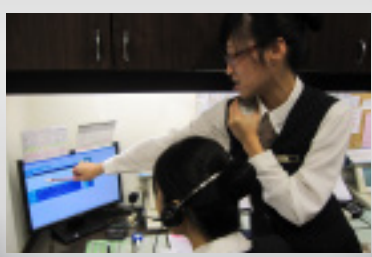




QUARTERLY FOCUS



Optimize industrial talent competencies – create new workforce values

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- ④ The Ministry of Labor amended the "Regulations for Offsetting of Capital and Interest of Relief Loans for those with Labor Insurance" to protect workers' basic livelihood after retirement
- ④ Amendment to the "Standards of Necessary Nighttime Workplace Health and Safety Facilities for Female Workers Employed by Business Entities" promulgated
- ④ Amendments to the Directions for Service Quality Evaluation on Private Employment Service Institutions Engaging in Overseas Manpower Agency

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QUARTERLY FOCUS



Optimize industrial talent competencies — create new workforce values

A country's economic development comes from the growth of enterprises; growth in enterprises is based on "high quality" workforce and innovative industrial technologies. Therefore "workforce development," "workforce enhancement," and "workforce utilization" play a very crucial role in economic development.

In the age of globalization, industrial development changes rapidly. Using good talents is a major business strategy for enterprises. In order to train talents who can meet industrial employment needs, many developed countries set industrial talent competency standards to help achieve such goal, and to use such standards in providing appropriate education and training for the talents. The so-called "competency standards" can clearly describe the specifications required for industrial

key personnel, and can be used as basis for planning school or training institution curricula, and is useful in linking personnel training and industrial needs. Furthermore, this set up will reduce the gap between domestic academia, training and employment to fully support industrial development.

Strengthen competency standards and develop ability appraisals

To promote industrial development and national employment, connotations for talent abilities in the development of industrial talent resources were established in Article 18 of the Statute for Industrial Innovation: "Except as otherwise provided by law, the central government authorities

in charge of end enterprises may formulate industrial human resources professional competency standards and issue capability appraisal certificates in line with the needs of industrial development, and may work to promote their international mutual recognition ..." This affirms the use of competency standards and ability appraisals as necessity for industrial development, and as competency development and application basis for relevant central competent authorities.

Also, in 2011, Article 4-1 was inserted in the Vocational Training Act that states, "The Central Competent Authority shall coordinate and integrate the competency standards, training courses, ability evaluation criteria and service information of vocational training provided by other central competent authorities of related business to promote the vocational training and skills certification needed for national employment" stipulating the need to effectively integrate, utilize the competency standards and ability appraisal set by relevant central competent authority to again strengthen competency standards and develop ability appraisals.

The Industrial Development Bureau of Ministry of Economic Affairs was the first Taiwan government agency to promote the development of industrial talent competency standards. Since the coming into effect of the Statute for Industrial Innovation in 2010, other ministries also began to develop competency standards. Overall, Taiwan has been promoting competency standards for almost 10 years. In order to have a broader and forward-looking perspective for the promotion and development of Taiwan competency standards for the next 10 years, with reference to overseas experiences and weighing and considering Taiwan's conditions, the Ministry of Labor has established the "Promotion Plan for Developing and Applying Competency Standards" to effectively integrate governmental resources and industrial momentum, and seek the highest efficiency development of the workforce.

"Promotion Plans for Developing and Applying Competency Standards" to be in line with market demands

To comply with the actual employment needs of the labor market, the targets for the "Promotion Plan for Developing and Applying Competency Standards" are to "accelerate the development of competency standards and promote its effective applications to support industrial development," and to "shorten academic (training) employment gaps, promote international exchange and cooperation to enhance the overall workforce development." Through the three facets of development, application and coordination, eight major policies were deliberated, and with the joint efforts of each ministry, it is estimated that from 2015 to 2017, 300 competency standards, 2,000 competency units will be established, and multiple private applications to promote industrial acceptance will be encouraged.

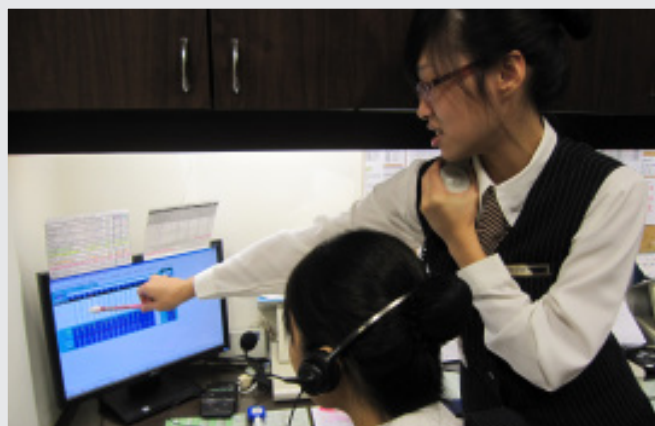
Also, MOL will periodically host conferences on national industrial competency standards development to listen to the views of business leaders from all industries, and to study the establishment of competency standard priorities and development strategies. These conferences will also serve to establish a coordination mechanism that connects the industries, governmental and scientific research communities

with foreign resources and to accelerate the development of each industry's competency standards. Through advocacy studies, counseling and quality certification measures, training agencies can use such competency standards in their development of competency-based program. The availability of quality curricula supply relevant professional talents required to promote competency policies, and assist the industry in utilizing published competency standards. Furthermore, it is necessary to coordinate programs from each ministry (such as the second phase of technical and vocational education retooling program of the Ministry of Education and talent training programs from each ministry) with the resources of various vocational training programs from the Workforce Development Agency, Ministry of Labor, so as to encourage the application of competency standards by private sectors for effective linkage to industrial development and talent training systems. Lastly, it is vital to also promote international cooperation and learn from successful experiences to strengthen future domestic vocational training institutional system.

Depicting the core of industrial talent development strategy to create new workforce value

At present, Taiwan is moving towards the Asian regional economic integration phase, while at the same time is facing the social, political and economic environment influenced by globalization, low birth rate, and rapid industrial changes. It is thus important for the government and its people to work together to effectively and strategically develop, enhance, and utilize national human resources to create the largest value and competitiveness.

In the future, with reference to industrial development and the promotion of national employment needs, each ministry, with respect to policy requirement, will establish competency standards to comply with industrial developments. Priority is given to formulating industrial talents development strategies, and to confirm that the central relevant competent authorities in charge of each industry, under the conditions of clear strategies and clear responsibilities, will have their industrial competency standards established by their respective ministry. Each ministry, in accordance with the set competency



▲ To comply with the actual employment needs of the labor market, the Ministry of Labor provide various vocational training programs.

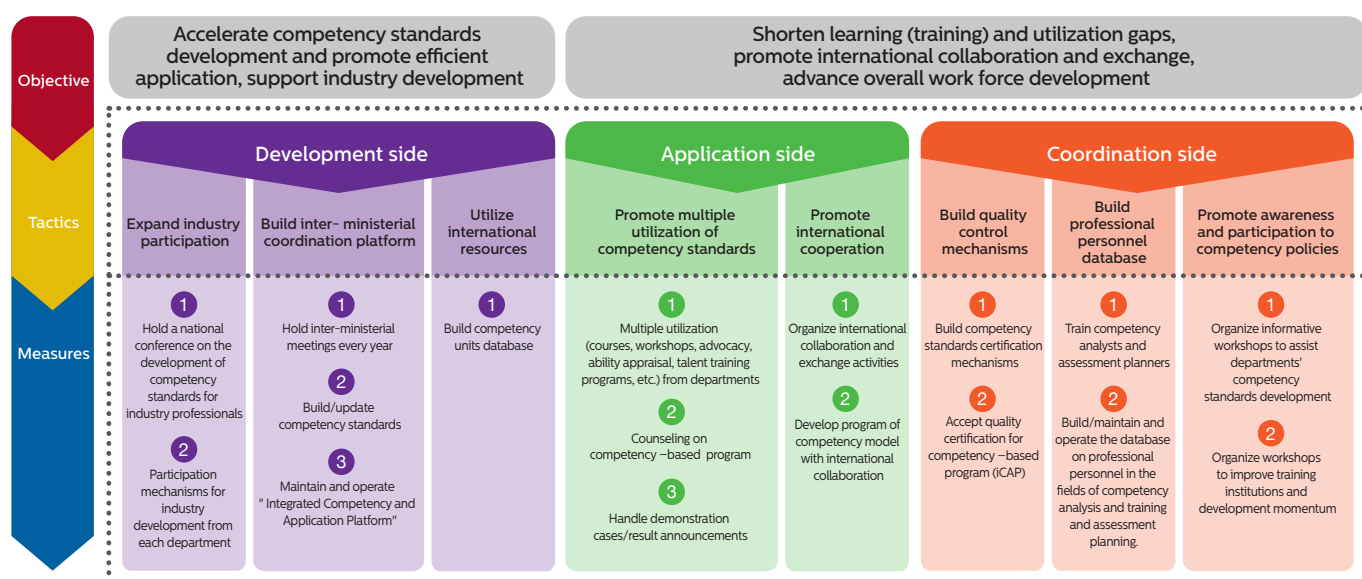
standards, will design related cultivating (training) systems and plans, and in connection with the educational system, conduct industrial talent cultivation (training) and coordinate with the effects of skill certification, ability appraisal and license system to reach the effect of unifying teaching (training), certification and employment.

When the published competency standard items reach a certain scale, they can be combined with the second phase of technical and vocational education retooling program to encourage vocational schools and colleges to use the competency standards as a basis to plan curricula in collaboration with the industry, so as to meet industrial demands, and shorten the gap between learning, training, examination, employment. This could be used as reference for the development of talent capability evaluation and certification. Industrial sectors could based on their own needs or combine with the needs of upstream and downstream suppliers, use the competency standards published by the government as basis to develop a competency system needed by each enterprise, so as to advance talent development strategies within the enterprise, and support enterprises to develop long-term business performance.

Optimize competency, keep abreast of times

In future, Taiwan's industrial talent training policy can focus on accelerating the establishment of competency standards to provide suitable education and training that are calibrated toward industrial demands, reducing the gap between learning, training and employment. This can fully support industrial development, and improve our training courses toward international standards to meet the challenges of global competition.

Optimizing industrial talent competency is a long-term work that requires coordination with national circumstances, overall resources conditions and talent training certification, as well as the quality of industrial services to develop operational modalities and substance that are abreast of times. The Ministry of Labor, according to the provisions of the Vocational Training Act, will coordinate and integrate the competency standards established by each central relevant competent authorities, while at the same time through the construction of "Integrated Competency and Application Platform", and use these as a bridge for coordination and integration, enhance learning effectiveness, and promote investment in human resources capital to create new horizons.



▲ The structure of "Promotion Plan for Developing and Applying Competency Standards"

POLICIES & REGULATIONS



The Ministry of Labor amended the "Regulations for Offsetting of Capital and Interest of Relief Loans for those with Labor Insurance" to protect workers' basic livelihood after retirement

The 2002 Asian financial crisis caused a global economic downturn that led to raising unemployment rates and left many workers in financial difficulties. In response to such impacts, the Executive Yuan and Legislative Yuan amended and passed the Labor Insurance Act in January 2003 to allow the use of the Labor Insurance Funds to handle bail-out loans for

workers. The Bureau of Labor Insurance (hereinafter referred to as BLI) has since started to organize bail-out loans for Labor Insurance insurants. With the exception to suspending the loan in 2005, each year, application announcements are posted before Chinese New Year. As of date, the loan was organized 12 times, with more than 1.37 million receiving a

total amount of over NT\$143.1 billion, playing the function of assisting workers to tide over temporarily.

Attending to workers' livelihood and all insurants' rights

Given that workers had different repayment abilities, some suggested possible delay payment on loans with outstanding principals after the loan's period. However, there were also those who believe the Labor Insurance Funds are contributed by premiums paid by all insurants, appropriate action is still needed to safeguard the rights of other insurants. To conciliate both, when the Labor Insurance Act was amended in 2003, it also stipulated when insurants or their beneficiaries apply for insurance claim, the insurer may deduct amount owed directly from the insurance benefit. As for the type, method, and amount of deduction, the Ministry of Labor was authorized to set up the "Regulations for Offsetting of Capital and Interest of Relief Loans for those with Labor Insurance," in which the recipient of the pension payment would have 50% of their pension payment deducted until the loan was settled.

Decrease the proportion of pay deductions and maintain the basic amount guarantee

This deduction method was implemented until in recent years, when some workers expressed the pension amount received after the deduction was insufficient for livelihood. As such, the Ministry of Labor reexamined the regulations, and after weighing and considering the life of workers, court practices and the overall experience and interests of the Funds, on March 1, 2015, amended and relaxed the following relevant provisions:

1. Decrease the pension payments' deductible proportion from half to "one-third"
2. In view of court proceedings of creditors applying to enforce the deductible salary against debtors, rulings are usually set at the standard portion of one-third the salary for pay deductible credit, since the amount necessary for a debtor to maintain livelihood is judged to be two-thirds of the salary. Thus, the proportion of pension payments deducted was amended to one-third accordingly.
3. Added the provision that monthly payment amount after deduction shall not be less than "NT\$3,000"

In the current labor insurance pension system, there is a guaranteed basic pension amount that is received by the insurant or their beneficiaries, therefore, this amendment also refers to the guaranteed basic pension amount for old age annuities, and added the provision that the pension amount after deduction shall not be less than NT\$3,000. If the amount after deduction is less than NT\$3,000, the BLI may only deduct from the difference between the NT\$3,000 and the pension amount.

New reform for basic labor protection and livelihood safety

For example, if the worker's monthly pension was NT\$4,000, the monthly portion to be deducted prior to the amendment would be 50%, or NT\$2,000; deduction under the new amendment is 30%, or NT\$1,333. However, since the amount after deduction is NT\$2,667, which is less than NT\$3,000, the BLI can only deduct NT\$1,000 and issue NT\$3,000 to safeguard the basic livelihood safety of retired workers.

POLICIES & REGULATIONS



Amendment to the "Standards of Necessary Nighttime Workplace Health and Safety Facilities for Female Workers Employed by Business Entities" promulgated

Amendment to the "Standards of Necessary Nighttime Workplace Health and Safety Facilities for Female Workers Employed by Business Entities" (hereinafter referred to as the Standards) was promulgated on March 31, 2015.

The focus of this amendment was on the provisions of Article 9, where considerations on the characteristics of those working in other locations and provide labor services outside the employers' workplace are regulated according to the following: "Employers are required to implement hazard identification, provide information on the hazardous factors in the work environment and establish protective measures for workers working in workplaces outside the employer's direction or management, and to also conduct health and safety training for such workers. If necessary, personal protection equipment shall be provided."

Peremptory provisions to protect women's work safety at night

According to Article 49, Paragraph 1 of the Labor Standards Act: "An employer shall not make his /her female worker perform her work between ten o'clock in the evening and six o'clock in the following morning. However, with the consent of a labor union, or if there is no labor union in a business entity, with the approval of a labor-management conference, and the following requirements in each subparagraph are met, the preceding restrictions are not applied: 1. The necessary safety and health facilities are provided; 2. When there is no public transportation facilities available, transportation facilities are provided or dormitories for female workers are arranged." Paragraph 2 of the same Article states: "For the necessary safety and health facilities referred to in Subparagraph 1 of

the preceding paragraph, their standards shall be determined by the Central Competent Authority. However, the safety and health facilities set forth in an agreement between the employer and the female worker are better than requirements in the Act, the said agreement shall be controlling." The purpose of this legislation is to protect female workers' safety when working at night, and is classified as special protection provision.

Thus, employers scheduling their female workers to work between 10:00PM and 6:00AM (employers are not allowed to schedule women employees in their pregnancy or breast-feeding period are to nightshifts) are required by law to provide necessary safety and health facilities to protect the female workers' life safety and health when working at night. The Council of Labor Affairs (now restructured as the Ministry of Labor) released the Standards on April 9, 2003, for business entities to follow.

Amending the Standards to meet industrial structure changes

Changes in industrial structures in recent years have led to more complex and variable economic activities and various types of work to be performed outside the workplace. For examples, the labor providing patterns of media workers, teleworkers, insurance salesmen, real estate agents, drivers, etc. are very different from the traditional or fixed pattern of providing labor inside the employer's facility or designated areas, but rather, their workplaces are not directed or managed by the employer, and in practice difficult to request the employers to assume responsibility for safety and health facilities stipulated in Articles 2 to 8 of the Standards. In consideration of the characteristics of those who work in locations and provide labor services outside the employers' workplace, the Ministry of Labor amended the Standards with the following key points:

1. If workers are not providing labor services in workplaces directed and managed by employers, according to Articles 2 to 8 of the Standards, employers have no basis to provide safety and health facilities. The amended Articles 2, 3, 5, 6 and 8, clearly defined the employers' obligations

to provide safety and health facilities only to the workplace provided by the employers.

2. Amended Article 9 to stipulate when workers work in workplaces not under the direction and management of the employers, the employers should implement hazard identification, inform workers of workplace hazards and lay down protective measures in advance, and impose safety and health education and training to workers. If necessary, personal protective equipment should be provided.

Employers should fulfill the responsibility of ensuring safety and health

Lastly again a reminder to employers, if it is necessary to have female workers provide labor services outside business entities from 10:00PM to 6:00AM, employers should still fulfill safety and health responsibilities, including identify in advance potential harms from each profession's working characteristics, inform workers about workplace hazards and lay down relevant protective methods and measures against possible hazards. The necessary safety and health education and training should be imparted to workers, so that they can understand clearly; if necessary, employers should provide work-required personal protective tools or equipment to female workers working at night.



POLICIES & REGULATIONS



Amendments to the Directions for Service Quality Evaluation on Private Employment Service Institutions Engaging in Overseas Manpower Agency

Though the Ministry of Labor (hereinafter referred to as MOL) liberalized the introduction of foreign workers, due to restricted manpower, time and the unfamiliarity with the process and laws for introducing foreign labor, the vast majority of employers rely on manpower agencies to hire foreign workers. Also, after the foreign workers arrived in

Taiwan, given the language and cultural barriers, their work and life are dependent on the manpower agency's assistance and arrangements, therefore the quality of these agencies greatly influences the rights of domestic employers and foreign labor management.

Monitoring multinational manpower companies to improve service quality

In order to monitor agencies engaged in multinational manpower brokering to focus on business management and improve service quality, to maintain market order for foreign manpower coming to Taiwan for work, to reward the good and eliminating the bad, and as a reference for employers and job applicants when choosing agencies, the MOL in 2003 commissioned the "Private Employment Services Institution Evaluation Indicators and Guidelines" study, whose results were used as basis for experts, scholars, employers, workers, and manpower agencies to set up evaluation indicators, and in the same year selected 50 agencies to undergo evaluation.

After follow-up reviews and revisions to the evaluation indicators provisions in 2004, evaluations for manpower agencies were conducted every year. On January 3, 2007, the amended "Regulations for Permission and Supervision of Private Employment Services Institution" was promulgated as the clear basis for evaluations.

Under the current method of evaluation on manpower agencies, the evaluation committee uses 4 major evaluation indicators -- quality management, dispositions of violations, customer service, and others as benchmark, to conduct onsite manpower agency evaluations and ratings. Evaluation scores are divided into 3 ranks: A (90 points), B (between 70 to 90 points), and C (lower than 70 points).

Ranking system to enhance quality of agencies

Since the agency evaluation was legislated in 2007, the number of outstanding manpower agencies increased tremendously. In 2007, there were 99 A-rating agencies; this number has increased to 256 by 2012. Meanwhile, the number of agencies with C-rating results continues to decline. (Note: In 2011, evaluation scores for C-rank agencies changed from 60 to 70 points; this more stringent scoring led to an increase in agencies receiving C rating).

Table 1 Annual evaluation results from 2007 to 2013

Unit: No. of agencies

| Year | No. of agencies | Evaluation result | | |
|------|-----------------|-------------------|--------|--------|
| | | Rank A | Rank B | Rank C |
| 2007 | 916 | 99 | 644 | 173 |
| 2008 | 936 | 193 | 668 | 75 |
| 2009 | 977 | 225 | 700 | 52 |
| 2010 | 990 | 312 | 644 | 34 |
| 2011 | 1,023 | 259 | 681 | 83 |
| 2012 | 1,052 | 256 | 722 | 74 |
| 2013 | 1,106 | 236 | 795 | 75 |

Source: Ministry of Labor, Workforce Development Agency

In order to implement the results of the evaluation and to reward the good and eliminate the bad, MOL adopted the following relevant administrative measures:

1. Manpower agencies with good performance evaluation (A rating) who apply for permit re-establishment (i.e., license renewal) may have the security deposit amount decreased to NT\$1 million; manpower agencies with service excellence will be publicly commended for excellent evaluation results.
2. Agencies with poor performance evaluation (C rating) will not be permitted to establish branch institutions. If they receive the same C rating for two consecutive years, their permits will be denied when they apply for re-establishing the permit. In the last three years (2011, 2012, 2013), the numbers of agencies with C rating for two consecutive years were respectively 2, 5 and 16.

Continued revisions and adjustments of the evaluation indicators

In order to promote quality services from manpower agencies, changes in the overall manpower market and recommendations from the evaluation committee, experts and manpower agencies were used as reference for rolling review to revise the evaluation indicators to be more in line with actual needs. In 2011, evaluation scores for C rating were changed from 60 points to 70 points; and in 2014, new evaluation indicators "service period provided by manpower institutions to more than 80% of employers and foreign workers must be at least once every 2 months" and "for number of service records to employers and foreign workers, personal visits percentages must reach more than 50 percent" were added to improve service quality of manpower agencies.

Establish a consistent and objective evaluation system

Since the legislation and implementation of the Private Employment Services Institutions Service Quality Evaluation, its evaluation results have prompted manpower agencies to improve their business management, while employers also often use evaluation results as a basis for selecting manpower agencies. This evaluation system has established a consistent and objective evaluation standard and related

operating procedures. Each year, after the evaluation is concluded, MOL reviews manpower agencies and relevant groups' requirements and recommendations, and revise the regulations as needed to implement rewarding the good and eliminating the bad measures, protect the rights of employers and foreign workers, and improve the overall service quality of the manpower industry.

NEWS OUTLOOK



Prioritizing creditor's rights under labor contract to protect workers' severance pay and retirement benefits

In recent years, many cases of factory shut down and ceasing operation have resulted in labor disputes and protests over arrear labor pensions and severance pays. Before the amendment, the "Labor Standards Act" stipulated that among the claims owed to workers by employers, only 6 months of salary had priority over ordinary credits and may apply for compensation, but this cannot solve the issues of workers' pension and severance pay arrears. On February 4, 2015, the amendment to the "Labor Standards Act" was announced to prioritize creditor's rights under labor contract and raise the contribution rate of the Arrear Wage Payment Fund to implement labor pensions, safeguard the rights for severance pay and improve life and economic security for elderly workers, as well as to reduce labor disputes. It is estimated approximately 6.7 million workers may benefit from the amendment; safeguard highlights include:

1. Prioritize creditor's rights under labor contract

When business entities shut down or go out of business, the payable items order of arrear six-month wages, old and new pension systems and old system severance pay are prioritized to the same level as the claims guaranteed by the first priority mortgage, right of pledge or lien, and are to be paid off according to their claim ration. All unsatisfied parts have the highest repayment priority when banks auction the employer's assets; these are listed on the same priority in the distribution of credits. This will lead to better chances of paying off labor wages, severance pays and pensions to ensure labor rights.

2. Raise the contribution rate of arrear wage payment

Before the amendment, the contribution rate of the Arrear Wage Payment Fund was only limited to arrears for 6-month salary. After the amendment, the contribution rate was raised to include the old system's pensions and severance pays, for a total up to 6 months average wage. This would provide immediate life safeguards for workers who lost financial

independence from loss of employment because of business entities shutting down or going out of business.

3. Employers are required to review the funding level of the Retirement Funds

Employers shall review the funding level of the old system's Retirement Funds at the end of each year, if the funding level is less than the required pension payments for workers eligible to retire within the next year, employers should accrue the gap by the end of March of next year. If employers do not accrue the gap before the deadline, they shall pay a penalty between NT\$90,000 and NT\$450,000, and they will have to be effectively supervised to fully accrue the gap in the Retirement Funds, in order to safeguard workers' retirement life.

4. Penalties for employers who fail to pay severance pay or pension are increased

Penalties for employers who fail to pay severance pay or pension as per law are between NT\$300,000 to NT\$1.5 million. Employers are required to pay within the deadline; those who failed to do so will be punished. Penalties are to be paid for each infraction to implement the law and protect labor rights.

5. Publish the name of business entities breaking the law

For those violating the law, the name of the business entities fined by the competent authorities are publicly announced, and improvements are demanded to be completed within a deadline. Those who fail to make improvements within the deadline will have to pay penalties for each infraction; this is done to deliver an effective warning to the institution. Also, the competent authority may review the number of workers involved in the violation, cumulative number of violations, or the amount of arrear payments according to the law and use such information as standard for the penalty's severity.



Current situation and future prospects in the global strategic index investments undertaken by the Bureau of Labor Funds

Foreign investments of the Labor Funds are of two approaches -- one being operated on their own and one through mandated investment. Mandated investments are managed by selected international asset managers with considerable overseas investment experience and performance. Before choosing the future investments, the Labor Funds would use existing investments as foundation to review the Funds' overall foreign investment strategy, and build upon the positions that needed further strengthening. Therefore, it is quite important to choose the right investment benchmark index.

Adopting new strategic indices

Regardless of stocks or bonds, the various investment benchmark indices of overseas portfolios utilized by the Labor Funds are all adopted after careful assessment. For the sake of steady return, not only a diversified investment strategy has to be adopted, selecting optimized investment benchmark indices also have the benefits of diversifying risks. Differing from the past, the Labor Funds have adopted relatively new investment benchmark indices called strategic indices (Smart Beta or Strategic Beta). According to relevant researches, a benchmark index that uses market capitalization weighted indices as benchmark is likely to buy high and sell low, and its performance degree of fluctuation will be relatively large. By adopting an index designed to improve the shortcomings of traditional indices, it could complement the Labor Funds' existing traditional stock and bond indices.

Effective risk diversification

In fact, from 2011 onward, the Labor Pension Fund has adopted the investment mandate with strategic investment indices, such as the global fundamental indices mandate, which focuses on the fundamental investment value of the stock itself. This is done to avoid the increase of market weight relying only on stock price increases, and hence resulting in investing on relatively high point. Also, using the 2012 global low volatility indexation mandate as example, which adopts lower volatility stocks as an investment strategy, also has the effect of downside protection. In short, the Labor Funds adopt strategic indices for their investments that are different from traditional indices to diversify the portfolio risks.

Long-term, stable, diversified asset allocation

Up until now (2015), the overseas discretionary mandates of global quality equity indexation and the enhanced global sovereign credit still adopt strategic indices as benchmarks handled by the Bureau of Labor Funds, wherein the enhanced global sovereign credit is used for the first time on bond investments, as it allows the funds to mitigate the interest rate risk that could be brought on by future interest rate increases. As of the end of March 2015, the amount invested by the Labor Funds in strategic indices has reached US\$3.5 billion, and will continue to increase to more than US\$8 billion. The Labor Funds hope to obtain a relatively stable long-term return by building a well-diversified asset allocation.



▲ The global strategic index investments undertaken by the Bureau of Labor Funds are expected to achieve diversified asset allocation and stable long-term return.

台灣勞工簡訊

TAIWAN LABOR e-QUARTERLY

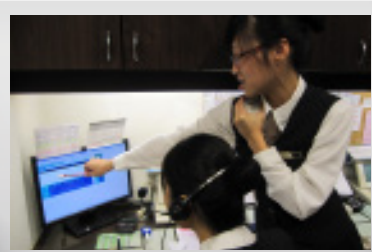
中華民國勞動部 Ministry of Labor, R.O.C

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專題報導



優化產業人才職能－ 創造勞動力新價值

政策法規

- 勞動部修訂「勞工保險未繳還之保險給付及貸款本息扣減辦法」，保障勞工退休後基本生活
- 「事業單位僱用女性勞工夜間工作場所必要之安全衛生設施標準」修正發布
- 修訂私立就業服務機構從事跨國人力仲介服務品質評鑑要點

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專題報導



優化產業人才職能－ 創造勞動力新價值

一個國家經濟發展來自企業的成長，企業成長則奠基於「優質化」的勞動力及產業技術創新。是故，「勞動力開發」、「勞動力提升」與「勞動力運用」在經濟發展中扮演極為關鍵性的角色。

全球化時代下，產業發展變動迅速，對所有企業來說，善用好的人才才是其主要營運策略；為使人才培育能符合產業用人需求，多數先進國家係透過產業人才職能基準的訂定來

協助達成，用以提供人才合適的教育及訓練。所謂「職能基準」可清楚描述產業關鍵人才所需能力規格，並可做為學校或訓練機構課程規劃之依據，有助於人才培育連結產業需求；再者，透過其建置，將減少國內學、訓、用落差，以充分支持產業發展。

強化職能基準與能力鑑定發展

我國為促進產業發展與國民就業，就產業人才資源發展

中有關人才能力內涵，特訂定產業創新條例第18條：「除法律另有規定外，各中央目的事業主管機關得依產業發展需要，訂定產業人才職能基準及核發能力鑑定證明，並促進國際相互承認…」，肯定以職能基準與能力鑑定（職能基準應用之一）作為產業發展之必要性，並作為各中央目的事業主管對職能發展與應用之依據。

另於100年職業訓練法增訂第4條之1：「中央主管機關應協調、整合各中央目的事業主管機關所定之職能基準、訓練課程、能力鑑定規範與辦理職業訓練等服務資訊，以推動國民就業所需之職業訓練及技能檢定。」明定需要有效整合、運用各中央目的事業主管機關訂定之職能基準、能力鑑定規範，再次強化職能基準與能力鑑定發展之重要性。

我國政府部會中，最早推動發展產業人才職能基準者為經濟部工業局。自99年產業創新條例通過後，其他部會亦陸續投入職能基準發展。整體而言，我國職能基準推動期程已近10年，為使下一個10年我國職能基準的推動與發展以更宏觀及前瞻性角度為之，爰參考國外經驗及衡酌我國國情，由勞動部規劃訂定「職能基準發展與應用推動」方案，有效統整政府資源及產業動能，共謀勞動力高效之發展。

推動符合市場需求之「職能基準發展與應用推動方案」

為符合勞動市場實際用人需求，「職能基準發展與應用推動」方案之推動，目標為「加速職能基準發展與促進有效應用，支持產業發展」、「縮短學（訓）用落差，促進國際合作交流，提升整體勞動力發展」；透過發展面、應用面及配套面等三大面向，共研訂8大策略，各部會共同努力，預計104至106年建置300項職能基準、2,000個職能單元，並鼓勵民間多元應用，以促進產業認同。

另勞動部將定期召開全國產業人才職能基準發展會議，聽取各產業工商領袖意見，並研商職能基準建置優先次序與發展策略；並建立協調機制，連結產官學研界及國外資源，加速發展各產業職能基準，透過宣導研習、輔導及品質認證措施，促使人才培育單位應用職能

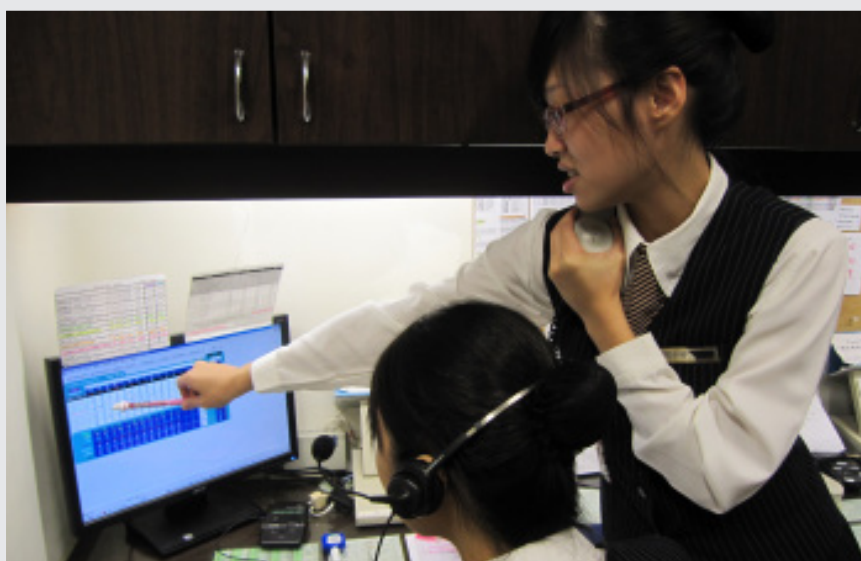
基準，投入有品質之職能導向課程發展，充裕職能政策推動所需之相關專業人才，協助產業運用已公告之職能基準，亦須透過各部會所轄相關計畫(如教育部第二期技職教育再造計畫及各部會人才培育計畫)，同時結合本署各項職業訓練計畫資源，鼓勵民間運用職能基準有效連結產業發展與人才培育系統；推動國際合作，學習成功經驗，以健全未來國內職能培訓機構體系。

描繪產業人才發展策略主軸，創造勞動力新價值

目前臺灣正邁向亞洲區域經濟整合階段，同時面臨著全球化、少子化、產業變遷迅速的大環境，國家人力資源如何做有效策略開發、提升及運用，才能創造最大的價值與競爭力，則有待政府與全民一起努力推展。

未來將參考產業發展及促進國民就業需求，由各部會就政策需要，進行職能基準建置，以符合產業發展動態。優先描繪我國產業人才發展策略主軸，並確認產業所轄中央目的事業主管機關，在策略清楚及權責明確之情況下，由各部會分工訂定產業人才職能基準。再由各部會依照所訂職能基準，研訂相關培育(訓)制度及計畫，連結教育體系，進行產業人才培育(訓)，並搭配技能檢定、能力鑑定及證照制度之效用，以達教(訓)檢用合一之效。

當公告之職能基準項目具一定規模後，結合第二期技職教育再造計畫推動獎助高職及技專校院，依據職能基準，



▲ 為符合勞動市場實際用人需求，勞動部辦理各項職業訓練計畫

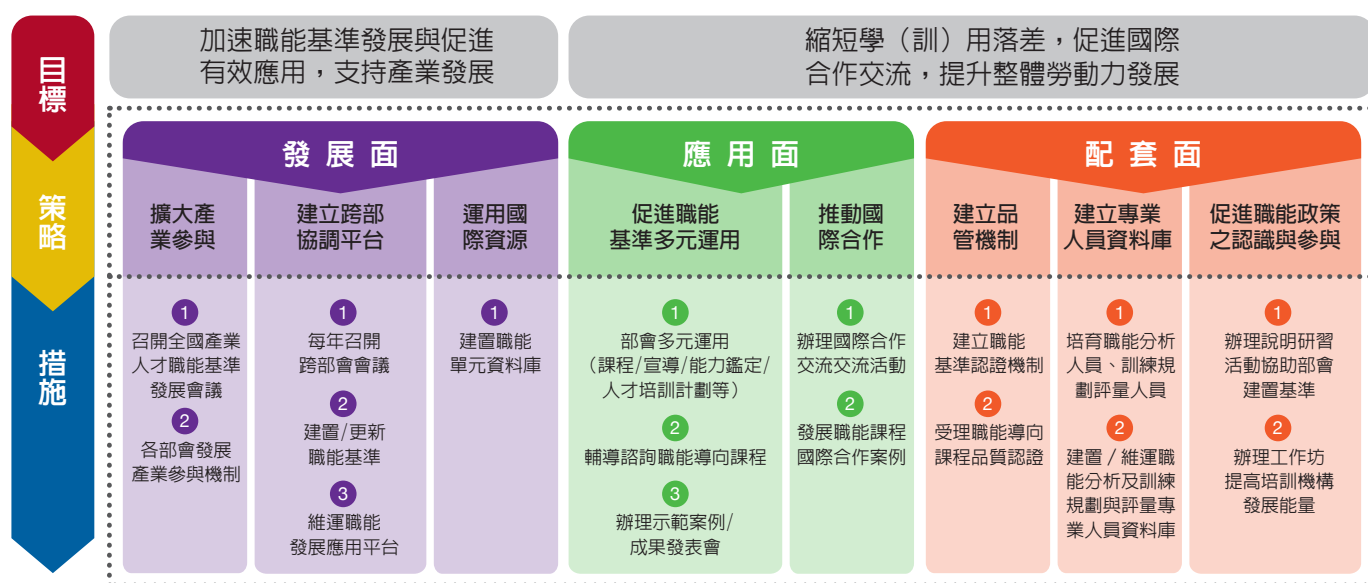
與業界共同規劃課程，符合產業實際需求，以縮短學、訓、考、用落差，作為發展人才能力評鑑、認證之參據；且產業部門將可依據自身需要或結合上下游廠商需求，以國家公告之職能基準為基礎，進而發展各別企業所需的職能系統，據以推動企業內之人才發展策略，支持企業長久經營發展績效。

優化職能，與時俱進

我國產業人才培育政策，未來可加速職能基準建置速度，以提供合適之教育訓練，使人才培育能夠校準產業需

求，減少學、訓、用落差，充分支持產業發展，並提高我國培訓課程國際接軌程度，有助迎接全球化競爭挑戰。

優化產業人才職能是一種長期性遠程的工作，必須配合國家的國情、整體資源的條件及人才培訓認證、服務產業的水準，與時俱進發展運作的模式與內涵，勞動部將依照職業訓練法之規定，協調整合各中央目的事業主管機關所訂定之職能基準，同時透過建構職能發展應用平台，做為協調整合之橋梁，提升學習的效能，促進人力資本投資開創新局。



▲ 「職能基準發展與應用推動」方案之架構

政策法規



勞動部修訂「勞工保險未繳還之保險給付及貸款本息扣減辦法」，保障勞工退休後基本生活

鑑於91年亞洲金融風暴衝擊，國內、外經濟景氣低迷，失業率不斷攀升，許多勞工朋友面臨經濟上窘境，行政部門及立法部門為回應各界的訴求及期盼，於92年1月修正通過勞工保險條例，可運用勞工保險基金對勞工辦理紓困貸款的法源依據。勞工保險局並自該年開辦勞工保險被保險人紓困貸款業務，期間除94年末辦理外，每年均於農曆年前公告辦理，迄今

（104年）總計辦理12次，總貸款人數137萬餘人，貸款金額達1,431億元，發揮協助勞工度過一時難關的功能。

兼顧勞工生活與全體被保險人權益

另外，針對逾貸款期間未清償貸款本息者，考量勞工朋友的還款能力不同，各界也希望可以不要立即訴追，但另外也有

一部分意見認為，勞工保險基金是由全體被保險人繳納保險費所組成，仍有必要作適當處理以維護其他被保險人權益，因此在兩者折衝下，92年勞工保險條例修正當時，也明定於未來被保險人或其受益人請領保險給付時，得由保險人直接從保險給付中扣減之規定。至於扣減保險給付之種類、方式及金額，則授權勞動部訂定「勞工保險未繳還之保險給付及貸款本息扣減辦法」，其中請領年金給付者，過去的扣減方式是自每次得領取年金給付金額之50%，辦理扣減至清償為止。

調降給付扣減比例並維持基本金額保障

給付扣減作法實施一段期間後，近年來實務上有部分勞工朋友反映，年金給付經扣減後，給付金額不足以維持生活的問題，勞動部也因此著手檢討，在衡酌勞工生活、法院實務經驗及整體基金權益下，於104年03月01日修正放寬相關規定如下：

- 1、調降年金給付扣減比例，從二分之一改為「三分之一」
- 2、參酌法院在實務審理債權人對債務人申請強制執行扣抵薪水作法，維持債務人生活所必須的額度通常被認

定為薪水的三分之二，而將薪資債權扣抵比例標準定為三分之一。因此，依司法機關經驗，該年金給付扣減比例修正為三分之一。

3、增訂扣減後之每月給付金額不得低於「3,000元」

現行勞工保險年金制度，對於被保險人或其受益人請領年金給付，有提供基本保障金額的設計，所以此次修正辦法也參考老年年金給付基本保障金額，增訂扣減後年金給付金額，不得低於新臺幣3,000元，如扣減後之金額低於新臺幣3,000元，勞工保險局僅得就年金給付金額與新臺幣3,000元之差額作扣減。

新制改革 保障勞工基本生活安全

例如勞工每月年金給付為4,000元，按修正前之規定，原本每月應扣減之比例為50%，即應扣減金額為2,000元，如按新規定，扣減比例為30%，應扣減金額1,333元，又因為扣減後之金額為2,667元，不足3,000元，所以勞保局僅能扣減1,000元，發給3,000元，以保障勞工老年基本生活安全。

政策法規



「事業單位僱用女性勞工夜間工作場所必要之安全衛生設施標準」修正發布

「事業單位僱用女性勞工夜間工作場所必要之安全衛生設施標準」（以下簡稱本標準）甫於104年3月31日修正發布施行。

本次修正重點為第9條規定，衡酌在外工作者於雇主工作場所以外提供勞務之特性，特規範「勞工非於雇主所能支配、管理之工作場所工作者，雇主應事前執行危害辨識、告知勞工工作環境危害因素及制定防護措施，並對勞工施以安全衛生教育及訓練。必要時，應提供個人防護設施」。

強制規範 保障女性夜間工作安全

按勞動基準法第49條第1項規定：「雇主不得使女

工於午後10時至翌晨6時之時間內工作。但雇主經工會同意，如事業單位無工會者，經勞資會議同意後，且符合下列各款規定者，不在此限：一、提供必要之安全衛生設施。二、無大眾運輸工具可資運用時，提供交通工具或安排女工宿舍。」；同條第2項規定：「前項第一款所稱必要之安全衛生設施，其標準由中央主管機關定之。但雇主與勞工約定之安全衛生設施優於本法者，從其約定。」。立法目的在於保護女性勞工夜間工作安全，係屬特別保護規定。

因此，雇主如欲使女性勞工於晚上10點至凌晨6點之間工作（但仍不得使妊娠或哺乳期間之女性勞工夜間工作），必須遵守的法定要件之一就是提供必要的安全衛生

設施，以保障女性勞工於夜間工作時之生命安全與健康。行政院勞工委員會（現已改制為勞動部）並於92年4月9日訂定發布本標準，供事業單位依照規定辦理。

配合產業結構變遷修正標準

由於近年來產業結構變遷，經濟活動愈趨複雜多元，勞工在事業場所外從事工作之類型日益增加，例如新聞媒體工作者、電傳勞動者、保險業務員、房屋仲介人員、駕駛等，與傳統或固定於雇主之設施內或指定場所提供勞務之型態已有不同，其工作場所因非雇主所能支配、管理，實務上實難依本標準第2條至第8條規定要求雇主負起提供安全衛生設施之責任。爰勞動部主動檢討規定，衡酌在外工作者於雇主工作場所以外提供勞務之特性，修正本標準，修正要點如下：

- 1、勞工如未於雇主所能支配、管理之工作場所提供勞務者，雇主無得依本標準第2條至第8條規定提供安全衛生設施。爰修正第2條、第3條、第5條、第6條及第8條規定，其所定義務僅限於雇主所提供之工作場所，以資明確。
- 2、修正第9條規定，勞工非於雇主所能支配、管理之工作場所工作者，雇主應事前執行危害辨識、告知勞工工

作環境危害因素及制定防護措施，並對勞工施以安全衛生教育及訓練。必要時，應提供個人防護設施。

雇主應善盡保障安全衛生責任

最後要再次提醒雇主，如有必要使女性勞工於晚上10點至凌晨6點之間在事業場所外從事夜間工作者，雇主仍應善盡安全衛生責任，包括事先對於各該行業的工作特性所可能的危害，做出辨識，告知勞工工作環境的危害因素，並針對可能危害制定相關的防護方法及措施。且應對勞工施以必要的安全衛生教育及訓練，使勞工清楚瞭解；如有必要，雇主並應提供女性勞工在夜間工作之作業內容所必要之個人防護器具或設備。



政策法規



修訂私立就業服務機構從事跨國人力仲介服務品質評鑑要點

勞動部(以下簡稱本部)開放外籍勞工引進，因雇主囿於人力、時間及不熟悉引進外籍勞工程序、法令，絕大多數係透過仲介公司引進，另外籍勞工入境來臺後，因其語言、文化之隔閡，工作上及生活上均仰賴仲介公司居間協助及安排，故仲介公司之良窳，對我國雇主權益及外勞管理影響極為重大。

督促跨國人力仲介公司 提升服務品質

為督促從事跨國人力仲介公司注重經營管理及提升服務品質，以維護入國工作之外國人力仲介市場秩序，並作為獎優汰劣及雇主或求職人選任仲介公司之參據，本部92年委託辦理「私立就業服務機構評鑑指標及準則」研究

案，並依其研究報告邀請專家、學者、雇主、勞工及仲介等團體召開會議訂定評鑑指標，當年度抽選50家仲介公司予以評鑑。

後續於93年檢討修正評鑑指標規定，每年辦理仲介公司評鑑，並於96年1月3日修正發布「私立就業服務機構許可及管理辦法」明定辦理評鑑之依據。

目前仲介評鑑辦理方式，係由評鑑委員以品質管理、違規處分、顧客服務及其他事項等4大面向之評鑑指標為基準，前往仲介公司進行實地評鑑予以評分，評鑑成績分為A級(90分以上)、B級(70分以上未達90分)、C級(未達70分)3等級。

分級評鑑制度 強化仲介公司品質

本部自96年將仲介公司評鑑予以法制化，實施期間對於提升仲介公司服務品質成效卓著，仲介公司評鑑成績A級之家數由96年度之99家增加至101年度之256家，另

評鑑成績C級之仲介公司家數持續減少。(註:100年度評鑑成績C級分數由60分提高至70分，因採更嚴格之標準，故C級仲介公司家數增加。)

表1、96年度至102年度評鑑成績表

單位：家數

| 年度 | 仲介家數 | 評鑑結果 | | |
|-------|-------|------|-----|-----|
| | | A級 | B級 | C級 |
| 96年度 | 916 | 99 | 644 | 173 |
| 97年度 | 936 | 193 | 668 | 75 |
| 98年度 | 977 | 225 | 700 | 52 |
| 99年度 | 990 | 312 | 644 | 34 |
| 100年度 | 1,023 | 259 | 681 | 83 |
| 101年度 | 1,052 | 256 | 722 | 74 |
| 102年度 | 1,106 | 236 | 795 | 75 |

資料來源：勞動部勞動力發展署

為落實評鑑成績之獎優汰劣，本部對仲介公司相關行政措施如下：

- 1、對於評鑑成績優良(A級)之仲介公司，於申請重新設立許可（即換發許可證）給予調降保證金額度100萬元，並對於其中服務卓越之仲介公司予以公開表揚，以獎勵評鑑成績優良者。
- 2、另評鑑成績不佳者(C級)，不予許可設立分支機構，如評鑑成績連續2年為C級者，申請重新設立許可時，亦不予許可，以淘汰劣質仲介公司，近3年(100年、101年、102年)評鑑成績連續2年為C級者分別為2家、5家及16家。

評鑑指標持續修正與調整

為促使仲介公司提供優質服務，本部參考整體仲介市場之變化及評鑑委員、專家學者及仲介公司之建議，做滾動式檢討修正評鑑指標，以使評鑑指標更符合實際需求，

前於100年度修正評鑑指標，將C級之評鑑成績由60分提高至70分，並於103年度新增「仲介機構提供80%以上雇主和外籍勞工服務週期至少2個月一次」與「對於雇主和外籍勞工服務紀錄次數，親自訪問比例達50%以上」之評鑑指標，藉以提升仲介公司之服務品質。

建立一致、客觀的評鑑制度

私立就業服務機構服務品質評鑑經法制化實施以來，其評鑑結果促使仲介公司改善經營管理，而雇主亦經常利用評鑑結果作為選任仲介公司之依據，評鑑制度推動迄今，已建立一致性及客觀性之評鑑基準和相關作業程序，並於每年度評鑑結束後，評估仲介業者及相關團體等需求及建議，持續檢討及修正評鑑指標，落實獎優汰劣措施，保障雇主與外籍勞工之權益，提升整體仲介產業之服務品質。



提升勞動債權受償順位， 保障勞工資遣費及退休權益

近年來，事業單位因多起關廠、歇業積欠勞工退休金及資遣費的情形，衍生勞資爭議，抗議事件頻傳。修正施行前之《勞動基準法》規定，勞工被雇主積欠的債權，只有6個月工資優先於普通債權受償及得申請墊償，無法解決勞工被積欠退休金及資遣費產生的問題，爰於104年2月4日修正公布《勞動基準法》，提升勞動債權受償順位、擴大積欠工資墊償基金墊償範圍等，以落實勞工退休金、資遣費權益之保障，健全勞工老年生活與經濟安全，減少勞資爭議，預計約有670萬勞工可受惠，保障重點包括：

1、提升勞動債權受償順序

事業單位關廠、歇業時，積欠勞工的6個月工資、舊制退休金及新、舊制資遣費的債權受償順序，提升與第一順位的抵押權、質權或留置權所擔保的債權相同，按其債權比例清償；未獲清償部分，有最優先受清償的權利，以保障勞工的債權能於銀行拍賣雇主的資產時，列為同一順位參與分配，將促使勞工工資、資遣費及退休金等債權更能獲得清償，確保勞工權益。

2、適度擴大積欠工資墊償範圍

在修法前，積欠工資墊償基金的墊償範圍僅限於勞工被積欠6個月工資；修法後，擴大墊償的範圍，納入舊制退休金及資遣費，合計最高6個月的平均工資，即時提

供勞工因事業單位關廠、歇業失去工作而驟失經濟生活依存的保障。

3、課予雇主定期檢視勞退舊制準備金提撥狀況

雇主應於每年年度終了前檢視勞退舊制準備金專戶提撥的狀況，如果不足未來一年內符合退休資格勞工的退休金給付所需者，應於次年度三月底前，補足差額。如果雇主未依期限補足，將處以9萬元以上45萬元以下罰鍰，以有效督促雇主足額提撥勞工退休準備金，保障勞工退休的生活。

4、加重雇主未依規定給付資遣費或退休金的處罰

對於沒有依規定給付勞工資遣費或退休金的雇主，將處30萬元以上150萬元以下罰鍰，並限期令雇主給付，屆期未給付者，按次處罰，落實法令以保障勞工權益。

5、公布違法事業單位姓名

針對違法，經主管機關處以罰鍰的事業單位，公布事業單位姓名，並限期令其改善；屆期未改善者，按次處罰，以達警惕事業單位之效。另主管機關得審酌與違反行為有關的勞工人數、累計違法次數或未依法給付的金額，作為量罰輕重的標準。



勞動基金運用局從事全球策略性指數投資 之現況與展望

勞動基金在國外投資方面，除了有自行經營的部分以外，在委託代操部分，皆係遴選具有相當投資經驗與績效的國際資產管理業者進行海外投資。而在遴選之前，會在

既有投資部位為基礎的前提下，就基金整體國外投資策略中，檢視可再加強的部分進行建置。因此，選擇合適的投資基準指數就相當地重要。

採用新的策略性指數

不論是股票或是債券，勞動基金在國外委託經營，所使用的各項投資基準指數都是經過審慎評估而採行，為求穩健之收益，不僅要採取多元化的投資策略，選擇優化後的投資基準指數亦是具有分散風險的效益。所以，相較以往，勞動基金採取了比較新的投資基準指數，也就是使用所謂的策略性指數（Smart Beta 或Strategic Beta）。根據相關的研究指出，以市場加權指數作為導向的基準指數容易有追高殺低的缺點，績效的波動程度也會比較大，而採取以改善傳統指數的缺點所設計的指數，可以與現存勞動基金的傳統股債指數有相輔相成的功效。

有效分散風險

事實上，勞工退休基金自民國100年起就採用了策略性指數的投資委任方式，例如全球基本面指數股票型委託，就是著重股票本身基本面的投資價值，避免僅因股

票價格上漲而使得市場權重增加，進而導致投資在相對高點；再以101年的全球低波動指數股票型委託為例，它是採取以波動度較低的股票為投資策略，兼具有下檔保護的效果。簡而言之，勞動基金採用策略性指數進行投資，其目的是希望用有別於傳統指數的投資，來分散投資組合風險。

長期穩健、多元的資產配置

勞動基金運用局於今（104）年所辦理之全球高品質被動股票型及全球主權信用增值債券型的國外委託經營仍然採取策略性指數委任，其中全球主權信用增值債券型是首次對於債券投資採用這樣的策略，因為這可以讓基金因應未來升息環境所可能帶來的利率風險。截至104年3月底止，勞動基金在策略性指數投資的金額已達35億美元，並將持續增加至80億美元以上，期望以建構多元資產配置的方式，來獲取長期相對穩健的收益。



▲ 勞動基金運用局從事全球策略性指數投資，期望達成多元資產配置，長期穩健收益的目標。