

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	Earl Wieman
Publishing Office	Council of Labor Affairs, Executive Yuan Taiwan
Address	9F., No. 83, Sec. 2, Yangping N. Rd., Taipei City 10346, Taiwan R.O.C.
Production	Taiwan Institute of Economic Research
Customer service	886-2-25865000

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

Taiwan Labor

JUNE 2011



e-Quarterly



Council of Labor Affairs, Executive Yuan 中華民國精彩一百

Quarterly Focus

- ◆ Forging a Vision of the Beautiful Life for Laborers
The "Ministry of Labor" will usher in a new age for labor



Policies and Regulations

- ◆ Labor Insurance Act Revised to Enhance Laborers' Insurance Rights
- ◆ Protecting Labor Rights and Interests by Assisting Laborers with Litigation
- ◆ Occupational Accidents Determination and Laborer Protection Measures
- ◆ Prevention and Correction of Sexual Harassment in the Workplace

News Outlook

- ◆ "The Phoenix Spreads Its Wings"—
Mothers Become Bosses
The CLA's "Micro-Business Startup Phoenix Program" Helps Entrepreneurs Realize Their Successes and Dreams
- ◆ Reward Boosted to Stop Illegal Alien Worker Hiring and Brokering



Quarterly Focus

Forging a Vision of the Beautiful Life for Laborers The "Ministry of Labor" will usher in a new age for labor

Due to the social changes and rapid economic development of the past 20 years, Taiwan is facing the challenges of globalization, an aging population, low fertility rate, structural transformation of the labor market and industry, growing unemployment rate, and the challenges of the rise of non-traditional forms of labor. In order to formulate a legal system for labor that conforms to world trends and Taiwan's own conditions under the pressure of labor competition from the international community will be a vital task facing the nation's Council of Labor Affairs (CLA) when it is upgraded to a Ministry of Labor next year. The upgrading to ministerial status will also present opportunities, however, and the future Ministry of Labor should give priority attention to the following subjects of debates:

1. Development and utilization of human resources in order to strengthen national competitiveness

Human resources have already become the core driving forces behind economic growth and competitiveness, and countries all over the world are adjusting the administrative organizations of their labor or manpower sectors to place more emphasis on the human innovation, development, and cultivation of talent. Human resources are Taiwan's most valuable asset, and the government should give priority to mapping out plans for manpower policy,

cultivation, training, and development.

2. Alleviating the impact of economic change

With the surfacing of the negative impacts of such factors as globalization and flexibility of labor markets, rising unemployment rates, and unstable employment, urgent issues facing the government include enhancing employment security and alleviating the impact of economic changes on laborers.

3. The impacts of non-traditional forms of work on the relationships between labor and capital require new deliberations and actions

Due to the increasing prevalence of non-traditional forms of work in recent years has affected the traditional relationships between labor and capital. Relationships between employers and employees have changed, and new ways of deliberations and actions are required in order to cope with the protection of laborers' rights, labor disputes, and the adjudication and arbitration of improper labor practices.

4. Enhancement of post-retirement economic security in the face of the aging society

The trends of an aging society and low fertility rates are causing population structural changes. The government must not ignore the subjects of debates to protect the economic security



▲ Wang Ju-hsuan, Minister of the Council of Labor Affairs

of laborers after retirement and to strengthen the development of human resources to avert a potential crisis of labor shortage.

Innovations and Reformations in the Ministry of Labor

In order to cope with these challenges above, it is necessary to do more than strengthen the core competencies of the current CLA. The Ministry of Labor should possess the innovations and reformations that are required to meet the demands of the trends for socioeconomic changes:

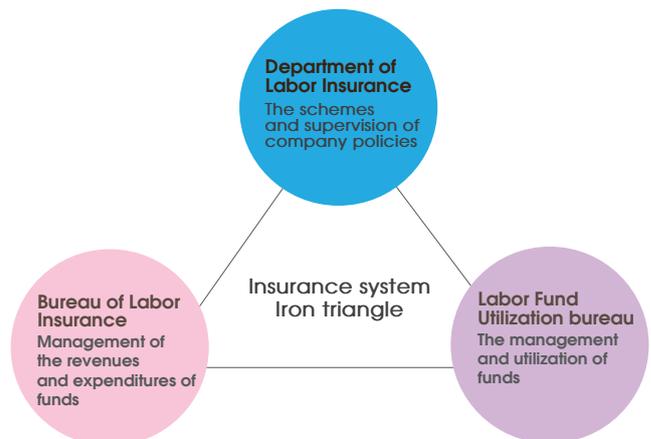
1. Reinforcement and integration of manpower development practice; establishment of a "workforce development agency"

National economic development is the result of corporate growth, and corporate growth is founded on the optimization of labor along with technical innovation. Consequently, the development, upgrading, and utilization of manpower have become new international trends in development and part of the labor policies of governments globally. Therefore in the future, the functions of the CLA's Bureau of Employment and Vocational Training will be expanded and it will be provided the additional tasks of skill testing as well as relative practices and resources for small business entrepreneurship; it will be upgraded into a "workforce development agency" charged with manpower development, upgrading, utilization, and development; small business entrepreneurship; skill testing; schemes and implementation of labor imports; and future planning of a consistent framework for the development of competency standards, training courses, and labor ability assessment. This will facilitate the formation of a solid chain of qualification linkage from technical and vocational education and training to employment, thereby reinforcing the liquidity of the labor market, narrowing the gap between learning and utilization, and promoting lifetime learning. The current employment services and vocational training systems will be combined into a "regional branch of workforce development agency," providing a unitary system and localized services that form a lean but comprehensive service network.

2. Building an "iron triangle" of insurance system, organization, and management

In order to bring labor insurance and oversight together, and to avoid duplications of organizational functions, the dedicated oversight

agency will be abolished and the oversight duties within the current Department of Labor Insurance of the Labor Insurance Supervisory Committee will be integrated into a new "insurance, retirement, and welfare department" in which decision-making, planning, and supervision are integrated closely together so as to achieve organizational streamlining. Furthermore, in order to consolidate the professionalism of the organization, enhance management efficiency, and achieve economies of scale, the Ministry of Labor will centralize the management and utilization of the seven major labor funds under a "labor fund utilization bureau" which anticipates the reaching of the sharing of research, integration of information systems, gaining of more flexibility for price negotiation, and strengthening of the utilization control mechanism of external asset management agencies, thereby enhancing the long-term performance and achievement of the labor funds. The Bureau of Labor Insurance will be upgraded from an enterprise organization to a grade-3 administrative agency in charge of labor insurance receipts, disbursements, and management. This allows the mass population and laborers to be able to rely heavily and have faith in the government for their immeasurable responsibilities on labor insurance practices.



3. Addition of a labor law department to strengthen the decision and arbitration mechanism for unfair labor practices

In order to protect the rights of laborers to association, organization, and dispute, and to prevent improper interference by employers, Taiwan's labor dispute arbitration mechanism will undergo a major reformation and additional dispute settlement pathways will be implemented. A decision committee will be formed within the Ministry of Labor and a dedicated arbitration section established within the legal affairs department in order to cope with cases of unfair labor practice and arbitration. The new decision and labor dispute arbitration systems will make the legal system for Taiwan's collective labor relations more comprehensive and have a positive impact on the development of the nation's labor and capital relations.



4. Preservation of safety and health of manpower through the establishment of the Occupational Safety and Health Administration and a dedicated labor safety and health research agency

The protection of labor safety and health is a basic human right that the government takes very seriously, and an indicator of social justice; and to bring the international human rights appeal for "a safe and healthy working environment for all" to reality in Taiwan, the Ministry of Labor will establish the "Occupational Safety and Health Administration" in which safety and health policy schemes and implementations will be integrated to provide an unified policy and implementation window. An infrastructure for the long-term development of occupational safety and health will be constructed on the levels of regulation and implementation to put the relative projects into practice, facilitate the overall schemes and allocation of accident-prevention resources, and accelerate the reduction in the rate of occupational accidents and the promotion of occupational health care. This will assist Taiwan to get abreast of the standards of the benchmark countries and achieve the goals of occupational safety, physical and mental health, a comfortable environment, and a friendly workplace. The schemes for prevention, compensation and rehabilitation will also be integrated to provide more effective services for workers suffering occupational accidents or diseases.

In order to make the formulation of labor policy more professional, forward-looking, and broad-visioned, the Ministry of Labor will expand the mission and the organization, establish "The Institute of Occupational Safety and Health" and reorganize it into an "institute of labor, safety, and health." The expanded institute will serve as a national think-tank for labor, safety, and health and a national center for occupational safety and health technology; in addition to maintaining a grasp of overall international conditions, socioeconomic changes, and economic and trade influences, and carrying out pioneering research, the new institute will engage in trans-national research on policies and systems within the scope of safety and health, labor market, human resources, employment security, and labor and capital relations. It will undertake problem-oriented application research and will become the most powerful prop for policy formulation.

Strategic targets of the Ministry of Labor

Following the organizational readjustment, the Ministry of Labor

will be able to provide workers with a full range of services through a professional team, streamlined efficiency, and a brand-new style and features that put laborers first and sets forward-looking, broad-visioned targets aimed at achieving "the creation of a human-oriented, safe, equal, and dignified labor environment and the enhancement of Taiwan's labor competitiveness, and realizing the organizational vision of "dignified work for all":

1. Reinforcement of labor development and utilization, and enhancement of national competitiveness.
2. Building of a healthy employment safety net, and promotion of sustainable labor development.
3. Reinforcement of the retirement and insurance systems, and assurance of economic security for laborers.
4. Strengthening of the labor legal institution, and enhancement of laborers' quality of life.
5. Realization of gender equality in employment and banning of employment discrimination, and guaranteeing of equal opportunities for labor.
6. Creation of a safe and healthy work environment, and maintenance of laborers' mental and physical health.
7. Promotion of social dialogue, and boosting of harmonious partnership relations between labor and capitals.

Creation of a future in which there is "decent work for all"

The Ministry of Labor will hope for "decent work for all" so that everyone who chooses to enter the workforce will have abundant opportunities to be employed. The right to work should be protected, and everyone should obtain an adequate revenue, with sufficient social protection to assure a stable life and freedom from poverty. The Ministry of Labor will further hope that every citizen will have an opportunity to be all that he or she can be, with the assurance of acquiring new technological skills when necessary and maintaining physical and mental health, and that women will receive equal treatment in the workplace and have control of their own working lives without discrimination, realizing "decent work for all."



Policies and Regulations

Labor Insurance Act Revised to Enhance Laborers' Insurance Rights

The act of invigorated protection for laborers' rights has always been, for the Council of Labor Affairs (CLA), one of the most vital policy links in the protection of laborers. The CLA recently revised the Labor Insurance Act in order to provide even more comprehensive protection for laborers and, in the future, will work continuously to enhance laborers' rights.

Main points in the revision of recent labor insurance regulations

1. Inauguration of a labor insurance annuity system to provide laborers and their survivors with long-term living assurance
- Taiwan's labor insurance system is currently a comprehensive

type of insurance, and laborers insured under the system possess ordinary accident insurance and occupational accident insurance simultaneously. Therefore, the schemes for relative occupational accident insurance has always moved in step with ordinary accident insurance. Taiwan officially became an aging society in September of 1993, and with the nation's low fertility rate, it became necessary to find a systemic solution to the problem of caring for the elderly. To avoid a devaluation of one-time pension payments due to economic changes and currency inflation, and the risks of the pension being exhausted by improper investments, in 1991 the CLA began mapping out plans for a labor annuity system; and to establish a comprehensive labor annuity assurance system, an old-age, disability, and survivors' annuity system was incorporated in the planning work. A revision of the Labor Insurance Act was enacted on Aug. 13, 2008, and the labor annuity system was inaugurated on Jan. 1, 2009 to provide laborers and their survivors with long-term living assurance.

2. Dividing occupational accident insurance premium rates by industry and by accidents going to and from work

The Labor Insurance Act was revised on Aug. 13, 2008 to make premium rates more equitable by dividing occupational accident rates into two types: "industry accident premium rates" and "premium rates for accidents traveling to and from work." Industry rates continued to be fixed by occupational risk, with a maximum of 2.94% for mining workers and a minimum of 0.02% for financial and insurance workers. Even though accidents during travel to and from work were considered occupational accidents; being outside the scope of prevention or management by employers, and of little relevance to the types of occupation, the premium was changed to a flat average rate and was not included in the scope of premium rates calculated by merit. The initial actuarial calculation put the rate for insurance against accidents traveling to and from work at 0.05%, which was implemented on Jan. 1, 2010.

3. Enhancement of fines to protect the rights and interests of laborers:

A revision of the Labor Insurance Act implemented on Apr. 27,

2011 increased the fine multiple for employers who do not take out labor insurance for their employees in accordance with the law and who do not truthfully report insured salaries from two times to four times, and added a provision for a fine of double the amount of premium payable for employers who transfer to employees the premium which the employer is required by the regulations to pay, plus a refund to employees of the premiums improperly paid by them. In order for the employers to avoid being fined, the increase in the fine multiple gives additional incentives to employers to take out insurance for employees and report their salaries truthfully.

Future direction of revision: Planning of the establishment for the labor insurance disability assessment mechanism

In order to be able to assess the extent of disability in insured laborers and achieve the purpose of annuity payments for disabilities, a revision of Article 54-1, Paragraphs 2 and 3 of the Labor Insurance Act, promulgated on Aug. 13, 2008, requires the competent agency of the central government to establish a vocational counseling assessment and individualized professional evaluation mechanism to provide a basis for the payment of such annuities, with implementation five years after promulgation (in the year 2013). Currently, the CLA is actively engaged in the relative scheming progress. At present, the planning has been completed for the disability assessment mechanism's framework and for the qualifications, training, and curriculum programs for professionals, and planning for disability assessment implementation procedures, the qualifications and certification standards for disability assessment professionals, training of seed professionals, and establishment of a disability assessment team is expected to be completed by the end of 2011 in order to for the entire system to be connected in 2013.



Policies and Regulations

Protecting Labor Rights and Interests by Assisting Laborers with Litigation

The Council of Labor Affairs implemented an "Immediate Support Program for Labor Litigation" and "Support for Necessary Living Expenses during Periods of Labor Litigation" in March and May, 2009, and set up a Labor Rights Fund, in order to protect laborers' rights and avoid laborers losing their legal rights due to fear of litigation arising from their disadvantaged economic status. These new litigation support measures provide Taiwan's laborers with more comprehensive and complete protection of their rights and interests.

Operation of the Immediate Support Program has been commissioned to the Legal Aid Foundation. When a laborer

has been illegally dismissed or laid off, or has not been given insurance coverage, or whose salary has been under-reported, or who has not been compensated for an occupational accident as required by law, and when mediation by the local agency in charge of labor affairs fails, and the laborer or his or her family members wish to engage in litigation, they may apply for support from the local branch of the Legal Aid Foundation (nation-wide hotline: 02-6632-8282). The Foundation can hire a lawyer for the laborer, provide legal consultation, compose petitions services et cetera, and even accompany the laborer to court to litigate. The laborer does not need to pay anymore

lawyer's fees or the cost of composing petitions, nor required to find his or her own lawyer.

In addition, if a laborer is investigated by the CLA to have no financial means and has no work income during the period of litigation, and is unable to apply for any relative allowance, he or she can apply to the CLA for support of necessary living expenses. This support can last from the date of the first placement registration during the litigation period until the date when the court reaches a final verdict or the case is settled by mediation. The support payment will be 60% of insured salary, and will be supported a maximum of six times.

The "Immediate Support Program for Labor Litigation" had taken 11,383 applications by the end of March 2011; among 5,561 of the cases the applications were granted support, and in the other 5,822 cases legal consultation was provided. A total of 2,388 cases had been resolved, and more than 83% of the results were favorable to the laborers. To this day, the program has already recovered NT\$448 million for laborers. By the end of April 2011, a total of 132 laborers had already received more than NT\$1,352,000

in support for living expenses during periods of litigation.

Furthermore, in order to raise the legal level of litigation support for laborers and stabilize the sources of funds for their expense allowances, the CLA has established the "Regulations Governing Support for Legal and Living Expenses During Labor Disputes" in accordance with Article 6, Paragraph 4 of the newly revised "Act for Settlement of Labor Disputes," adding support for arbitration under the Arbitration Act while preserving the litigation and living support mentioned above. In order to avoid laborers being unable to pay litigation costs other than lawyers' fees, the CLA also added a provision in Articles 57 and 58 of the "Act for Settlement of Labor Disputes" to the effect that courts may reduce court costs in laborer litigation cases by half and limit injunctive procedure bonds to a maximum of one-tenth of the requested amount of compensation. Article 65 of the same Act provides a legal basis for the establishment of a rights and interests fund. These provisions constitute a comprehensive and effective support system for labor litigation, thus shows the firm standpoint of the CLA in looking after the disadvantaged laborers.



Policies and Regulations

Occupational Accidents Determination and Laborer Protection Measures

"The economic miracle" of Taiwan was created by the nation's hard-working laborers. Accidents inevitably befall those laborers at times; which affect the economy and livelihood of the families of the laborers involved, and even cause devastations and losses to the national society as a whole. The Council of Labor Affairs (CLA) has made provision for the protection of all laborer's occupational accidents rights in the legislation of relative labor laws and regulations.

Due to the different purposes of different legislation, rules regarding the determination of occupational hazards are found separately in the Labor Safety and Health Act, Labor Standards Act, and Statute for Labor Insurance. The definition of "occupational hazards" in Article 2, Paragraph 4 of the Labor Safety and Health Act is this: "any disease, injury, disability, or death caused by buildings, equipment, raw materials, materials, chemicals, gases, vapors, dusts, etc., in the place of employment, or as a result of the performing on duty, or because of other occupational causes." Although the Labor Standards Act does not define occupational hazards, it stipulates the liabilities of employers and, in determining whether an incident constitutes an occupational hazards, it does so in accordance with the scope of application and uses the definition in the Labor Safety and Health Act to make a determination in accordance with the facts of the case. Labor insurance divides occupational accidents into two categories: occupational diseases and occupational accidents, and handles definition in accordance with regulations of the examination of injuries and diseases resulting from the performance of duties by the insured persons of the labor insurance program and with the list of occupational diseases. The "Statute for Labor Insurance" provides for compensation for occupational injury via the social insurance

method, under which the Bureau of Labor Insurance makes payments out of labor insurance premiums paid by employers and no additional compensation is paid by the employer. This is the reason for different standards for the determination of occupational hazards.

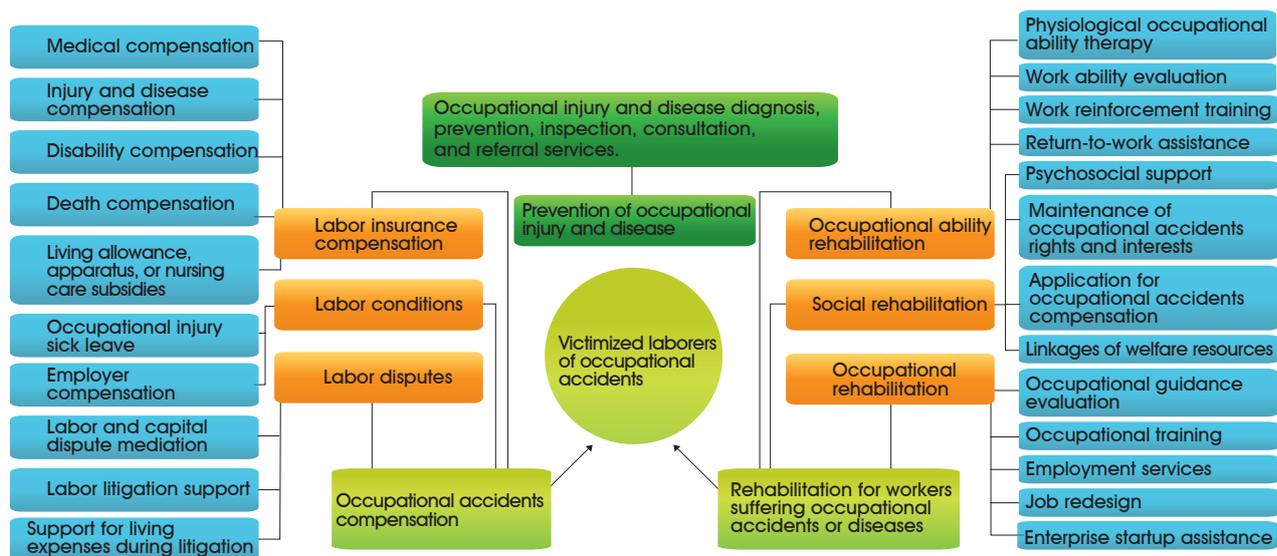
In the past, the relative rules and regulations of Taiwan on compensation for occupational hazards were based on the Labor Standards Act and Statute for Labor Insurance. Protection for workers Incurring Occupational Accidents Act was implemented on Apr. 28, 2002 in order to provide reinforcements of labor rights by providing supplementary protection for victims of occupational hazards. The Act covers laborers both with and without labor insurance and provides for subsidies similar to those of social relief; injured laborers can apply to the Bureau of Labor Insurance for living allowances, appliance assistance, caretaking subsidies, funeral expenses, and other expenses, et cetera. Overall, the CLA's measures to protect the rights and interests of injured laborers are scattered through various laws and have an emphasis on compensation; to protect the rights of all laborers, however, they also contain the following provisions:

1. In the Aspect of Occupational accidents prevention and treatment

Commissioning of nine centers for prevention and treatment of occupational injury and diseases, connected with 57 occupational injury and disease hospitals network, to provide occupational diseases diagnosis, treatment, surveys, consultation, and referral services.

2. In the Aspect of Occupational accidents compensation

In addition to compensation provided by employers under the Labor Standards Act, labor insurance compensation covers 



▲ Graph of Policies and Regulations

medical care, injury and disease, disability, and death. In case of labor and capital disputes regarding occupational accidents compensations, the laborer is also provided with dispute mediation, labor litigation assistance, and necessary living expenses during the period of litigation.

3. In the Aspect of Occupational accidents rehabilitation

Medical institutions or professional groups are commissioned to provide occupational rehabilitation and vocational rehabilitation services including occupational physiotherapy, work ability evaluation and intensive training, return-to-work assistance, employment training, job redesign, and employment services, et cetera. In addition, dedicated personnels are also posted in county and city governments to provide social rehabilitation services such

as psychosocial support, maintenance of occupational accidents rights, application for occupational injury subsidies, and linkage with welfare resources.

Furthermore, the CLA has already completed a draft revision of the Protection for workers Incurring Occupational Accidents Act and reported to The Executive Yuan, in order to strengthen the occupational accidents prevention, compensation, and rehabilitation mechanisms. An occupational accident and disease reporting mechanism will be set up in the future, along with an occupational accidents case management service window, to provide accident victims with occupational rehabilitation and strengthen incentives for employers to allow the return of injured laborers to the workplace. These provisions are intimately integrated to compensation so as to maintain and protect the due rights and interests of laborers.



Policies and Regulations

Prevention and Correction of Sexual Harassment in the Workplace

Sexual harassment in the workplace generally takes one of two forms. One is infringement on an employee's dignity or physical liberty, or influence on the employee's job performance, by sexual requests or by verbal or physical conduct of a sexual nature or with an intent of sex discrimination by anyone else in the course of an employee executing his or her employment duties: flirtatious language, for example, or groping. The other form is the use by an employer of sexual requests, either explicit or implicit, which possesses verbal or physical conduct of a sexual nature or with an intent of sex discrimination, to an employee or an applicant in exchange for obtaining or changing a job, remuneration, personal evaluation, or promotion, therefore influencing rights and interests of laborers.

The Employer's Obligation to Prevent and Correct Sexual Harassment in the Workplace

Article 13 of the Gender Equality in Employment Act imposes an obligation on employers to prevent and correct sexual harassment.

This obligation is divided into two categories: general prevention, and operation of an internal mechanism for dealing with sexual harassment. General prevention refers to the prevention of sexual harassment before it happens, and employers hiring over 30 employees should set up sexual harassment prevention measures as well as means of complaint and punishment, which should be openly displayed in the workplace. The requirement for an internal mechanism for dealing with sexual harassment indicates that an employer should have the means of taking immediate and effective correctional and remedial action once an incidence of sexual harassment occurs. Under Article 38-1 of the Gender Equality in Employment Act, an employer who violates these provisions will be subject to a fine of NT\$100,000 ~ NT\$500,000.

Administrative Remedial Procedures for Sexual Harassment in the Workplace

An employee or an applicant who finds out an employer in violation of Article 13 of the Gender Equality in Employment Act

should, in accordance with Article 34 of the Act, appeals the matter to the local competent authority. If the employer, employee, or applicant is not satisfied with the decisions made by the local competent authority, he or she may, within 10 days, apply to the Committee on Gender Equality in Employment of the central competent authority for examination or file an administrative appeal directly. If an employer, employee, or applicant is not satisfied with the decisions made by the Committee of Gender Equality in Employment, he or she may file an administrative appeal and proceed administrative lawsuits pursuant to the procedures of the Administrative Appeals Act and the Administrative Lawsuits Act.

CLA Measures for the Prevention and Correction of Sexual Harassment in the Workplace

1. Propaganda of the Gender Equality in Employment Act and Prevention and Correction of Sexual Harassment

The Council of Labor Affairs holds propaganda in regard to the Gender Equality in Employment Act and the prevention and correction of sexual harassment activities annually in cooperation with every county and city governments, and corporations are invited to send representatives to participate in seminars. Standards for the prohibition of gender discrimination, regulations for establishing measures of prevention, complaint and punishment of sexual harassment in the workplace are publicized in order to reinforce the sensitivity of corporations to sexual harassment and promote gender equality in the workplace.

2. Establishment of standard operating procedures for the handling of gender equality complaints by local labor administrative competent authorities

The CLA has set forth "Standard Operating Procedures for the Handling by Local Governments of Gender Equality in Employment Complaints" to assist local administrative agencies set up complaint review procedures. In addition to reinforcing the professional competence of relative personnels, the SOP, in the meantime, can also help enhance the quality of complaint handling sexual harassment cases in the workplace.

3. Training Seminars of seed instructors for gender equality in employment and sexual harassment in the workplace

This effort focuses on the training of the local labor administrative agency personnels responsible for gender equality in employment, members of Committees of Gender Equality in Employment or Commissions on Employment Discrimination, the heads of relative

corporate departments, and female cadre members of labor unions. The training is designed to provide core know-how for Gender Equality in Employment Act and sexual harassment case professionals, and boost the ability to investigate and handle cases of gender discrimination and sexual harassment.

4. Establishment of a "Taiwan Workplace Equality Best Practice, T-WEB"

The CLA has established a Taiwan Workplace Equality Best Practice, T-WEB in 2011, in order to facilitate the establishment by corporations of channels for the exchange, observation and learning, and promotion of family-friendly measures. In addition to measures for balancing work and family, flexible work hours, diversified work arrangements, and establishment of nursery rooms and child-care facilities, sexual harassment prevention measures are also included so as to achieve the ultimate goal of gender equality in employment rights.

5. Employee Assistance Programs help with handling cases of sexual harassment in the workplace and create a workplace environment of gender equality

The CLA is currently promoting Employee Assistance Programs (EAPs) to support laborer assistance systems in the workplace and keep a watch on the conflicts and pressures of health, family, work, legal, and financial planning issues faced by laborers in the workplace. With the support, accompaniment, and assistance of professional EAP administrative appeal teams, employees do not have to bear the worries and burdens of these issues alone.

When EAPs are faced with incidents of sexual harassment in the workplace, they work, under the precondition of maintaining privacy and protecting the parties involved, to intervene with emergency handling by interdisciplinary social work, psychological, and legal professionals who comprise a platform for communication by the relative parties to the cases. Expectations of support and clarification prompt the relative personnels to take up their due responsibilities and work to minimize the impact on the rights and interests of the parties and the images of the corporations involved, in order to provide opportunities for education about gender equality within corporations.

In addition, the CLA inaugurated a "Happy Call – Employee Assistance Program Hotline"--03-528-0911—on Nov. 10, 2010. The CLA continues integrating the resources of every counties and cities in carrying out EAP educational seminars in the hope that employers will place more emphasis on the welfare of employees in the workplace and that, through the EAPs, equal gender rights in the workplace will be realized and a discrimination-free labor environment will be created.



News Outlook

"The Phoenix Spreads Its Wings"—Mothers Become Bosses The CLA's "Micro-Business Startup Phoenix Program" Helps Entrepreneurs Realize Their Successes and Dreams

Due to the difficulty for senior or mid-aged women, and single mothers, to start a business, given their family responsibilities, fear of insufficient social training, and the social reality of age. Behind every example of successful entrepreneurship under such pressures is a

story like that of a phoenix rising from the ashes, a story of sweat and tears, a story of rebirth. The CLA is attempting to promote the labor participation rate of women and senior or mid-aged citizens by assisting them develop micro-businesses and create employment

opportunities by establishing an corporate-friendly environment. The "Micro-Business Startup Phoenix Program" which the CLA has been vigorously promoting in recent years is a part of this effort.

The CLA chose the eve of Mother's Day to hold a "Phoenix Spreads Its Wings and Boldly Pursues Its Dream" party, where "phoenix entrepreneurs" shared the sweet and bitter experiences of their successful business adventures. President Ma Ying-Jeou and CLA Minister Wang Ju-Hsuan were there personally to encourage the courageous "phoenixes" and interact with the successful entrepreneurs at the booths where their successes were on display, experiencing firsthand of their products of all kinds and putting their hands to DIY balloon sculptures and pottery.

The CLA's "Micro-Business Startup Phoenix Program" provides the public with startup companion services and special cases of credit guarantees for loans, so that women, senior or mid-aged citizens have opportunities to realize their dreams. The CLA began promoting startup phoenix loans in 2007 with a social entrepreneurial type of system, providing pre-loan professional startup consultation and instilling correct entrepreneurial concepts so that participants could reduce risk in the initial period of their startups. To this date, more than

50,000 people have attended entrepreneurship research and study courses, over 2,400 have received loans under the program, and successfully assisting over 6,600 people to start a business, creating more than 18,000 employment opportunities. Meanwhile, in the spirit of consistency, the program provides a series of entrepreneurial courses as well as guidance and counselling measures that assure entrepreneurs with an abundance of entrepreneurial sustenance together with preferential loans. The "Micro-Business Startup Phoenix Program" has nurtured new vitality for Taiwan, not only giving its people a chance to realize their dreams but also deeply implanting soft power for the national economic development.

In order to celebrate the 100th anniversary of the founding of the Republic of China, the CLA invited successful startup entrepreneurs of the past to share their individual stories and their experiences; these will be published into a books in the hope that the stories of these successful "phoenix entrepreneurs" will inspire people who have the entrepreneurial drive, and continue to provide all kinds of support for people who want to start a business. Under the leadership of the CLA, hopefully more dreams of "phoenixes who spread their wings and fly" will be realized!



News Outlook

Reward Boosted to Stop Illegal Alien Worker Hiring and Brokering

In order to encourage the public to turn in employers, private employment brokerage agencies, and foreigners who violate the Employment Services Act, and to maintain the employment opportunities of local citizens as well as social stability in accordance with Article 42 of the Act, the CLA has instituted "Guidelines for Incentive Payments to the Public for Reporting Violations of the Provisions of the Employment Services Act." The Guidelines took effect on May 1, 2011.

The CLA states that the original reward for reporting illegal foreigners, employers, or brokerage agencies or individuals was NT\$2,000 per proven case, rising to NT\$5,000 for cases involving the apprehension of foreigners whose whereabouts were unknown. A meeting of scholars and experts, brokerage labor unions, civic groups, relative government agencies, and local governments convened conferences, and concluded that the reward should be increased in order terminate illegal behavior. The main points of the revised rules by the conferences to increase the incentives are as follow:

1. In order to reduce the number of foreign laborers who have gone missing, the incentives for reporting the illegal hiring (or sheltering) of foreign laborers who have gone missing is NT\$10,000 for one person who is apprehended, NT\$20,000 for 2-4, and NT\$50,000 for five or more.

2. For the reporting of brokers for foreign laborers who have gone missing and are then apprehended, the reward is NT\$20,000 for one person and NT\$50,000 for two or more. (In cases where multiple conditions are met, the higher incentives will be paid.)

3. In order to enhance the rights and interests of foreign laborers and reinforce the responsibility of employers to take care of the living needs of their foreign employees, the reporting of employers who are found to be in serious violation of the living care service plan, and who are assessed fines by the county and city governments, will be rewarded according to the number of foreign laborers involved: NT\$10,000 for up to 10, NT\$20,000 for 10 to 100, and NT\$50,000 for more than 100.

4. For reporting employers for injuring foreign laborers, offending against the sexual autonomy of foreign laborers, depriving foreign laborers the freedom of action, or otherwise engaging in behavior that affects the personal freedom or safety of foreign laborers, and the offense is found to be serious, a reward of NT\$20,000 will be granted.

The Guidelines are published on the website of the CLA's Bureau of Employment and Vocational Training (<http://www.evta.gov.tw>). People who discover who they suspect is an illegal employer, private employment services agency, or foreign laborer should report the organization or person, time, number of laborers involved, and location, together with material evidence et cetera, to the nearest Specialized Operation Brigade of the National Immigration Agency, police agency, Coast Guard agency, or labor competent authority. Once the agency determines that the facts of the case are true, the case will be sent to the Bureau of Employment and Vocational Training for issuance of the incentives. The CLA once again called upon the employers to legally employ foreign laborers, in order to avoid violating the laws.♣

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 魏伯儒
 發行所 行政院勞工委員會
 地址 10346台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

- ◆ 為勞工勾勒一幅勞動生活的美好願景
「勞動部」打造勞動力的新格局



政策法規

- ◆ 修正勞工保險條例，提升勞工保險權益
- ◆ 保障勞工權益，協助勞工訴訟扶助
- ◆ 職災認定及職災勞工保護措施
- ◆ 職場性騷擾防治

新聞瞭望

- ◆ 『鳳凰展翅 勇敢築夢』媽媽變身老闆
勞委會「微型創業鳳凰計畫」協助成就夢想
- ◆ 勞委會提高檢舉獎勵金，遏止非法聘僱與
媒介外籍勞工



專題報導

為勞工勾勒一幅勞動生活的美好願景 「勞動部」打造勞動力的新格局

近20年來全球社會變遷、經濟發展急劇，臺灣面臨了全球化、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之挑戰，面對來自國際社會勞動力競爭的壓力，臺灣如何制定出符合世界潮流及我國國情的勞動法制，是即將升格為勞動部的勞委會的重大責任。值此勞動部升格的契機，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，提升國家競爭力

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，如何規劃人力資源政策、培育、訓練、發展勞動力，將是政府未來應優先處理的議題。

二、降低經濟變遷的衝擊

面對全球化及勞動市場彈性化，失業率攀升、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當務之急。

三、非典型工作型態衝擊傳統勞資關係，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，均應有新的思考與作為。

四、因應高齡化社會來臨，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，人口結構轉變，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。

勞動部的創新與變革

為因應以上挑戰，除應強化現有「勞工委員會」核心



▲ 勞委會主委王如玄

職能外，勞動部更應有創新與變革，才能符合社會經濟情勢變遷之需求：

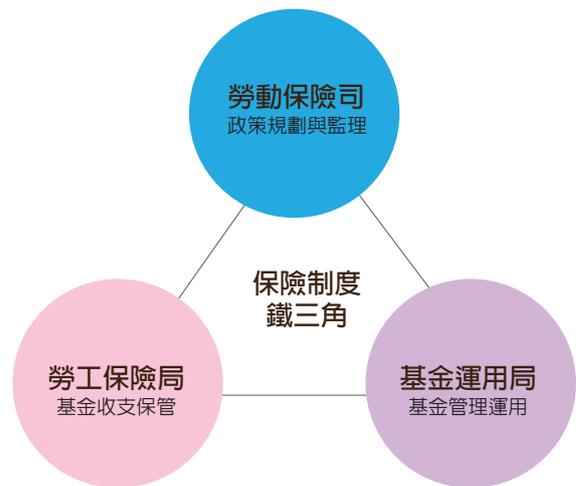
一、強化並整合勞動力發展業務，設置勞動力發展署

國家經濟發展來自企業的成長，企業成長奠基於「優質化」的勞動力及技術創新，因此，「勞動力開發」、「勞動力提升」與「勞動力運用」已成為國際新發展趨勢，各國勞動部門皆列為重要勞動政策。因此，未來勞委會職業訓練局擴大功能並整合技能檢定、微型創業相關業務及資源，轉型為「勞動力發展署」，職掌勞動力開發、提升、運用與發展、微型創業、技能檢定、跨國勞動力引進之規劃、推動，以及前瞻規劃發展職能標準、訓練課程與能力鑑定之一致性架構，俾利技職教育、訓練及就業之間資格能有一致性接軌，以強化勞動力市場流動、降低學用落差、促進終身學習。此外，現行就業服務體系與職業訓練體系將整併為「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。

二、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「勞動保險司」，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，更覺得安心與信賴。



三、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。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。

四、維護安全健康勞動力，建立專業之勞動及職業安全衛生研究機構

保障勞工安全健康是國家重視基本人權與社會公義的表徵，為落實「人人享有安全衛生工作環境」之國際人權宣言，以及考量我國產業結構改變後，提供安全健康勞動力之

施政願景，勞動部將設立「職業安全衛生署」，將安全衛生政策規劃與執行予以整合，統一政策與執行之口徑，在法規面、執行面建構職業安全衛生長期發展之基礎建設，據以推動相關方案計畫，將有利整體防災資源之規劃與配置，加速職業災害率降低與職業健康照護率之提升，迎頭趕上標竿國家之水準，進而達成「職業安全」、「身心健康」、「舒適環境」、「友善職場」之目標。另該署亦整合預防、補償、重建體系，提供職災勞工更有效率之服務。

為使勞動政策之擬定更專業、前瞻與宏觀，未來「勞動部」將擴大勞工安全衛生研究所任務及編制，成立「勞動及職業安全衛生研究所」；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。

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。
- 二、建構健全就業安全網，促進勞動力永續發展。
- 三、強化退休及保險制度，確保勞工經濟安全。
- 四、健全勞動法制，提升工作生活品質。
- 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。
- 六、打造安全、衛生工作環境，維護勞動者身、心健康。
- 七、推動社會對話，促進和諧勞、資夥伴關係。

打造一個「人人有尊嚴工作」的未來

勞動部希望「人人有尊嚴工作」是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；隨時可獲取新的科技技能並保持身、心健康；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，實現人人有尊嚴的工作。



政策法規

修正勞工保險條例，提升勞工保險權益

加強保障勞工權益，一直是勞委會勞動保障重要政策之一環。為提供勞工更周全之保障，勞委會於近期修正勞工保險條例，未來亦將持續提升勞工權益。

近期勞工保險條例修正重點

一、勞工保險年金制度開辦，提供勞工及其遺屬長期生活保障

勞工保險目前仍屬綜合保險性質，勞工參加勞工保險



▲ 勞工保險年金制度開辦，提高勞工生活保障。

同時享有普通事故保險及職業災害保險二種保障。因此，職業災害保險相關制度的規劃，往往跟隨普通事故保險之變革，而作同步修正。1993年9月臺灣正式進入高齡化社會，加上少子化的影響，國人養老問題須靠制度解決。為避免勞工保險之一次給付因經濟變動、通貨膨脹而貶值，或投資運用不當而耗盡之風險，勞委會於1991年即開始規劃勞保年金制度，為建立完整勞動年金保障體系，併同規劃老年、失能與遺屬年金制度，2008年8月13日勞工保險條例修正立法通過，勞保年金制度於2009年1月1日正式實施，提供勞工及其遺屬長期生活保障。

二、將職業災害保險費率分為行業別災害費率及上、下班災害費率

為使職業災害保險費率更加合理公平，2008年8月13日修正勞工保險條例，將職業災害保險費率分為「行業別災害費率」及「上、下班災害費率」兩種。行業別災害費率仍依照各行業之風險訂定差別費率，最高費率為煤礦業2.94%，最低為金融業、保險業0.02%；而上、下班災害雖視為職業災害，惟並非雇主可預防及管理之範圍，且與各行業之性質關聯性不大，爰設計改採單一平均費率計收，且不納入實績費率計算範圍，以確實反映各行業別之職業災害風險，依首次精算結果，上、下班災害費率為0.05%，並自2010年1月1日起施行。

三、提高罰鍰規定以保障勞工權益

2011年4月27日修正公布勞工保險條例，將雇主未依法為員工投保勞保及未覈實申報投保薪資的罰鍰倍數，由2倍提高至4倍，且對於雇主將其依規定應負擔之保險費，轉嫁予所屬員工之情形，增列處以應負擔保險費2倍罰鍰，並應將保險費退還員工等規定，勞工保險權益將可獲得更好的保障。該次修法提高罰鍰倍數後，雇主為避免罰則，可提高其依法加保及覈實申報投保薪資之誘因，亦可促使雇主負起應有的保險費負擔責任。

未來勞工保險條例修正方向：規劃建立勞保失能評估機制

為能客觀認定被保險人失能程度，以落實失能年金發給目的，2008年8月13日修正公布之勞工保險條例第54條之1第2項及第3項規定，中央主管機關應建立職業輔導評量及個別化專業評估機制，做為失能年金給付之依據，並於該條例修正公布後5年（即2013年）施行。勞委會正積極規劃建置該評估機制，目前已完成失能評估機制架構及專業人員之資格、培訓及課程實施方案等，預定於今（2011）年底前，完成失能評估實施流程、失能評估專業人員之資格及認證標準、專業人員種子培訓及建置失能評估團隊，以利2013年整體制度銜接。



政策法規

保障勞工權益，協助勞工訴訟扶助

為維護勞工權益，避免勞工因經濟地位弱勢，怯於訴訟而喪失應有之法定權益，勞委會已於98年3月及5月陸續推動「勞工訴訟立即扶助專案」及「勞工訴訟期間必要生活費用扶助」，並成立「勞工權益基金」，正式推動我國全新的勞工訴訟扶助措施，以期給勞工一個更周全及完整之權益保障。

上述勞工訴訟立即扶助專案目前係委託「財團法人

法律扶助基金會」辦理，勞工只要發生雇主違法解僱、資遣、勞保未投保或以多報少、職業災害未依法補償或賠償及工會幹部遭不當解僱各情事之一時，如經地方勞工行政主管機關調解不成立後，欲進行訴訟時，勞工或勞工家屬可逕至該基金會全國各地分會提出扶助申請，該基金會全國專線服務電話為：02-6632-8282，該基金會可為勞工請律師、提供法律諮詢、撰擬訴狀等服務，甚至陪同上法

院打官司，勞工不需再付任何律師費或撰擬文件費，亦不需自行尋覓律師。

另外，勞工若經勞委會審查係屬無資力者，且於訴訟期間無工作收入亦無法請領相關津貼時，可向勞委會申請訴訟期間必要生活費用扶助，即自訴訟時第1次辦理求職登記日起算至法院判決確定或和解之日止。每次核定扶助金額依勞工保險投保薪資分級表第一級投保薪資60%計算，最多扶助6次。

勞工訴訟立即扶助專案，截至100年3月底止，共計11,383件提出申請，其中同意扶助5,561件，其餘5,822件提供法律諮詢，扶助案件中已有2,388件已結案，結案案件結果對於勞工較有利的比例高達83%以上，至今已替勞工爭取到新臺幣4億4千8百萬元。另訴訟期間必要生活費用共計，截至100年4月底止，共計扶助132位勞工，已補助金額135萬2千多元。

再者，勞委會為能提高勞工訴訟扶助之法律位階與穩定其扶助經費來源，除依新修正之勞資爭議處理法第6條



▲ 為保障外勞工作權益，勞委會成立勞工訴訟立即扶助專案。

第4項規定訂定「勞資爭議法律及生活費用扶助辦法」，保留前述訴訟扶助及訴訟期間必要生活費用之扶助範圍外，另增仲裁法仲裁之扶助。此外，為避免勞工無力負擔律師費以外之訴訟費用，勞委會亦於勞資爭議處理法中第57條及58條訂定法院對於勞動訴訟裁判費用得暫減二分之一及保全程序擔保金不得高於請求標的金額或價額之十分之一等規範，並於同法第65條訂定設立權益基金之法源，以期建置更完整且有效益之勞工訴訟扶助制度，展現勞委會照顧弱勢勞工之堅定立場。



政策法規

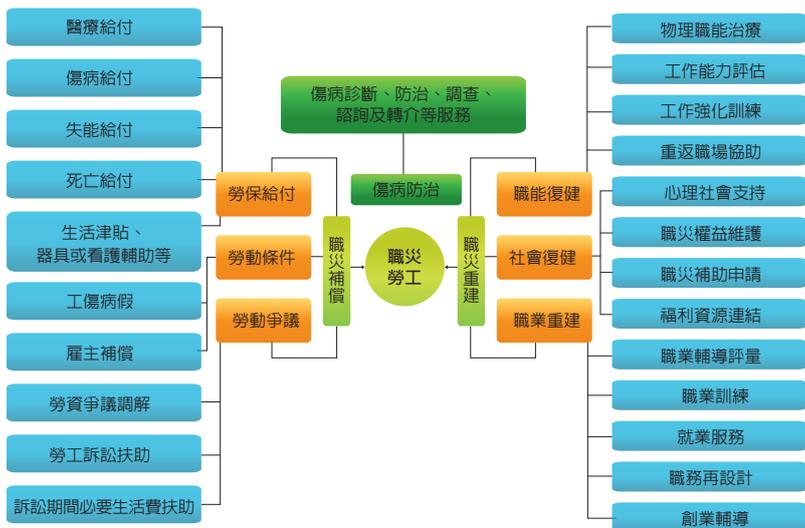
職災認定及職災勞工保護措施

臺灣經濟奇蹟之背後源於一群辛苦之勞工朋友，而這群勞動者打拼工作的同時，卻難免傳出不幸罹災事件，而職業災害事件之發生，連帶對整個家庭之經濟、生活，甚至對國家社會來說，皆會造成衝擊與損失。為使所有勞工朋友之職災權益受到保障，勞委會爰於勞動相關法規立法予以規範保障。

我國勞動法規中有關職業災害之認定，基於立法目的之不同，分別見諸於勞工安全衛生法、勞動基準法及勞工保險條例等相關規定。依勞工安全衛生法第2條第4項對於職業災害之定義為：勞工於就業場所之建築物、設備、原料、材料、化學物品、氣體、蒸氣、粉塵等或作業活動及其他職業上原因引起之勞工疾病、傷害、殘廢或死亡。

勞動基準法對職業災害雖未加以定義，然其與勞工安全衛生法係同為規範雇主之責任，因此在認定是否構成職業災害時，係依適用範圍及勞工安全衛生法之定義採個案事實認定之；而勞工保險將職業災害分為職業傷害及職業病二類，其認定係依據勞工保險被保險人因執行職務而致傷病審查準則及勞工保險職業病種類表之規定辦理，勞工保險條例中之職業災害保險給付，乃透過社會保險方式補償，由勞工保險局自雇主為勞工保險所繳納之保險費支付，並未課以雇主額外的賠償責任，因此在認定是否為職業災害時，有其不同之標準。

過去我國職業災害補償之相關法規，分立於勞動基準法及勞工保險條例，為加強職業災害權益之保障，於91



▲ 職災權益圖

年4月28日施行「職業災害勞工保護法」，提供職災勞工補充性保障，其保障對象涵蓋已加勞保及未加勞保之勞工，補助性質類似社會救助，可向勞工保險局申請生活津貼、器具補助、看護補助、喪葬費用及其他費用等。整體而言，勞委會之職災勞工保護權益措施，分散於各相關法令，且著重於補償，然為保障所有勞工朋友的權益，亦提供相關之職災保護措施如下（詳圖示）：

一、職災預防與診治方面

委託9家職業傷病防治中心及57家職業傷病網絡醫院

提供職業傷病診斷、防治、調查、諮詢及轉介等服務。

二、職災補償方面

除勞動基準法之雇主補償外，勞保給付含醫療、傷病、失能、死亡等給付，另若因職災補償有勞資爭議，亦提供勞資爭議調解、勞工訴訟扶助，及訴訟期間必要生活費之扶助。

三、職災重建方面

委託醫療機構或專業團體提供職能復健、職業重建，如物理職能治療、工作能力評估與強化訓練、重返職場協助、就業訓練、職務再設計、就業服務等，另亦於各縣市政府設置專人提供社會復健服務，如提供心理社會支持、職災權益維護、職災補助申請及福利資源連結等服務。

此外，勞委會已完成職業災害勞工保護法修正草案報行政院，為強化職災預防、補償及重建機制，未來將建置職業傷病通報機制、設置職業災害個案管理服務窗口、提供職業災害勞工職能復健、及增強雇主提供職業災害勞工重返職場誘因等，並與補償密切結合，以維護與保障職災勞工應有的勞動權益。



政策法規

職場性騷擾防治

職場性騷擾，一般而言有兩種情形，一為受僱者在執行職務時，他人以性要求、具有性意味或性別歧視的語言或行為，使其感到困擾，侵犯其人格尊嚴、人身自由或影響其工作表現；例如言語上的吃豆腐、毛手毛腳等。另一種是雇主對受僱者或求職者以明示或暗示的性要求、具有性意味或性別歧視的語言或行為，做為其取得或變更職務、報酬、考績、陞遷等的交換條件，影響工作權益至鉅。

職場性騷擾的雇主防治義務

性別工作平等法第13條課予雇主有防治職場性騷擾的義務，規定雇主應防治性騷擾行為的發生。雇主之防治責任

可分為：一般防治及企業內部處理機制兩類。一般防治指雇主應事先防治此類行為發生，僱用受僱者30人以上者，應訂定性騷擾防治措施、申訴及懲戒辦法，並在工作場所公開揭示。企業內部處理機制則是規定雇主在知道有此類事件後，所應採取的立即有效糾正及補救措施。雇主如有違反上開規定，依性別工作平等法第38條之1規定，處新臺幣10萬元以上50萬元以下罰鍰。

職場性騷擾的救濟程序

受僱者或求職者發現雇主違反性別工作平等法第13條規定時，依同法第34條規定向地方主管機關申訴後，如果

雇主、受僱者或求職者對於地方主管機關所為的處分有異議時，得於10日內向中央主管機關性別工作平等會申請審議或逕行提起訴願。雇主、受僱者或求職者對於中央主管機關性別工作平等會所為的處分有異議時，得依訴願及行政訴訟程序，提起訴願及進行行政訴訟。

勞委會防治職場性騷擾之具體措施

一、辦理性別工作平等法暨性騷擾防治宣導會

勞委會每年度均與各縣市政府合辦性別工作平等法暨性騷擾防治宣導會，邀請企業派員參加研習。就性別歧視之禁止、性騷擾之防治及申訴與懲戒辦法訂定準則加強宣導，以強化企業對職場性騷擾之敏感度，促進職場性別平等。

二、建立地方勞工行政主管機關受理性別平等申訴案件標準作業程序

勞委會已經訂有「地方政府受理性別工作平等申訴處理標準化作業流程」，協助各執行機關建立完善之申訴審議作業程序，除可加強相關人員之專業知能外，同時也可提升處理工作場所性騷擾申訴案件之品質。

三、辦理性別工作平等暨職場性騷擾種子師資培訓研習會

勞委會針對各級勞工行政主管機關承辦性別工作平等業務之人員、性別工作平等會委員或就業歧視評議委員會委員以及事業單位相關部門主管及產業類別工會團體之女性工會幹部為培訓對象，以培養性別工作平等法暨職場性騷擾案件專業人員核心知能，提升發生事件時之調查處理與執行能力。

四、成立「臺灣職場雙贏平臺」

勞委會今（100）年成立「臺灣職場雙贏平臺」，做為各企業建立家庭友善措施交流、觀摩及推廣的管道，協助企業建立制度化的家庭友善措施，除有平衡工作與家庭措施，彈性工時及多元化的工作安排及設置哺乳室、托兒等設施外，並將建立職場性騷擾防治措施納入，以達到工作權性別平等之終極目標。

五、「員工協助方案（EAP）」協助處理職場性騷擾事件，並創造性別平權之職場環境

勞委會正推動「員工協助方案（EAP）」做為支持職場勞工的協助系統，關注職場員工在健康、家庭、工作、法律、理財等各方所面臨的衝突與壓力，透過EAP專業團隊的支持陪伴與專業協助，不讓員工獨自承受壓力事件帶來的焦慮與負荷。

員工協助方案在面對職場性騷擾事件時，以當事人隱私保密與保護為前提，經由社工、心理、法律等跨專業團隊的介入緊急危機處理，做為事件相關人員溝通的平臺，透過支持與澄清期待，讓相關人員負起應有的責任，除對當事人權益及公司形象的衝擊降到最低，並以積極正向的眼光做為教育企業內部性別平權的機會。

另外，勞委會自99年11月10日起推動「快樂勞工HAPPY CALL—員工協助方案諮詢」專線：03-5280-911（我愛幫您），並持續結合各縣市資源，辦理「員工協助方案」企業宣導講座，期許各企業雇主重視職場勞工福祉，透過建立「員工協助方案」協助系統，性別平權內涵落實到工作職場，共同創造一個公平無歧視的勞動環境。



新聞瞭望

『鳳凰展翅 勇敢築夢』媽媽變身老闆 勞委會「微型創業鳳凰計畫」協助成就夢想

由於中高齡婦女及單親媽媽創業不易，兼負家庭照顧和子女撫養的責任，社會歷練不足的恐懼，以及年齡的社會現實，在多重壓力下，每一則成功創業背後的故事，

均有如浴火鳳凰般，脫胎換骨，篇篇是血淚交織的重生故事。因此，勞委會為提升婦女及中高齡國民勞動參與率，協助女性及中高齡國民發展微型企業，創造就業機會，

建構創業友善環境，近年來積極推廣「微型創業鳳凰計畫」。

勞委會特別選在母親節前夕，舉辦『鳳凰展翅 勇敢築夢』圓夢分享會，會中邀請了多位創業鳳凰分享創業過程中的甘苦和成功圓夢的經驗；總統馬英九以及勞委會主委王如玄不但親自到場為這些勇敢築夢的創業鳳凰加油打氣，更在現場的成果展示攤位上，與創業鳳凰們熱烈互動，體驗創業鳳凰的各種自家商品，也親自動手試做了汽球造型及陶土。

勞委會「微型創業鳳凰計畫」，提供民眾創業陪伴服務及融資信用保證專案，讓女性及中高齡國民也有機會實現自己的夢想。自民國96年起勞委會開始推動辦理創業鳳凰貸款，初期輔導的對象是一人賺全家飽的社會型創業，期望在創業者貸款前給予專業的創業相關諮詢以及灌

輸正確的創業觀念，讓參與者能降低初期創業所承擔的風險。開辦微型創業鳳凰計畫迄今，共有5萬多次參與創業研習課程，2千4百多人獲得此項貸款，成功協助6千6百餘人完成創業，創造了1萬8千多個就業機會。同時秉持一貫的精神，提供一系列創業課程及創業顧問諮詢、輔導措施，給予創業者有足夠的創業養分，再加上優惠貸款，讓創業者能有萬全的準備。「微型創業鳳凰計畫」孕育出臺灣的新生命力，不只讓民眾有機會實現夢想，更創造了更多的就業機會，也厚植了臺灣經濟發展的軟實力。

適逢中華民國100年，勞委會特別邀請過往成功創業的輔導個案分享自身創業的故事與經驗，並將集結成書出版，期許這些創業鳳凰們的成功經驗能夠幫助未來有心創業的民眾，也持續提供民眾在創業上的各種幫助。希望在勞委會的帶領下，能有更多圓夢鳳凰展翅飛翔！



新聞瞭望

勞委會提高檢舉獎勵金，遏止非法聘僱與媒介外籍勞工

為獎勵民眾檢舉違反《就業服務法》（以下簡稱本法）之雇主、私立就業服務機構及外國人，以落實本法第42條保障國人就業機會及維護社會安定之目標，勞委會另訂定「民眾檢舉違反就業服務法相關規定獎勵金支給要點」，並自100年5月1日起生效。

勞委會表示，原規定檢舉非法外國人、非法雇主、非法仲介業者或個人，經查獲屬實者，依案件每案核發新臺幣2,000元之獎勵金，又如查獲案件中涉及行蹤不明外國人，則依案件每案核發新臺幣5,000元。經邀請學者專家、仲介公會、民間團體、相關政府部門及地方政府等召開會議，會議結論認為應提高檢舉獎勵金，以遏止不法。該次會議修正提高獎勵金之重點如下：

- 一、為減少外勞行蹤不明人數，經檢舉並查獲非法聘僱（或收容居留）行蹤不明外勞，查獲人數1人核發1萬元，2至4人核發2萬元，5人以上核發5萬元。
- 二、經檢舉並查獲非法仲（媒）介行蹤不明外勞，查獲人數1人核發2萬元，2人以上核發5萬元。（如同時

符合多項條件者，以從高者發放獎勵金）

- 三、為加強保障外勞權益，強化雇主善盡外勞生活照顧之責任，檢舉並經查獲雇主違反生活照顧服務計畫書之情節重大，經縣市政府裁罰，依外勞人數分別核發1萬元（10人以下）、2萬元（10人以上100人以下）及5萬元（100人以上）。
- 四、經檢舉並查獲雇主對所聘僱外勞傷害、妨害性自主、剝奪行動自由等影響外勞人身自由安全情節重大者，核發2萬元。

上述要點已公布於勞委會職業訓練局網站（<http://www.evta.gov.tw>），民眾如發現疑似非法雇主、私立就業服務機構或外勞，請提供檢舉對象、時間、人數、地點及物證等，並向各地移民署專勤隊、警察機關、海岸巡防機關或勞工主管機關提出檢舉；經受理機關查證屬實後，逐案送勞委會職業訓練局核發檢舉獎勵金。勞委會再次呼籲雇主應合法聘僱外勞，以免觸法。❖