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# 臺灣

## 勞工簡訊

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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.

## Employers Required to Give Employees Leave and Pay on National Holidays

### 國定假日雇主應依法給假並給薪

According to Article 37 of the Labor Standards Act and Article 23 of the Enforcement Rules of the Labor Standards Act, employers are legally required to give employees leave with pay on commemorative holidays (commonly known as national holidays). For business entities in certain industries which require their employees to come in to work on holidays, wages must be doubled for working on those days.

In addition, if a national holiday falls on a day of regular leave or rest day (that is, on a day in which employees are not designated to work because of amendments to statutory normal working hours), employers must give employees another business day off. The date for the compensatory leave is to be negotiated and agreed by both parties.

勞動基準法第37條及其施行細則第23條規定應放假之日（俗稱國定假日），雇主應依法給假並給薪。部分事業單位如因行業特性，需員工於國定假日出勤，工資應加倍發給。

此外，國定假日如遇勞工之例假或休息日（因法定正常工作時間修正縮減致無庸出勤之時間），雇主必須讓勞工於其他工作日補休，但補休日期可由勞資雙方協商合意。



關鍵字：國定假日、休假、工資  
Keywords：national holiday, leave, wage

## Protecting Your Hiring Rights - Pre-Employment Lectures That First Time Employers of Foreign Domestic Workers Must Attend

### 保障您的聘僱權益 - 初次聘僱家庭類外籍勞工應參加聘前講習

The Ministry of Labor amended Article 48-1 of the Employment Service Act to stipulate that employers of foreign domestic workers for home care or domestic work for the first time must attend a pre-employment lecture and attach a proof of attendance with their application. Pre-employment lectures were held on July 1, 2016, and it lasted for one hour.

Potential employers may use their natural person credentials and visit to the Ministry of Labor's pre-employment lecture website (<http://etraining.wda.gov.tw/>) and attend to a web version of the lecture or attend in-person lectures at the closest or most convenient Employment Services Center of the Ministry of Labor. If the number of attendees is ten people or more, a group lecture can be booked with the local government at a location designated by it.

Besides potential employers, lectures may also be attended by anyone who is related to the person or persons to be given care to or someone living together with the employer and in a supervisory position with respect to the foreign worker. In order for employers to be properly prepared both psychologically and at home, to have a clear picture of possible problems the family will face, to understand relevant laws and regulations, and to know what government resources are available to them, the lectures focus on the following: laws relevant to the hiring of foreign labor, protection of the rights of foreign workers, customs of the worker's country of origin, precautions that employers should pay attention to, and actual cases that violate relevant laws and regulations.

勞動部修正就業服務法第48條之1規定，明定雇主於第1次聘僱外國人從事家庭看護工作或家庭幫傭前，應參加聘前講習，並於申請許可時檢附已參加講習之證明文件。聘前講習已於105年7月1日實施，講習時數為1小時。

雇主可使用自然人憑證透過網際網路至勞動部所建置之雇主聘前講習資訊網站 (<http://etraining.wda.gov.tw/>) 進行「網路講習」或可就近至勞動部的就業服務中心參與「臨櫃講習」，如果雇主同時參加講習人數達10人以上者，亦可以向各地方政府預約至其指定場所參加「團體講習」。

此外，講習對象除明定雇主本人外，對於雇主無法參加講習時，可由與被看護者或被照顧者間具有相關親屬關係，且共同居住或代表雇主對外勞行使管理監督地位的親屬參加。勞動部為使雇主有充分的家庭與心理準備，清楚家庭未來將面對的狀況、相關法令規定，及可運用的政府資源，講習內容著重於聘僱外籍勞工的相關法令、外籍勞工權益保障事項、外籍勞工來源國風俗民情、雇主應注意事項及相關違法案例說明等事項。

## The Ministry of Labor Assisted the Taoyuan Flight Attendants' Union and China Airlines in Negotiating and Reaching a Consensus in a Peaceful and Rational Manner

### 勞動部協助桃園市空服員職業工會與華航公司進行協商，雙方在理性平和下，終達成共識



On June 24, 2016, the Ministry of Labor invited the Taoyuan Flight Attendants' Union (TFAU) and China Airlines to conduct negotiations regarding the seven demands brought forward by the union. After several hours of negotiating, both sides reached a consensus with regard to the seven demands.

The Ministry of Labor indicated that the TFAU declared a strike action which is the subject of much public attention on June 24 of this year (2016). To protect labor rights while taking into account the public's right to convenient transportation services, the ministry started labor negotiations on 4 PM that day. The entire negotiation meeting was chaired by Minister Kuo Fang-Yu of the Ministry of Labor. To express goodwill, the company agreed to the demand of reinstating "check-in locations" and "heck-in/check-out times" at the start of the meeting. Afterwards, the company communicated with the union on all seven demands; at 8 PM, both sides reached an agreement on all seven items, including restoration of the original check-in locations.

The Ministry of Labor was grateful and approved of the fact that representatives of the TFAU returned to the negotiation table, negotiated rationally with the company and reached a consensus rationally with the goodwill of both sides despite the fact that the TFAU conducted the strike in accordance with the law. The Ministry of Labor calls upon China Airlines to continue and maintain interactions with its unions while taking into account issues of upholding corporate governance, providing convenient public transportation services to serve public interest and protecting the rights and interests of its workers. The goal is to create the maximum benefits and welfare for its workers, the company, and the public at large.

勞動部於105年6月24日主動邀集桃園市空服員職業工會與中華航空公司針對工會所提7項訴求展開協商，雙方經歷數小時折衝談判，終於達成7項訴求之共識。

勞動部表示，空服員工會於本（105）年6月24日宣告啓動罷工行動，社會大眾極為關注，勞動部基於保障勞工權益及兼顧民衆交通便利，當日下午4時於勞動部進行勞資談判。協商會議全程由勞動部郭芳煜部長親自主持，勞資雙方於協商會議初始，公司隨即釋出善意同意恢復「報到（離）地點」及「報到（離）時間」，之後，逐一對工會所提7項訴求進行溝通，最後，終於晚間8時勞資雙方獲致包括「恢復原報到地點」等7項共識。

勞動部表示，雖然空服員工會依法進行罷工，惟仍能回到談判桌，理性與公司協商，最終更在勞資雙方共同善意下能順利獲致共識，表達欣慰與肯定。勞動部並呼籲未來華航公司能在兼顧公司治理、服務民衆交通公共利益及保障員工權益精神下，持續與工會維持協商互動，創造員工、公司以及全體國人最大福祉。

## The Labor Funds' Global Diversification Strategy Generated Earnings of NT\$45.9 Billion as of May 31, 2016

### 勞動基金全球多元布局，今年截至5月底獲益459億元

The turbulent global financial markets of 2016 resulted in careful adjustments to the global positioning by the Labor Fund which resulted in earnings of NT\$45.9 billion as of May 31, 2016.

At the end of May 2016, the total asset under management (AUM) by the Labor Funds was NT\$3.175 trillion. Among them, the Labor Pension Fund accounted for NT\$1.5826 trillion, the Labor Retirement Fund accounted for NT\$783.9 billion, the Labor Insurance Fund accounted for NT\$680 billion, the Employment Insurance Fund accounted for NT\$106.5 billion, the Occupation Incidents Protection Fund accounted for NT\$10.7 billion, and the Arrear Wage Payment Fund accounted for NT\$11.3 billion respectively.

The global economy showed low level of growth this year. Although countries have adopted countermeasures in response, both the Chinese stock market and currency suffered huge losses and crude oil prices dipped. Other factors such as the rise of US interest rates and the UK Brexit referendum vote have created extreme volatility in the global financial markets. Faced with highly volatile financial markets, the Labor Fund adjusted its global investment positioning cautiously accordingly. As of May 31, 2016, the Labor Fund earnings totaled NT\$45.9 billion, generating a 1.53% rate of return. The rates of return for the Labor Pension Fund, Labor Retirement Fund, Labor Insurance Fund, Employment Insurance Fund, Occupation Incidents Protection Fund and Arrear Wage Payment Fund were 1.50%, 1.59%, 1.74%, 0.49%, 0.39% and 0.64% respectively.

Looking ahead, economic growth will remain slow, and the Bureau of Labor Funds will keep monitoring developments in financial markets around the world, flexible adjustments investment strategies in order to create long-term steady income for the Labor Funds and enhance the economic security and post-retirement protection of our citizens.

今(105)年以來全球金融市場劇烈震盪，勞動基金審慎依市場情勢動態調整全球布局，截至5月底止，勞動基金收益數459億元。

勞動基金截至105年5月底止規模為3兆1,750億元，其中，新制勞退基金1兆5,826億元，舊制勞退基金7,839億元，勞保基金6,800億元，就保基金1,065億元，職災保護專款107億元，積欠工資墊償基金113億元。

今年以來全球經濟呈現低度成長，雖各國已採行因應對策，但受到中國股匯雙挫、原油價格探底、美國升息干擾及英國脫離歐盟公投等因素影響下，全球金融市場呈現劇烈震盪走勢。面對全球金融市場快速輪動劇烈震盪，勞動基金審慎依市場情勢動態調整全球布局，今年截至5月底，勞動基金收益數為459億元，收益率1.53%。其中，新、舊制勞退基金、勞工保險基金、就保基金、職災保護專款及積欠工資墊償基金收益率分別為1.50%、1.59%、1.74%、0.49%、0.39%及0.64%。

展望未來，經濟成長仍顯緩慢，勞動基金運用局將密切掌握全球金融情勢，彈性調整投資作為，以獲取長期穩健收益，保障勞工經濟安全與退休生活。



關鍵字：勞動基金、運用收益、多元分散

Key Words: The Labor Fund, utilization of proceeds, diversification

## Monthly Regular Earnings per Person for Inexperienced Employees in 2015

### 104年初任人員每人每月經常性薪資

According to "Survey on Earnings by Occupation" conducted by Ministry of Labor, the average monthly regular earnings per person for inexperienced employees within the industry and service sector in 2015 were NT\$26,230; this was an increase of 2.33% compared with 2014. This increase was slightly higher than the annual growth rate of 1.33% in monthly regular earnings for all employed workers.

#### I. The financial and insurance activities had the highest average rates at NT\$30,794 among all industries, while the professionals had the highest average rates at NT\$32,988 by occupational categories

Among all industries, the financial and insurance activities offered the highest salary rates at NT\$30,794, followed by the electricity and gas supply at NT\$29,086, while the salary rate of the other service activities was the lowest at NT\$23,614. Looking at the figures by occupational categories, the professionals ranked at the top with NT\$32,988, followed by the technicians and associate professionals at NT\$27,924, while the elementary labourers ranked the lowest at NT\$21,979.

#### II. Salaries was highest for Master's or Higher Degree at NT\$32,638

Looking at the figures by education level, those with master's or higher degree ranked the highest at NT\$32,638, followed by those with bachelor's degree at NT\$27,655. The salaries for all education increased when compared with 2014 figures. Those with junior high school or lower benefited in particular, exhibiting a 4.05% increase because the basic wage was increased in July 2015.

#### III. Business entities with more than 500 employees offered the highest average salaries at NT\$28,482

Based on observing the scale of number of employees, larger business entities had higher monthly regular earnings per person for inexperienced employees. The average salary offered by business entities with more than 500 employees was NT\$28,482. This was true for all education levels, with the average for bachelor's degree employees at NT\$29,855 and the average for master's or higher degree at NT\$34,756; both of these are higher than the overall average value.



依據勞動部「職類別薪資調查」，104年初任人員每人每月經常性薪資平均為26,230元，較103年增加2.33%，幅度略高於整體受僱員工經常性薪資之年增率1.33%，說明如下：

#### 一、各行業中以金融保險業30,794元最高；各職類則以專業人員32,988元最高

各行業中，以金融及保險業30,794元最高，電力及燃氣供應業29,086元次之，其他服務業23,614元最低；按職類別觀察，則以專業人員32,988元最高，技術員及助理專業人員27,924元次之，基層技術工及勞力工21,979元最低。

#### 二、研究所及以上教育程度者32,638元最高

按教育程度觀察，以研究所及以上32,638元最高、大學27,655元次之。與103年比較，各教育程度均有成長，尤以國中及以下因104年7月基本工資調升而增加4.05%較為明顯。

#### 三、員工規模500人以上之事業單位平均28,482元最高

依員工規模觀察，規模愈大之事業單位給付初任人員之經常性薪資愈高，500人以上者平均為28,482元；各教育程度皆然，其中大學程度者平均為29,855元，研究所及以上者為34,756元，均高於整體平均值。

## Because There Are Many Accidents Caused by Mechanical Cutting, Rolling and clipping, Safety Precautions Are Essential

### 機械切割捲夾災害多，安全防護不可少

Workers are at risk of injury when they operate meat grinders, conveyor belts and moving machinery if their hands, hair or other body parts are drawn into the machines. According to statistics regarding occupational injury compensation, 45.6% of compensated workers are injured because of carelessness while operating machinery; this causes workers to be sandwiched, caught, stabbed, cut or scratched in/by the machinery. The Ministry of Labor calls upon employers to set up guard-shields and/or guard-fences to improve worker safety. Also, workers engaging in the cleaning, oiling, inspection, repair or adjustment of machinery must make sure machines are stopped and then locked or marked clearly to avoid them being activated mistakenly.

The Ministry indicated that in addition to strengthening labor inspections on business units that utilize mechanical products, a management system for the traceability of machinery product safety has been established. The system clearly specifies the types of manufacturer and importer in terms of the manufacturing or importing of mechanical equipment such as power punching machinery, woodworking circular saws, abrading machines, and so forth. The equipment must pass the inspections of certification institutions approved by the Ministry and file product safety information on designated informational websites to complete self declaration of product safety. The mechanical equipment will then be labeled with safety labels for identification by purchasers.

In addition, since 2010 the Ministry of Labor has allocated funding to subsidize small and medium enterprises to purchase new approved and certified machinery and to improve safety facilities of existing equipment in its annual budget. Business entities that require financial assistance may submit applications (commissioned to the Metal Industries Research and Development Center for the year 2016; please contact Ms. Huang, 886-7-3513121 ext. 2923).

勞工於操作絞肉機、輸送帶及動力運轉之機械時，可能因手、頭髮、身體等被捲入致傷亡，依勞保職業災害給付統計資料，操作機械不慎引起之「被夾、被捲」及「被刺、割、擦傷」等災害，占給付人次45.6%，勞動部呼籲雇主對於機械有危害勞工安全者，應設置護罩、護圍；另從事機械之掃除、上油、檢查、修理或調整時，務必停止機械運轉，並採上鎖或設置標示，防範誤起動。

勞動部表示，除對機械產品使用端之事業單位加強勞動檢查外，已建置機械產品安全源頭管理制度，明定製造者及輸入者產製或輸入動力衝剪機械、木材加工用圓盤鋸及研磨機等機械設備，須經該部認可之檢定機構實施型式檢定合格，並至指定資訊網站申報登錄產品安全資訊，完成自我宣告，張貼產品之安全標示，以供購買者辨識。

另勞動部自99年起每年編列經費補助中小企業新購型式檢定合格之機械及改善既有機械安全設施，事業單位如有需求，可提出申請（105年度委辦財團法人金屬工業研究發展中心，07-3513121分機2923黃小姐）。



關鍵字：機械捲夾、源頭管理、安全標示

Key Words : Mechanical crimping, source management, safety labels