此間的歧異，希望儘快完成派遣勞工「均等對待」原則的適用，加強保障派遣勞工權益，加重要派公司雇主責任；並對運用派遣勞工的單位，及其使用勞工的職類、期間等，給予合理的限制，以達到保障派遣勞工權益與促進就業安定的目的。

如果您對於勞動法令有任何疑義，可以就近向各縣市政府勞工行政主管機關洽詢，或電洽勞委會：電話（02）8590-2866，我們將竭誠為您服務，提供您正確勞動法令資訊。



## 政策法規

### 企業托兒，員工安心

隨著時代的進步與社經環境的變遷，夫妻共同投入競爭激烈的工作職場，為了更好的生活品質、子女更好的成長環境而全力以赴的雙新家庭越來越多。然而，家庭子女照顧及工作表現很難取得平衡，勞工蠟燭兩頭燒的情形時有所聞：太過專心投入工作，親子關係則不易經營；若心思放在家中幼兒的健康或就學情況，則工作表現將無法展現。為了解決這個現代社會的需求，勞委會近年輔導企業設置托兒設施及措施，希望給勞工一個安心工作，也能用心經營家庭的友善職場。

#### 企業提供托兒服務的正面效益

企業提供托兒設施或措施，可以讓員工在打拼的時候不必掛心兒女照顧，更可減少員工經常需要處理幼兒的安置問題而影響工作表現。國際社會許多研究報告更指出，企業提供托兒服務，對企業及勞工都有正面的效益。

#### 一、對企業的正面效益

- （一）吸引優秀人才，降低招募員工須投入的成本。
- （二）留住優秀人才，減少培訓新進員工的費用。
- （三）降低員工缺勤，削減工作日的損失，提升平均生產力。
- （四）改善工作表現，員工工作更專注、士氣更高昂。
- （五）提升企業社會形象，凝聚員工向心力。

#### 二、對勞工的正面效益

- （一）降低員工因工作與照顧兒女無法協調所導致的壓力。
- （二）使員工能有更穩定的職涯規劃。
- （三）有助員工家庭生活品質及親子關係的提升。
- （四）降低員工因無法兼顧家庭與生活而被迫離開就業市場的機率。
- （五）有助員工兩性平權的實踐。

## 輔導補助企業辦理員工托兒

當勞工家庭與工作得以兼顧，無後顧之憂時，不僅能強化對公司的認同感，更能全力以赴為事業打拼，在工作上發揮最大能量。為鼓勵企業關懷勞工家庭需求，營造友善育兒環境，勞委會依據性別工作平等法第23條「受僱者250人以上之雇主，應設置托兒設施或提供適當之托兒措施」規定，訂定「托兒設施措施設置標準及經費補助辦法」，以補助雇主辦理托兒設施或措施的方式，鼓勵雇主辦理托兒服務，解決員工托兒需求，協助勞工兼顧家庭生活與工作。補助標準如下：

### 一、托兒設施

指雇主以自行或聯合的方式設置托兒服務機構。

- (一) 新興建完成托兒設施並登記立案之企業，補助托兒設施費用最高新臺幣 200 萬元。
- (二) 已設置完成托兒設施並登記立案之企業，補助改善或更新托兒設施的費用，每年最高新臺幣 50 萬元。

### 二、托兒措施

指雇主以委託合約方式，與登記立案之托兒服務機構辦理托兒服務，並由雇主給予津貼予就讀幼兒園的員工子女，補助金額每年最高新臺幣30萬元。

### 三、聯合托育

為鼓勵企業辦理托兒服務，勞委會在民國101年6月5日修正「補助托兒設施措施作業須知」，增列「聯合托育」補助項目。企業只要以其附設之托兒設施，與其他企業簽訂契約，並收托簽約企業之員工子女，辦理企業聯合托育者，即可比照「托兒設施措施設置標準及經費補助辦



▲ 政府積極輔導企業辦理員工托兒。

法」規定，申請托兒設施及措施費用補助。

自91年勞委會辦理補助企業托兒服務以來，已補助企業托兒設施268家次，企業托兒措施483家次，補助金額計1億1,200餘萬元。

### 結語

在企業支持的托兒服務與政府提供的托兒補助資源下，不論從制度面或實務面看來，對企業及員工雙方都具有相當的好處，不僅可提高企業勞動力素質及建立優質勞動關係，更可減輕員工育兒及家庭照顧的壓力，讓員工家庭少了些奔波，多了些真正用心相處的時光。最重要的是，我們的下一代，能夠在享受更多父母關愛的環境下成長，孩子的安全感、學習力與家庭關係都能受惠。企業托兒所衍生出的意義與價值，絕對是社會大眾所期待的。



## 政策法規

### 量質精進 辦理全國技能競賽

為鼓勵國民參加職業教育與職業訓練，藉著競賽活動的方式，促進社會的重視，激起大眾的興趣，同時檢討職業教育與職業訓練的教學成果，並藉由相互切磋與觀摩，提高技術人員的技能水準，成為國家經濟、社會建設主要力量。

勞工委員會自民國57年迄今，每年定期舉辦全國技能競賽，各職訓機構、職業學校與工商企業均踴躍提名選手參加競技，年初先舉辦分區技能競賽，每職類前5名再推薦參加全國技能競賽，參與單位約500，人數將近1萬2,000人的競賽活動，可謂職業訓練與技職教育之年度盛事。

為配合102年度於德國舉辦的第42屆國際技能競賽，

今(101)年度除辦理全國技能競賽外，併同辦理國際技能競賽國手選拔賽。另為激勵優秀選手，勞委會特別提高國際技能競賽獎勵，將金牌選手獎金自新臺幣50萬元提高至100萬元；銀牌選手獎金自40萬元提高至50萬元，期許未來有更多技能好手參與及技能較勁。

第42屆全國技能競賽分區技能競賽已於101年5月11日至13日舉辦完竣，分別由勞委會職業訓練局桃園職業訓練中心(北區)、中區職業訓練中心(中區)及臺南職業訓練中心(南區)承辦，共計2,815人參賽，並選出各分區賽各職類優勝前5名668人，連同全國中等學校學生技藝競賽優勝選手17人，及參加第42屆國際技能競賽 ▶▶

選手選拔之歷屆優勝選手109人，共計794人一同參加8月1日至6日中區職業訓練中心舉行的第42屆全國技能競賽暨第42屆國際技能競賽國手選拔賽。

全國技能競賽優勝選手不僅可獲頒發第1名獎金新臺幣8萬元、金牌1面；第2名獎金新臺幣6萬元、銀牌1面；第3名獎金新臺幣4萬元、銅牌1面，以及前5名者皆頒發獎狀乙幀外，並可依中等以上學校技藝技能優良學生甄審及保送入學辦法規定，參加甄審及保送至職業學校、五專、二專、四技或大學相關科系進修。另依技術士技能檢定及發證辦法第11條規定，全國技能競賽選手競賽成績及格者，還可獲頒技術士技能檢定免試術科證明，依規定於3年內參加相關職類乙級或丙級技能檢定，得免術科測試。

全國技能競賽雖已順利落幕，但入圍國手132人仍有一場硬戰要打，緊接著是進入9月21日至23日舉行的國際技能競賽第2階段國手選拔賽，而賽後將選出正備取國手，並代表我國參加102年由德國來比錫主辦的第42屆國際技能競賽。

國際技能競賽（WorldSkills Competition）每2年舉辦1次，由各會員國分別申請主辦，迄今已舉辦41屆。我國自1970年起參加該組織，自第20屆國際技能競賽大會起，每



▲ 勞委會每年定期舉辦全國技能競賽，互相切磋觀摩。

屆均派選手參加，成績表現優異，深獲國際間的重視。特別的是，第32屆國際技能競賽由我國主辦，於民國82年7月19日至8月2日在臺北舉行，共計有24國家共襄盛舉。

最近第41屆國際技能競賽於100年9月28日至10月10日在英國倫敦舉行，我國遴派43位選手參加38個職類競賽，計獲得1面金牌、4面銀牌、3面銅牌及15個優勝獎，總獎牌數名列參賽國第8名。除了榮譽之外，代表團也帶回了48個會員國的友誼，還有與國際同步前進的專業技能。



## 新聞瞭望

### 80歲以上有嚴重依賴照護需要者 放寬申請外籍家庭看護工資格

勞委會於101年9月17日修正發布「外國人從事就業服務法第46條第1項第8款至第11款工作資格及審查標準」（以下簡稱本標準）第22條規定，80歲以上者經指定醫院專業醫療評估，認定有嚴重依賴照護需要，可依相關規定申請外籍家庭看護工，並自101年9月19日生效實施。

勞委會表示，依據本標準第22條公告修正前之規定，被看護者不分年齡，如具有重度以上特定身心障礙項目之一，或經醫療團隊評估，認定符合需全日24小時照顧，且經長期照顧管理中心推介媒合本國照顧服務員無法成功，得申請聘僱外籍家庭看護工。為因應80歲以上高齡者之照顧服務需求及預防意外發生，給予妥適照顧可延緩高齡者進入重度失能期，相對減輕家庭負擔，在不妨礙國內長期



▲ 政府放寬80歲以上高齡者照顧服務需求。

照顧體系發展及落實外籍勞工補充性原則下，調整80歲以上者申請外籍家庭看護工之資格。

勞委會說明，依修正後之審查標準第22條第1項第3款規定，被看護者為80歲以上者，經指定醫院專業醫療評估，認定有嚴重依賴照護需要者，得申請外籍家庭看護工；且已配合本標準第22條修正發布，修正「申請聘僱外籍看護工基本資料傳遞單」，並自101年9月19日生效適用，另衛生署刻正辦理相關評估診斷證明文件修正。

故自本標準生效日101年9月19日起，被看護者如滿80歲以上，經評估符合有嚴重依賴照護需要，即可於診斷證明書有效期間60日內，提出外籍家庭看護工申請，倘若醫院未能即時提供新修正之表格，得依原診斷證明書進行評估，再由衛生署所屬各長期照顧管理中心及勞委會依相關評估表件進行檢視。



新聞瞭望

## 第6屆臺印勞工會議於印尼峇里島圓滿完成

印尼政府於今（101）年9月12日邀請勞委會於印尼峇里島召開第6屆臺印勞工會議，商談有關加強臺印勞工事務交流等事宜，雙方就降低勞工來臺工作貸款利率與手續費，以及擴大直接聘僱適用範圍等議題交換意見並取得共識，預期將為未來的臺印勞工合作關係，奠定更美好穩固的基礎。

第6屆臺印勞工會議依例輪由印尼主辦，勞委會由職訓局局長林三貴應邀率團前往，會議係由職訓局局長、我駐印尼代表處夏立言大使與印尼國家勞工安置保護局Moh Jumhu Hidayat局長及駐臺北印尼經濟貿易代表處Mr. Ahmad Syafri代表共同主持。會議開幕時林局長表示，感謝印勞對臺灣經濟發展及家庭照顧的貢獻，故如何妥善照顧來臺工作之印勞及平安地使印勞返回印尼，是我方一向積極努力的方向。

會議中雙方就目前印勞之引進與管理議題進行討論，獲致主要結論如下：

### 一、持續推動直接聘僱

臺印雙方同意朝擴大直接聘僱適用範圍之方向（包含製造業勞工、營造業勞工及機構看護工），持續推動直接聘僱印勞之合作提案，協助雇主以直接聘僱方式引進印勞。

### 二、持續協調降低來臺手續費及貸款利率

為保護印勞工作權益，印方同意持續協調降低印勞來臺工作貸款利率及手續費，且落實再度來臺工作且無需貸款之勞工不予強制貸款，並將檢討及明定外勞強制貸款程序，及提供相關資料供臺方對印勞進行宣導。

### 三、印方同意檢討驗證費用收取之合理性

駐臺北印尼經濟貿易代表處辦理勞動契約驗證費用過高問題，印方同意檢討驗證費用收取之合理性。

### 四、持續降低印勞發生行蹤不明比例

有關印勞行蹤不明議題，臺印雙方同意依「加強外



▲ 臺印峇里島勞工會議，為未來奠定更好的合作關係。

勞管理及改善外勞行蹤不明方案」持續降低印勞發生行蹤不明比例。另臺印雙方同意研議對引進印勞發生行蹤不明比例過高之仲介公司予以管制；並加強來臺勞工之身分稽核，研議更有效解決行蹤不明外勞之誘因或相關措施。

### 五、加強傳染病檢查

為避免境外移入傳染病，印方同意研議於外籍看護工辦理職前訓練時增加腸內寄生蟲糞便檢查項目，並持續加強衛生教育宣導及針對辦理引勞入境健康檢查醫院之設備進行檢討。

此屆臺印勞工會議在職訓局林局長、我駐印尼代表處夏立言大使與印方駐臺北印尼經濟貿易代表處Ahmad Syafri代表主持下順利閉幕，並簽署會議紀錄，臺印雙方同意將持續就會議達成之共識，積極規劃配合相關事宜。

另為強化外籍家庭看護工之職前訓練，勞委會已規劃參加此屆勞工會議時，邀請內政部與衛生署代表參訪外籍看護工職前訓練機構。勞委會及內政部與衛生署代表於9月13日前往印尼泗水職前訓練機構進行訪視，藉以瞭解印勞職前訓練之辦理現況，做為後續推動強化外籍看護工職前訓練機構之參據，以提升國人的照護品質。❖