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Taiwan Labor



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Council of Labor Affairs, Executive Yuan

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Quarterly Focus

Labor Policy for 2012-2016: "Vibrant Employment, Assured Rights and Benefits, Outstanding Welfare"

Adversity and breakthrough: Inaugurating a new era for labor

Regardless the era, labor is always a stable force for national economic development.

Four years ago, the Council of Labor Affairs (CLA) proposed "Decent Work" as a policy position, calling for the upgrading of the autonomous labor management relations mechanism and the creation of a fair labor market from the aspect of independence, fairness, and development. The objective of this policy is to generate more employment opportunities, promote income and employment security through a strategy of employment equality, and bring about the ideal of "human dignity" as enshrined in the Constitution.

Over the past four years, even facing the challenges arising from the global financial crisis, demographic change, and economic conditions, the CLA has worked hard to overcome all difficulties and, with concerted efforts by labor and management as well as the public at large, has shaken off the impact of the world's economic problems and carried through with its labor policies, thereby assuring the welfare of laborers and advancing labor-management harmony.

1. Inauguration of the Labor Insurance Annuity System

Labor insurance annuity plus labor pension payments can bring a retiree's income replacement ratio to 70% or more, marking a new milestone for labor retirement assurance in Taiwan. The labor insurance annuity system covers over 9,783,000 people, and at the end of December, 2011 the annuity was being paid to 193,836 people. Total accumulated payments at that time had exceeded NT\$48.672 billion.

2. Institution of the Three Labor Laws

Revisions of the Act for Settlement of Labor-Management Disputes, Labor Union Act, and Collective Agreement Law were implemented on May 1, 2011. The main points of the revision include protection of the rights and benefits of teachers to organize unions, establishment of a Labor Rights and Interests Fund, provision of free legal services aid, establishment of a mechanism for consultation on labor issues in government and private organizations, expansion of the organizational scope of unions within enterprises, and realization of the principle of good-faith bargaining between labor and Management. By providing rules for the "three labor rights" and better meeting the demands of laborers, the revisions boost Taiwan's labor-management relations toward a new age of "maturity and order, cooperation with competition."

3. Establishment of a Labor Rights and Interests Fund

The Labor Rights and Interests Fund was set up in 2009 to provide laborers legal service aid, along with subsidies for living expenses required during periods of litigation. A total of 15,860 applications for legal assistance had been submitted by laborers by the end of December 2011; agent remuneration for litigation had been provided in 7,621 of the cases, and legal consultation was offered for the remainder. In cases for which agent remuneration for litigation have been provided, 3,565 have been concluded with NT\$708.77 million in compensation being awarded to laborers.

4. Implementation of Allowances for Unpaid Parental Leave

In order to assist laborers take care of their work as well as their families, allowances for unpaid parental leave were



▲ The government is working hard to heighten the labor participation rate of women, promote employment of women.

instituted on May 1, 2009 to provide payments of 60% of average insured monthly salary during the period of unpaid leave for up to six months. Beneficiaries of this program had exceeded 100,000 by the end of December 2011, with total payments amounting to more than NT\$8.41 billion.

5. Enhancement of Income Security and Expansion of Employment Insurance Payments

In order to take care of unemployed middle-aged and elderly and disabled laborers, the maximum period of unemployment compensation has been extended from six to nine months. In addition to take care of dependents along with the unemployed laborers themselves, 10% is added to a laborer's unemployment compensation for each dependent with no labor income, maximum compensation up to 20%, up to a maximum of 80%. More than 180,000 cases of extended unemployment compensation had been handled by the end of December 2011, with payments totaling in excess of NT\$3.77 billion, and additional payments to dependents totaled over 713,000 cases a total of NT\$3.39 billion.

6. Eliminating Obstacles to Employment and Stimulating Employment Opportunities

These measures include encouraging industrial-academic cooperation, linking education with the demands of the workplace, and reserving public-service employment opportunities for underprivileged laborers, as well as increasing the maximum amount of Micro-Business Start-up Phoenix Loans from NT\$500,000 to NT\$1 million, raising the labor participation rate of women (this rate broke through 50% for the first time in July of 2010, with an additional 238,000 women being employed), and loosening the restrictions of labor rights and benefits for foreign and Mainland Chinese spouses.

7. Raising the Labor Basic Wage

The basic wage is being raised by 8.68% latest 2 time, or NT\$1,500, the highest hike in 10 years.

Fairness and Sustainability – Building labor market competitiveness and assuring sustainable labor rights and benefits.

In the future to come, the planning and implementation of Taiwan's labor policy must continuously reflect, and respond to, the following issues:

1. Enhancement of overall national competitiveness in response to labor market pressures brought about by globalization, regional free trade, and the development of emerging industries.
2. How to respond to the impact of aging and low fertility on labor utilization?
3. How to strengthen relationship of labor and management in order to address the demand for both labor market flexibility and balanced social development?
4. How to utilize policy and institution building to address the expectations of the public for heightened wage levels?

5. How to further reinforce on the existing foundation, of the social security system?
6. How to achieve the goal of work-life balance, dealing with the problem of excessive working hours and fatigue, and, at the same time, promoting the labor participation rate of women?
7. How to utilize vigorous labor-market policy to assist disadvantaged laborers cope with socioeconomic development and change?
8. How to utilize of technology development and employment security mechanisms to reduce the gap between learning and application so as to assure employment opportunities for young people?

According to this, "Fairness and sustainability – Building a competitive labor market and assuring sustainable rights" is proposed as a policy vision for addressing these issues. Planning of a labor policy of fairness and sustainability is also being undertaken with the aim of achieving the goals of enhancing labor competitiveness while advancing the rights and benefits, and also improving the lives of laborers.

Policy position: Vibrant employment, assured rights and benefits, outstanding welfare

1. Vibrant employment for youths, young adults, and the middle-aged and elderly: Enhancement of employment from two years before graduation to the age of 65

● Young graduates (two years before to three years after graduation)

- (1) Professional development: Training in professional skills and core competence, and reinforcement of the linkage between school and workplace
The professional skills and core competence of the educational system are being strengthened, and the learning-application gap is being reduced. Enterprises are offered incentives to provide workplace internship opportunities, and concrete links between school and workplace, the industrial-academic cooperation mechanism, and the development of interdisciplinary skills are being reinforced.
- (2) Development of Successor: Taking root on campus and promoting the "I Am a Successor" plan
University juniors and seniors are targeted and models of success are introduced; employment and entrepreneur seminars, team training, company visits, and summer-vacation internships are provided; and post-graduation development experiences as well as consultation and guidance are offered to assist graduates with career development. A platform for the sharing of employment resources has also been set up for the purpose of developing young people into successors.
- (3) Development of young people into successful employment-seekers
Subsidies of NT\$120,000 are provided to graduates who have been unable to find employment to cover the cost of advanced vocational training over a two-year period.
- (4) Creation of young entrepreneurs
The number of startup loans available to young entrepreneurs has been increased to encourage young people to set up their own businesses. The number of local startups using these loans is expected to top 300 within four years.
- (5) Back-home with successful careers
A single window with inter-ministerial cooperation has been established in order to assist young graduates return to their home towns and find employment, set up special companies, or take advantage of other career opportunities.
- (6) Assistance in international competition
A platform for inter-ministerial cooperation has been established, in order to assist young people develop skills and participate in international skills competitions, thus enhancing

skill levels and international linkage. Young people who win awards in skills competitions are given subsidies or other incentives to pursue education, find employment, or start businesses.

● Youths and young adults (three years after graduation to age 45)

- (1) Second professions for youths and young adults
Young graduates are encouraged to return to school and study for a second degree so as to broaden their choices of professions.
- (2) Abundant e-learning opportunities: Learning is power
An online study program for laborers has been implemented to integrate labor education, vocational training, and skills training resources, and thereby provide flexible learning channels and improve competitiveness. An e-learning map has been worked out to provide learning guidance, and an e-learning portfolio mechanism is being developed to achieve the goal of lifetime independent learning.
- (3) Development of youths and young adults into successful employment-seekers
Advanced training expenses provided for on-the-job laborers have been increased from NT\$50,000 to NT\$70,000 over three years so as to further strengthen competitiveness in the labor market. The provision of unemployment subsidies, living allowances for vocational training and employment grants is being executed continuously.
- (4) Startup Assistance for youths and young adults
The SME Entrepreneurship and Innovation Center program has been expanded to reinforce the functions of the existing 131 centers scattered around the nation and help would-be entrepreneurs find nearby startup resources and assistance measures, as well as to provide SMEs with localized professional services.

● Middle-aged and elderly (ages 45 to 65)

- (1) Banning age discrimination and promoting job accommodation for the middle-aged and elderly
Optimal use is made of the middle-aged and elderly workforce; the banning of age discrimination is thoroughly implemented and job accommodation for the middle-aged and elderly is carried out to remove obstacles to the employment of middle-aged and elderly people.
- (2) Lifetime and 4-plus learning boosts professional choice
The middle-aged and elderly are encouraged to join adult education programs at colleges and universities, and to earn second bachelor's degrees, in order to strengthen their competitiveness.
- (3) Development of successful middle-aged and elderly employment-seekers through customized training
Unemployment benefits, free vocational training, living allowances during vocational training, and employment grants are continuously provided for unemployed middle-aged and elderly people. Coordination is carried out on a priority basis with the various ministries and commissions about the provision of training programs and customized training suitable for the middle-aged and elderly.
- (4) Startup assistance for the middle-aged and elderly
A special window was established to assist the existing 131 SME Entrepreneurship and Innovation Centers around the nation to provide assistance to middle-aged and elderly entrepreneurs in accessing startup resources and assistance measures.

2. Provision of lifetime career services and creation of a good environment for employment-seekers

- (1) All-in-one employment, vocational training, and business startup
The model of separate services for employment and vocational training has been broken through, and the skills assessment and startup assistance systems have been integrated, changing the "one-shot" service mindset.
- (2) Establishment of competency standards and completion of



▲ The government helps youths and young adults to start their own businesses.

the vocational training system

Building international occupational competency standards have been established, and the linkage with industry and employment has been reinforced. Train-the-trainer and certification systems for vocational training have been implemented to enhance private-sector training capability and quality, thus establishing a comprehensive vocational training system.

- (3) Creation of outstanding job opportunities through job accommodation
The value, image, and conditions of labor have all been enhanced through job accommodation, attracting workers into traditional industries. In addition, "green-collar" laborers have been trained in conformity with the demands of low-carbon, green industries and the sustainable development of the environment.
- (4) Employment assistance for new immigrants and elimination of obstacles to employment
New immigrants are given assistance in resolving problems regarding academic credentials, language ability, and inadequate skills so that they can participate in the workforce, and a special hotline has been established to overcome with such difficulties as employment discrimination.
- (5) Supporting employment for the disadvantaged, and enhancing employability and job opportunity
Low income and medium-low income groups, the disabled, indigenous people, and other designated groups are given employment assistance, and their employability and opportunities for employment are enhanced through diversified employment training, on-the-job learning and re-adaptation, diversified employment development programs, and personalized professional services.
- (6) Working with civic groups to heighten women's labor participation
Allowances and subsidies are used to assist in eliminating obstacles to employment, employment opportunities are provided for women through cooperation with civic women's groups and government agencies, and public-service jobs are reserved for designated disadvantaged women.

3. Assured rights and benefits

- (1) Consent with pay, happy with work, upgrade salary levels
The collective bargaining system is carried out and labor management negotiation is encouraged to upgrade salaries consistent with economic growth. For marginal laborers, the government should review and readjust the basic wage on a regular basis and raise hourly pay specifically.
- (2) Readjustment of the statutory weekly working hours to 40 and promotion of the two-day weekend.
The two-day weekend is being promoted and follow-up legal



▲ A comprehensive labor inspection network has been formed by integrating central and local labor inspection systems.

- procedures and accompanying measures are being discussed.
- (3) Review the leave system and establish an effective mechanism that allows laborers to care work and family
Unify the nationwide holiday system and reduce normal working hours to 40 hours weekly and consist with flexible working hours.
 - (4) Revise Article 84-1 of the Labor Standards Act to prevent abusing the job responsibility system
Revise Article 84-1 of the Labor Standards Act regarding working hours for special laborers to protect laborers' rights and benefits.
 - (5) Strengthened communication with labor groups, and restrictions on the use of dispatched workers
The principle of equal treatment has been established to strengthen protection of the rights and benefits of dispatched workers by increasing the responsibility of client company employers. Reasonable restrictions have also been placed on the types and employment periods of dispatched workers used by client companies.
 - (6) Dealing with temporary economic fluctuations and protecting the Rights, benefits and lives of laborers
To address issues caused by short-term economic fluctuations that affect labor employment security, such as unpaid leave, regulations provide for timely government intervention with assistance measures, including free employment training and salary allowances, to stabilize the lives of laborers.
 - (7) Integration of the equal employment regulatory system and reinforcement of the employment discrimination complaint mechanism
The equal employment legal system was discussed, a comprehensive legal system for employment equality was built up, and the equal employment complaint mechanism was reinforced in order to protect the rights and benefits of employees to file complaints and institute remedies when facing discrimination and to promote substantial equality of employment rights and benefits.
 - (8) Carrying out protection for workers suffered from occupational accidents and reinforcing the responsibility of employers for occupational accidents
People engaged in actual labor are being taken into the occupational accident protection system in stages; establishing an occupational accident reporting system to provide a reference for the prevention of occupational accidents and diseases and for rehabilitation assessment; reinforcing the responsibility of employers for occupational accident prevention and rehabilitation, and punishments provided; and offering incentives for employers who are willing to hire workers suffered from occupational accidents.
 - (9) To establish the labor inspection network, and to implement the labor inspections.
To integrate the central and local labor inspection system, to establish a perfect labor inspection network, to make labor inspection work efficiently; to cooperate with five municipalities and the other local governments by appropriate division of labor inspection issues, to build the labor inspection communication and coordination platform, to implement the labor inspection mechanism.

- (10) Establishment of a platform to protect the rights and benefits of Taiwanese laborers abroad
To cope with the globalized economy and cross-border mobility of labor, foreign labor laws will be collected and labor protection agreements or platforms will be established with other nations in order to protect the rights and benefits of Taiwanese laborers overseas.
- (11) Solid founding of labor education and formulation of a regulatory system for labor education
Labor education in the workplace is deeply cultivated and a regulatory system for labor education has been worked out. A communication platform for labor education has been established and labor education in technical and vocational schools, colleges and universities, and the community is being promoted.

4. Outstanding welfare

- (1) Expansion of education subsidies for the children of unemployed laborers, and care for disadvantaged families
The requirement that laborers have to be unemployed for at least six months before applying has been relaxed; provisions have been worked out for special cases, such as the unemployed who are alone responsible for their families' livelihood or who have more than two children studying in college, to be eligible for higher subsidies.
- (2) Establishment of a rehabilitation center for workers suffered from occupational accidents, and provision of living subsidies during rehabilitation
An occupational accident rehabilitation center will be established to integrate occupational rehabilitation, vocational rehabilitation and disability rehabilitation resources and implement a case management system. Provisions have been mapped out for providing extended vocational training allowances and living subsidies to laborers undergoing rehabilitation.
- (3) Provision of a humane working environment and an assistance program for enterprises promoting work-life balance
A humane and friendly workplace environment is being promoted and enterprises are encouraged to share resources; joint company child-care services are being encouraged; the institutionalization of corporate welfare is being promoted; and necessary assistance and incentives are being offered to companies that are willing to implement "work-life balance" programs.
- (4) Enhancement of labor health care and provision by enterprises of occupational health care service resources
The rate of labor health care is being boosted to the EU's average level of 80%, with enterprises reaching a certain scale being asked to provide necessary occupational health care services.
- (5) Investment option diversification for retirement funds and increasing retirement income
Retirement investment options plan is expect to allow the laborer to choose investment vehicles for retirement funds. This plan through multiplication investment will boost the laborer's autonomy of using individual retirement account, dispersing the investment risk, increasing retirement income, and establishing a mechanism to manage and monitor risk.
- (6) Diversified utilization of labor funds and expansion of the marginal benefit of fund utilization
The various labor funds are used effectively to heighten their diversified utilization function and increase capital or functional investment. An alternative investment mechanism has also been established to expand the marginal benefit of labor fund utilization, and labor-fund monitoring mechanisms have been integrated to ensure risk control and enhance auditing performance.



Goals and Focal Points of the Council of Labor Affairs Administration in 2012

Manpower is Taiwan's most valuable asset as well as an indispensable key to the upgrading of national competitiveness. In order to provide an even better work environment, the Council of Labor Affairs (CLA) takes "enhancing manpower quality, creating a friendly working environment, promoting labor-capital harmony, and realizing the dignity of labor" as its mission and aims to assure lives of "equality, humanity, security, and dignity" for its laborers. In addition, the CLA has set "assurance of equal opportunity for laborers," "creation of a humane working environment," "building of workplace safety," "enhancement of employment security," and "advancement of labor rights, benefits and dignity" as its medium-term goals. The planning and implementation of various administrative measures will be used to realize the Council's administrative vision.

In line with the Executive Yuan's administrative directives for 2012, the CLA worked in coordination with its medium-term administrative plan and the budget allocated, and in reference to social status quo and the future developmental demands of the different ministerial departments, in working out its 2012 administrative plan, targets, and focal points, as follows:

1. Assuring equal opportunity for laborers

The measures include providing educational publicity for the prevention of employment discrimination and the establishment of the concept of equal opportunity in employment; effectively implement a legal system for gender equality in employment and creation of an environment of equality in right-to-work; promoting the autonomous development of labor unions and helping with their establishment; strengthening the labor-management negotiation mechanism and guidance in the signing of collective agreements; and expansion of labor-insurance coverage for reinforcement of protection.

2. Creation of a human working environment

This involves reviewing the working hour system to improve working conditions; adjusting the labor contract and dispatched workers systems to protect laborers' rights in multiple forms of labor; and promoting health in the workplace, reinforcing laborers' welfare, and guiding enterprises in implementing employee assistance programs so as to enhance laborer well-being.

3. Building workplace safety

The occupational accident and disease prevention system is being enhanced to upgrade the performance of safety and health management; safety management at the source is being strengthened for construction engineering, explosion-proof electrical equipment, machinery, and chemical materials so as to reduce occupational injuries; a culture of industrial safety is being promoted in order to form a high-quality working environment; a complete labor health service system is being constructed to assure safe and healthy labor force; To strengthen labor inspection mechanism, to firmly implement the labor laws; to improve dangerous machinery and equipment inspection management mechanisms to upgrade the management efficiency; to strengthen supervision and inspection of hazardous operating environment and the guidance and assistance mechanisms, to protect employees' health; to promote the efficiency of reducing accidents in the construction industry, effectively reducing the construction disaster; to promote safety partners, to enhance the cooperation performance; and early-warning and support systems are being improved with the aim of establishing a human-centered working environment.

4. Enhancement of employment security

The employment insurance system is being strengthened to provide full employment protection; three-in-one employment services, vocational training, and unemployment benefits are being promoted; virtual employment service channels are being used to expand employment matchmaking performance; diverse employment-oriented pre-employment training is being strengthened so as to enhance the technical working skills of the unemployed; the Micro-Business Start-up Phoenix Loans and consultation services is being strengthened to assist laborers to become entrepreneurs; the credibility of skill testing is being upgraded so as to boost the benefit of licensing; and hiring grants are being used to increase employment opportunities.

5. Boosting labor rights, benefits and dignity

A social dialogue system is being promoted and the labor-management meeting system reviewed in order to advance labor-management partnership relations; the labor-management dispute settlement mechanism is being strengthened and a mass-layoff labor protection system implemented; the labor standards system is being reinforced so as to enforce the Labor Standards Act; occupational accident victim independence services are being provided to assist victims to recover living functions and return to the workplace; the occupational accident protection system is being implemented to provide accident victims and their dependents with basic living security; unified planning for the utilization of labor funds is being carried out in order to strengthen the labor retirement pension scheme and protect the laborer's retirement income security; foreign labor policy is adjusted whenever necessary to protect the employment rights of local laborers; and multiple hiring channels have been set up and the employer and broker management mechanism has been reinforced to assure the rights of foreign laborers.

6. Enhancement of the quality of services for the civilians

Content and information about the CLA's national labor e-learning courses have been augmented and website customer-service and learning services have been strengthened to heighten overall satisfaction among users; the quality of employment services is being enhanced, the foreign-labor application procedure is being reviewed, and the rate of satisfaction with employment service agencies and counter receipt of applications for the hiring of foreign laborers is being enhanced year by year to strengthen service quality.

7. Strengthened utilization of the CLA's fixed assets

The effectiveness of the use of the CLA's vocational training centers and labor education academies is being upgraded to revitalize the utilization of the Council's fixed assets.

8. Special budget implementation

The efficiency of implementation of the central government's post-Morakot special reconstruction budget is being enhanced in order to assist disaster victims receive relief and the unemployed in the disaster area to find employment and rebuild their lives.

9. Enhancement of the competence of CLA employees

The arrangement of special speeches, seminars, digital learning, business sharing, academic forums, and other activities has been strengthened so as to boost employee competence.

10. Completion of the Executive Yuan's reorganizational planning

Operations related to reorganization of the Executive Yuan and its subordinate agencies have been carried out in

accordance with the timetable stipulated in the reorganization manual so as to provide a seamless linkage of administration.

11. Upgrading of Research and Development capacity

Research and development on labor-related subjects is carried out, labor policymaking is being upgraded, and the labor regulatory system is being strengthened to protect labor rights and benefits.

12. Upgrading of asset performance and appropriate allocation of government resources

The efficiency of implementation of the CLA's annual capital

budget is being upgraded in order to assure the effective use of budget resources, and the budget is compiled within the medium-term annual budget expenditure quota in order to save government spending.

13. Upgrading of the quality of manpower resources and management performance

Advanced employee training of various types are carried out, along with lifelong learning, to upgrade the qualifications and quality of employees.



Policies and Regulations

Maximum Tenure for Foreign Workers Extended to 12 Years Legislature Passes Revisions of Articles 52 and 55 of Employment Services Act

Main Points of the Act Revisions

The revised provisions of Article 52 and Article 55 of the Employment Services Act were passed by the Legislative Yuan on Jan. 19, 2012 and promulgated by the President on Jan. 30, 2012. The revisions extend the maximum accumulated time of service in Taiwan for foreign workers from 9 to 12 years, and call off the pre-expiry extension procedures for the employers. The revisions also slash the daily late payments for outstanding fees from 1% to 0.3% and reduce the maximum late payments from 100% to 30%. The revisions took effect on Feb. 1, 2012.

Evolution of Maximum Accumulated Tenure of Foreign Workers Service in Taiwan

Ever since the Employment Services Act was implemented in 1992, its guiding principle being no adverse impact on the employment opportunities and conditions of citizens, or on the development of the national economy, or on social stability. The law originally limited the maximum tenure of service for foreign workers in Taiwan to 2 years. Revisions have been enacted progressively, however, along with socioeconomic development and changes in the industrial structure, and amendments of Article 52 passed in 1997, 2002, and 2007 extended the maximum tenure of service to 3, 6, and 9 years, respectively.

In view of the facts that the current Nationality Law and Immigration Act exclude foreign workers from applying for naturalization or for permanent resident certificates during their tenure of services in Taiwan. The extension of their maximum tenure of services in Taiwan can reduce training costs for employers and avoid gaps in employment, and a constant stream of representations from the public about the urgent demand to extend the maximum tenure of employment in Taiwan for foreign workers, the CLA convened a meeting of representatives from foreign-worker source countries, experts and scholars, representatives of ministries and other government agencies, employer groups, labor groups, brokers, and human-rights groups. The conference discussed the issue and reached a consensus that it would be appropriate to carry out a progressive extension of the maximum accumulated tenure of services in Taiwan.

The Application System for Employment of Foreign Workers

Under current regulations, the tenure of foreign worker employment approved by the CLA is 2 years, with a possible extension of 1 year, for a maximum tenure of 3 years. In practice, almost all extension application have been approved except those of late application; under the precondition that there is no impact on the employment rights of local people or on social



▲ The government has progressively lengthened the maximum period of service in Taiwan for foreign workers.

stability, therefore, the application for extension procedure has been abolished to facilitate a convenient measure for the citizens, the maximum tenure of employment for foreign workers has been kept at 3 years.

Background of the Employment Security Fee, and Objective of Revision

Article 55 of the Employment Services Act stipulates that employers of foreign workers must pay an employment security fee to use in strengthening the promotion of employment among local citizens, enhancement of labor well-being, and management of foreign worker employment. The reason for imposing an additional levy for late payment of the fee is to encourage employers to pay on time. The general sentiment of the public, however, is that the amount of the late-payment addition is too high, and that the requirement to pay the additional late-payment fee results in serial non-payment of the employment security fee. To lighten the burden on employers while retaining the rule on payment of the fee, the daily additional levy for late payment of the employment security fee has been cut from 1% to 0.3% and the maximum additional levy has been slashed from 100% to 30%.

Accompanying Measures Established by the CLA

Accompanying measures for the revisions are as follows:

1. An employer may, within 60 days of the expiration of the original employment approval, apply to the competent authority for approval of extension for up to 3 years. (Example: ►►

If the original employment approval expires on Jan. 1, 2013, the employer may, Nov. 1, 2012, apply to the CLA for a new employment approval.)

2. If a foreigner legally working in Taiwan has an employment permission of less than 2 years or employment approval extension of less than 1 year because of the pre-revision limitation of accumulated working to 9 years, his or her employer may, within 60 days of the expiration of the tenure of employment or extension permit, apply to the competent authority for permission for employment of up to 3 years. (Example: If the original employment permission is 6 months and is to expire on May 1, 2012, then the employer may apply to the CLA, Mar. 1, 2012, for a new employment permit.)
3. For original employment permits and extension permits that have less than 60 days of validity remaining on the date when the revision takes effect-Feb. 1, 2012—the employers

may, within 3 months, apply to the competent authority to amend the tenures of the permits to up to 3 years. (Example: For an original permit set to expire on Feb. 29, 2012, the employer may, prior to May 1, 2012, apply to the CLA for an amendment of the employment permit.)

As of Feb. 1, 2012 applications for the following amendments to employment permits that are submitted by employers will not be subject to the application review fee:

1. Applications by employers who have been granted employment permits for a tenure of 2 years and later apply for an extension to 3 years.
2. Applications to amend employment permits for tenure of up to 3 years by employers of foreign workers who have been issued employment permits for tenures of less than 2 years or extensions of less than 1 year because of the former 9 years limit on accumulated tenures in Taiwan.



Policies and Regulations

On-the-Job Training: NT\$70,000 in 3 Years, and the Learning Goes On

To enhance the knowhow, skills, and attitude of workforce, the Bureau of Employment and Vocational Training (BEVT), an agency of the CLA, cooperates with outstanding private training units to provide a diverse range of practical training courses. It also provides participants with training subsidies and carries out the Industrial Human Resource Investment Program. Non-profit groups such as labor organizations, colleges and universities, and training institutions propose training projects and courses, and work out separate programs for the enhancing labor self-learning plan and for Industrial Human Resource Training Plans in order to help on-the-job laborers engage in independent study designed to upgrade their professional skills or develop second professions, thus achieving the goals of upgrading overall national manpower resources. The training courses that have been approved for the first half of 2012 have been announced on the BEVT website, and on-the-job workers who are interested in strengthening their competitiveness in the workplace are welcome to register for training.

Increased Subsidies for the Industrial Human Resource Investment Program

This plan provides subsidies to cover at least 80% of the training fees for on-the-job laborers who are at least 15 years of age, who are covered by labor or farmers insurance, and who have completed, and received certificates of training for, training courses that are approved for the plan and that require prior payment of fees. The subsidies also cover 100% of training fees for designated recipients (who, under the provisions of Article 24 of the Employment Services Act, include those who are independently responsible for their families' livelihood, middle-aged and elderly people, the disabled, members of assisted households who have the ability to work, and members of indigenous tribes); middle-and lower-income people; the spouses, lineal relatives, and guardians of minors who are survivors of the victims died as a result of criminal behavior; and victims themselves, their spouses, their lineal relatives, and the guardians of their minors who have been severely injured as a result of criminal behavior. As of 2012, the amount of total subsidies that each eligible student can receive within a three-year period has been raised from NT\$50,000 to NT\$70,000.

The training program openly accepts applications from training agencies twice a year (tentatively, in May and December). Applicants must have charters or carry out missions that include training items and must be colleges or universities, or vocational training institutions, industrial groups, commercial groups, farmers' groups, fishermen's groups, research institutions,



▲ On-the-job workers are helped to study on their own to enhance their professional skills or develop second professions.

juridical people, or foundations that have been established for at least one year and have undergone Taiwan Training Quality System (TTQS) evaluation by the BEVT within the past 3 years, with a grade given after the most recent evaluation of "qualified" or "passed". Union groups that have been established in accordance with the Labor Union Act for at least one year, and that have no labor insurance premium arrears, may also apply.

Priority industry categories for the training plan are the six major emerging industries, 10 key services industries, and four major intelligent industries being promoted by the Executive Yuan, and other strategic industries being promoted by the government. Other industries get secondary consideration. The training curricula encompass courses in common core competence, international communication, digital capability, research and development and innovation, and specialized technology and management. More than 600 training institutions hold courses throughout Taiwan each year, providing over 4,000 training courses for laborers. On-the-job laborers who want to upgrade their occupational skills or learn a second profession are welcome to register for these courses.

A total of 2,000 training courses in various categories were approved in the first half of 2012, including the following: Culture and creation: decoupage art creation and stained glass art; green energy: solar cell module design and application, and green energy building interior design and application; tourism

and travel: Chinese-language tour guide training and foreign-language tour manager training; boutique agriculture: five-color healthy diet food and beverage practice, and creative green-energy flower arranging practice; biotechnology: biotech health-care cosmetics formulation and production, and skin

health application and cosmetic ingredient safety practice; and cloud computing: Android mobile phone programming practice and Google & Oracle Java cloud computing programming. For a more complete listing of courses on offer, please visit this website: <http://ihrip.evta.gov.tw>.



News Outlook

The Council of Labor Affairs sets March 5th the national "Equal Pay Day", expecting all stakeholders to strive for narrowing down the gender wage gap

In order to arouse public awareness of equal pay between genders, the Council of Labor Affairs (CLA) has declared March 5th the national "Equal Pay Day", a few days before International Women's Day. The CLA expects that all stakeholders in society to strive for narrowing down the gender wage gap.

The "Equal Pay Day" is a new idea to the public in Taiwan. Wang Ju-Hsuan, the Minister of the CLA, who has devoted herself to feminist movements for a long time before her public service career, indicated that including European countries, the USA, and South Korea, all recognized the Equal Pay Day. The Equal Pay Day in European Union is set on March 2nd and the USA sets April 17th this year. The CLA specifically compiled statistics between genders to figure out the wage gap, and this year March 5th is set as the Equal Pay Day in Taiwan. In other words, female workers in Taiwan have to work 65 more days to receive an equivalent amount of pay as their male coworkers. To convert this into percentile scale, in 2011, the average pay of female workers is 17.6% less than that of male workers. Therefore, in order to arouse different stakeholders in the society to strive for narrowing down the gender wage gap, the CLA published a "2011 Yearbook of Workplace Employment Management and Gender Equality", and to announce that March 5th is the Equal Pay Day this year.

The yearbook reveals that, a decade since the Act of Gender Equality in Employment enforced in Taiwan, the effects to promote women employment and remove employment obstacles and to establish gender equality working environments have shown progress. Comparing with the first year of implementation in 2002, the ratio of business entities bringing gender equality employment measures into practice has increased. In consequence, employees are able to balance their work and family life. Meanwhile, the proportions of gender-specific standards of wage payment and adjustment are 9.7% and 4.4% respectively. Besides, according to "2011 Employee Earnings Survey" by the Directorate General of Budget, Accounting and Statistics, Executive Yuan, the hourly wage of female workers in average is 17.6% less than that of male workers and which reveals that there is still room for improvement in gender wage gap.

During the last four years, the CLA has proactively to promote women employment, protect women's rights and interests, and create gender-friendly working environments. Major achievements by the government on this regard are the following: to enhance female workers' labor market participation rate, created more than 100,000 employment opportunities for



▲ To arouse a consciousness of equal pay for the two genders, the CLA declared Mar. 5 as Equal Pay Day in 2012.

women; encouraging women to participate in developing social enterprises, deregulating employment regulations to provide employment status for foreign and Mainland Chinese spouses, and to promote their employment; empowering women to start enterprises; widening the payment of maternity benefit and to institutionalize the parental leave; raising the amount of administrative fine for sexual harassment in workplace; and to widen the application scope of parental leave allowances and maternity and family leaves; and to establish a "win-win platform for Taiwan's workplace".

In the near future, the CLA has expressed that the focus of female workers' rights and interests would be on three agendas: to promote employment and enhance women's labor participation rate; to amend legislations on women's rights and interests; and to build up friendly working environment and maintain female workers' physical and psychological well-being. Eight prospective action plans are awaiting to implement, including to enhance female labor participation rates, to narrow down the gender wage gap, to legislate paid family care leaves on typhoon days, to reveal publicly the name of the person in charge who violates the Act of Gender Equality in Employment, to legislate the Act of Domestic Workers Protection, to improve the mechanism of gender employment discrimination in the process of complaints and remedies, to promote employees' work and life balance, and to facilitate occupational safety and health measures for female workers. ♣

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專題報導

- ◆ 2012-2016年「就業有力，權益有靠，福利有贊」勞動政策



政策法規

- ◆ 2012年勞工委員會施政目標與重點
 ◆ 延長外籍勞工年限為12年
 就業服務法第52條及第55條修正通過
 ◆ 在職訓練：3年7萬，學習不斷



新聞瞭望

- ◆ 勞委會訂3月5日為我國「同酬日」
 盼各界一同為縮小兩性薪資差距努力



專題報導

2012-2016年「就業有力，權益有靠，福利有贊」勞動政策

逆境與突破：開啓勞動新紀元

不論在任何時代，勞工永遠是國家經濟發展的穩定力量。

4年前，勞委會提出「尊嚴勞動」的政策主張，以自主、公平、發展的觀點，提升自主勞資關係的機制、創造公平的勞動市場，創造更多就業機會，藉由就業平等的策略，推動所得與就業安全的勞動保障，進而落實憲法「人性尊嚴」的勞動理念。

4年來，即使面對世界金融危機、人口變化、經濟情勢的挑戰，勞委會致力克服政策推動所面臨的困難，在勞資雙方和社會大眾的共同努力之下，迅速擺脫世界金融危機的影響與衝擊，並逐一具體落實勞工政策，以確保勞工福祉與增進勞資和諧。

一、開辦勞保年金制度

勞保年金加上勞工退休金的所得替代率可達70%以上，勞工老年退休保障邁入新的里程碑。勞保年金涵蓋保障人數達973萬餘人，截至100年12月底止，勞保年金給

付計核付19萬3,836人，已發出金額為486億720萬餘元。

二、勞動三法上路

「勞資爭議處理法」、「工會法」及「團體協約法」同時自100年5月1日起修正施行，修正重點包括：保障教師籌組工會的權利、設置勞工權益基金、提供勞工免費法律扶助、建立政府民間組織諮商勞動問題機制、企業內工會擴大組織範圍、落實勞資雙方誠信協商原則等，除對勞工的勞動三權有適當規範，且更貼近需求外，並使我國勞資關係邁向「成熟有秩序，合作又競爭」的新境界。

三、創設勞工權益基金

98年設立「勞工權益基金」，提供勞工朋友法律訴訟扶助及訴訟期間必要生活費用補助。截至100年12月底止，已有1萬5,860件勞工法律扶助申請案，其中提供律師訴訟補助8,239件，其餘則提供法律諮詢。律師訴訟補助案件中，已結案3,565件，為勞工追回7億8,773萬元的權益。



▲ 政府積極提高婦女勞動參與率，促進婦女就業。

四、實施育嬰留職停薪津貼

為協助勞工兼顧工作與家庭，98年5月1日實施育嬰留職停薪津貼，在勞工申請育嬰留職停薪假期間，依平均月投保薪資60%之津貼，最長發給6個月。截至100年12月底止，受惠人數達10萬餘人，金額計84億1千萬餘元。

五、提升所得安全保障，擴大就業保險給付

為照顧中高齡及身心障礙失業勞工，延長失業給付請領期間，由6個月延長至最長可發給9個月。另外，不只照顧勞工朋友，也照顧勞工眷屬，如勞工有扶養無工作收入的眷屬，加給失業給付，每多1人加給10%，最多加給20%，即可加發至80%。截至100年12月底止，延長失業給付期間部分共核付18萬餘件，金額達37億7千萬餘元，加發眷屬補助部分共核付71萬3千餘件，金額33億9千萬餘元。

六、排除就業障礙，促進就業機會

包括鼓勵產學合作、教學與職場需求接軌、保留公共服務就業機會給弱勢勞工等；將微型創業鳳凰貸款金額由50萬元提高到100萬元；提高婦女勞動參與率，於99年7月首度突破50%，婦女就業人數並增加約23萬8千人；放寬外配及陸配工作權保障等。

七、提高基本工資

最近2次調漲基本工資幅度達8.68%，合計調增1,500元，為近10年來總體調幅最高。

公平與永續—建構勞動市場競爭力，確保永續的勞工權益

著眼未來，我國勞動政策的規劃與推動，必須持續回應與因應下列的課題：

- 一、如何提升國家整體競爭力，以因應全球化、區域自由貿易與新興產業發展造成之勞動市場壓力？
- 二、如何因應高齡化與少子女化對於勞動力運用的影響？

- 三、如何強化勞資夥伴關係，以兼顧勞動市場之彈性與社會平衡發展的需求？
- 四、如何透過政策與制度性的建構回應國民提升薪資水準的期待？
- 五、如何在既有基礎上進一步強化社會保障制度？
- 六、如何達到「工作與生活平衡」的目標，因應超時、過勞等問題，並同時促進女性勞工的勞動參與？
- 七、如何經由積極勞動市場政策協助弱勢勞工因應經濟社會發展與變遷？
- 八、如何經由技術養成與就業安全機制，減少學用落差，確保青年在勞動市場中之就業機會？

據此，提出「公平與永續—建構勞動市場競爭力，確保永續的勞工權益」的政策願景，並規劃未來公平與永續的勞動政策，希望能達到提升勞動競爭力，並增進勞工權益與生活的目標。

政策主張：就業有力，權益有靠，福利有贊

一、青年、壯年、中高齡就業有力：從畢業前2年到65歲，全方位提升就業

●畢業青年（畢業前2年到畢業後3年）

- （一）專業養成：培養專業技能與核心能力，強化學校與職場的連結
加強教育體系的专业技能與核心能力培養，減少學用落差。獎勵企業提供企業實習與職場見習機會，強化各級學校與職場的具體連結、產學合作機制與跨領域技能的培養。
- （二）接班人養成：紮根校園，推動「我是接班人」計畫
針對大三、大四在學青年，引進成功楷模，提供就創業研習、團隊訓練、參訪、寒暑假見習，並於其畢業後提供展業體驗、諮詢輔導、協助其展業。且建置青年就業資源分享平台，培育青年成為接班人。
- （三）畢業青年職場達人育成
補助已畢業但未能找到工作者，於待業尋職期間提供2年12萬元職訓進修費用，以鼓勵他們參加職業訓練。
- （四）小頭家牽成
擴大協助青年創業貸款的數額，鼓勵青年創業，預計4年內在地創業達到300家以上。
- （五）返鄉築巢事業有成
建立單一窗口，進行跨部會合作，協助畢業青年返鄉就業或進行特色創業等職業發展機會。
- （六）青年國際競爭協成
成立跨部會合作平台，協助青年發展技能，並參與 ►►

國際性技能競賽或比賽，提升技能水準與國際接軌；對於參與技能競賽得獎的青年，給予助學、就業、創業獎勵或補助。

● 青壯年（畢業超過3年到45歲以下）

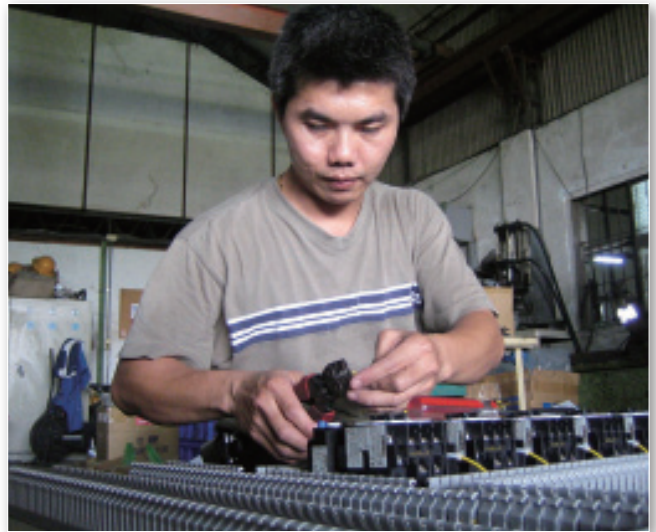
- （一）青壯年 4-plus 增加專業
推動已畢業者回校學習，推動大專院校學士後第二專長學士學位學程，以增加職場專業選項。
- （二）豐富數位學習：學力就是戰力
推動勞工網路數位學習計畫，整合勞動教育、職業訓練及技能培訓等資源，豐富彈性學習管道，提升競爭力；規劃數位學習地圖，提供學習指引，並逐步發展學習履歷機制，達成終身、自主學習的目標。
- （三）青壯年職場達人育成
對在職者提供的職業訓練進修費用，由 3 年 5 萬元提高到 3 年 7 萬元，以進一步提升職場競爭力。對失業者的失業補助、職業訓練生活津貼、就業獎金持續執行。
- （四）青壯年創業有成
擴大辦理中小企業創新育成中心方案，強化現有 131 所分布全國各地中小企業育成中心的功能，協助欲創業者就近尋找創業資源及配套輔導措施，提供中小企業在地化、專業化的服務。

● 中高齡（45歲以上到65歲）

- （一）落實禁止年齡歧視，推動中高齡者職務再設計
善用中高齡勞動力，落實「禁止年齡歧視」，推動中高齡者職務再設計，排除中高齡就業障礙。
- （二）終身學習 4-plus 增加專業
推動中高齡者到大專院校或社會大學參加成人學習；推動大專院校學士後第二專長學士學位學程，以增加競爭力。
- （三）中高齡職場達人育成，提供客製化訓練
對中高齡失業者的失業補助、免費職業訓練、職訓生活津貼、就業獎金持續執行。優先協調各部會提供各項適合中高齡者之培訓課程，提供客製化訓練。
- （四）中高齡成熟創業
特別成立窗口，協調現有 131 所分布全國各地中小企業育成中心，協助中高齡欲創業者，取得各項創業資源及配套輔導措施。

二、提供終身生涯服務，創造就業有力之環境

- （一）就業、職訓、創業合而為一
打破就業服務及職業訓練各自服務之模式，並整合技能檢定及創業協助體系，改變一次性之服務概念。



▲ 政府協助青壯年創業。

- （二）建構職能標準，完善職訓體系
建構與國際接軌之職能標準，強化產業與就業之連結；推動職業訓練師資培訓與認證制度，提升民間辦訓能力與品質，建構完善的職業訓練體系。
- （三）透過工作職務再設計，創造優質工作機會
透過「工作職務再設計」，使職場工作價值、工作形象與工作條件提升，吸引勞工投入傳統產業。另培訓綠領工作者，以符合低碳、綠能產業和環境永續的發展需要。
- （四）協助新移民就業，排除就業障礙
協助新移民參與勞動市場，解決「學歷認證」、語言能力和技能不足問題；並針對其所遭遇就業歧視等困境，設立專線協助處理。
- （五）扶助弱勢就業，提高就業能力與機會
協助低收入及中低收入戶、身心障礙者、原住民及特定對象就業，透過多元化職業訓練、職場學習及再適應、多元就業開發方案及個案管理個別化專業服務，提高他們的就業能力與就業機會。
- （六）結合民間團體資源，提高婦女多元勞動參與
運用各項津貼補助工具，協助排除就業障礙；結合民間婦女團體或各級政府提供婦女就業機會，保留公共服務就業機會予特定弱勢婦女。

三、權益有靠

- （一）安薪樂業，提高薪資水準
配合經濟成長，落實集體協商法制，鼓勵勞資協商提升工資。針對邊際勞工，政府應定期檢討調整基本工資，提高時薪計算標準。



▲ 整合中央與地方勞動檢查體系，建構完善勞動檢查網絡。

- (二) 調整每週法定工時至 40 小時，配套推動週休二日制推動週休二日制，研議後續法制作業及配套措施。
- (三) 檢討勞工休假制度，建立有效機制使勞工得以兼顧工作與家庭
調整國定紀念假日全國一致，配合工時縮短，彈性調整工作時間。
- (四) 修訂勞動基準法第 84 條之 1，防止責任制之濫用
修訂現行勞動基準法第 84 條之 1 有關特殊工作者之工時規範，保障勞工權益。
- (五) 加強與勞工團體溝通，限制使用派遣勞工
訂定「均等對待」原則，加強保障派遣勞工權益，加重重要派公司雇主責任；對運用派遣勞工的單位，其使用勞工的職類、期間等予以合理的限制。
- (六) 因應短期經濟波動，保障勞工權益及生活
就無薪假等因短期景氣波動影響勞工就業安全議題，法制化規範政府及早介入，適時提出協助措施，提供免費職訓，給予薪資補貼，以安定勞工朋友的生活。
- (七) 整合就業平等法制，強化就業歧視申訴機制
研議工作平等法制，建構完整的工作平等法制體系，強化就業平等申訴處理機制，保障受僱者遭受就業歧視時之申訴、救濟權利，促進工作權的實質平等。
- (八) 落實職災勞工保護，強化雇主職業災害責任
將實際從事工作者階段性地納入職業災害保護法制；建立職業災害通報系統，做為職業傷病防治及重建評估之參考；強化雇主職業災害預防及重建責任，並課以雇主罰則，另對於願意僱用職業災害勞工之雇主，則給予獎勵。
- (九) 建構勞動檢查網絡，落實勞動檢查
整合中央與地方勞動檢查體系，建構完善勞動檢查網絡，發揮勞動檢查效能；與五都及各地方政府妥適分工，建置勞動檢查溝通協調平台，落實勞動檢查機制。

(十) 建立平台，維護我國外移勞動者的權益

因應全球化經濟，人才跨國流動現象，蒐集外國勞動法令，並本於平等互惠原則與他國簽訂勞動保障協定或建立平台，以維護我國外移勞動者的權益。

(十一) 紮根勞動教育，研擬勞動教育法制

深耕職場勞動教育，研擬勞動教育法制；建立勞動教育溝通平台，推動技職學校、大專院校與社區勞動教育。

四、福利有贊

(一) 擴大失業勞工子女就學補助，照顧弱勢家庭

放寬失業滿 6 個月以上始得申請之條件限制；研議特定身分，例如獨力負擔家計或家中有 2 名以上子女就讀大專校院之失業勞工，研議給予較高之補助。

(二) 成立職業災害勞工重建中心，提供職災勞工重建期間的生活補助

成立職業災害勞工重建中心，整合職能復健、職業重建及身心障礙重建等資源，推動個案管理服務制度；對於參與重建之勞工，研議放寬延長發給職業訓練津貼或給予重建期間必要的生活補助。

(三) 推動人性化工作環境，協助企業推展工作與生活平衡方案

推動人性化、友善工作職場環境，鼓勵企業資源共享，推動企業聯合托育服務；推動企業福利法制化，對願意推動「工作生活平衡方案」之企業給予必要的協助與獎勵。

(四) 提升勞工健康照護，提供企業職業健康照護服務資源

提升勞工健康照護率至歐盟平均水準 80%，逐步要求一定規模以上之事業，應提供必要之職業健康照護服務資源。

(五) 退休金投資多元化，提高退休金所得

規劃開放勞工自選投資標的，引進多元化投資管道，增加勞工選擇退休金投資規劃之自主權，分散投資風險，提高勞工退休所得，建立自選投資風險控管與監理機制。

(六) 多元運用勞動基金，擴大基金運用之邊際效益

有效運用各項勞動基金，提高基金多元化運作功能，增加資本性或功能性投資，並建構另類投資機制，擴大勞動基金運用之邊際效益；整合勞動基金監管機制，落實風險控制與提升稽核效能。



2012年勞工委員會施政目標與重點

勞動力資源是我國最珍貴的資產，亦是提升國家競爭力不可或缺的關鍵，為建構更完善的勞動環境，勞委會以「提升人力素質，營造友善工作環境，促進勞資和諧，實現勞動尊嚴」為使命，期為勞工建構「平等、人性、安全、尊嚴」的勞動生活，並進一步提出「保障勞動者平等機會」、「打造人性化工作環境」、「建構職場安全」、「提升就業安全」、「增進勞動權益與尊嚴」等中程施政策略目標，規劃及推動各項施政，以具體實踐施政願景。

勞委會依據行政院101年度施政方針，配合中程施政計畫及核定預算額度，並針對當前社會狀況及部會未來發展需要，編定101年度施政計畫，施政目標與重點如次：

一、保障勞動者平等機會

宣導防制就業歧視，建立就業機會平等觀念；落實性別工作平等法制，營造工作平權環境；推動工會自主發展，協助工會成立；健全勞資協商機制，輔導簽訂團體協約；擴大勞保納保對象，強化勞保保障。

二、打造人性化工作環境

檢討工資工時制度，提升勞工勞動條件；調整勞動契約及派遣法制，保障多元勞動型態勞工權益；促進職場勞工身心健康，強化職工福利並輔導事業單位實施員工協助方案，提升勞工福祉。

三、建構職場安全

健全職場防災法制，提升安全衛生自主管理績效；強化營建工程、防爆電氣設備、機械及化學物質源頭安全管理，降低職業傷害；促進產業安全文化，形塑優質工作環境；完備勞工健康服務體系，確保安全健康勞動力；強化勞動檢查機制，貫徹勞動法令執行；健全危險性機械及設備檢查管理機制，提升管理效能；強化有害作業環境監督檢查及指導協助機制，保護勞工健康；提升營造業減災效能，有效降低營造業災害；推動安全夥伴，提升合作績效；精進科技發展預警支援，建立以人為本的工作環境。

四、提升就業安全

健全就業保險法制，周全勞工就業保障；推動就業服務、職業訓練與失業給付三合一就業服務；運用虛擬就業服務通路，擴大就業媒合效能；加強辦理多元就業導向職前訓練，提升待業者工作技能；加強推動微型創業鳳凰貸款及諮詢輔導服務，協助勞工創業；提升技能檢定公信力，增進證照效益；運用僱用獎助，增加就業機會。

五、增進勞動權益與尊嚴

推動社會對話制度，檢討勞資會議法制，增進勞資

夥伴關係；健全勞資爭議處理機制，落實大量解僱勞工保護法制；健全勞動基準法制，落實勞動基準法；推動職災勞工主動服務，協助恢復生活功能並重返職場；落實職災保障制度，提供職災勞工及其眷屬基本生活安全；統籌勞動基金運用，健全勞工退休金制度，保障勞工退休所得安全；適時調整外國勞動力政策，保障本國勞工就業權益；建立多元引進管道，強化雇主及仲介管理機制，確保外國人勞動權益。

六、提升為民服務品質

充實勞委會全民勞教e網線上課程內容與資訊，加強網站客服與學習服務，提升整體使用滿意度；提升就業服務品質，並檢討外籍勞工申請案件流程，逐年提升就服機構及「外國人聘僱許可」收件櫃臺服務滿意度，強化服務品質。

七、加強勞委會固定資產運用

提升勞委會職業訓練中心及勞教學苑使用效率，活化勞委會固定資產之運用。

八、特別預算執行率

提升中央政府莫拉克颱風災後重建特別預算之執行效率，協助災民救助、災區失業者就業及生活重建。

九、提升勞委會員工職能

加強辦理專題演講、專班研習、數位學習、業務分享組織學習論壇等活動，增進員工職能。

十、完備行政院組織改造規劃

依據行政院及所屬各機關組織調整作業手冊規定時程完成組織改造各項配套作業，施政無縫接軌。

十一、提升研發量能

推動勞動議題相關研究，提升政策決策品質，並健全勞動法規，保障勞動權益。

十二、提升資產效益，妥適配置政府資源

提升勞委會各年度資本門預算之執行效率，有效運用預算資源；並於中程歲出概算額度內編報概算數，節約政府支出。

十三、提升人力資源素質與管理效能

推動辦理各項員工訓練進修，落實終身學習，提高員工職能與素質。



延長外籍勞工年限為12年 就業服務法第52條及第55條修正通過

法規修正內容說明

就業服務法（以下簡稱本法）第52條及第55條修正條文，經立法院101年1月19日三讀通過，總統101年1月30日公布，將外籍勞工累計在臺工作年限由9年延長為12年；並將外籍勞工聘僱許可期限修正為不須經展延程序；另調降滯納金按日加徵比率，由原按日加徵1%調整為0.3%，而加徵上限則由原加徵1倍調整為加徵30%為上限。該修正案於101年2月1日生效。

外籍勞工在臺累計工作期限沿革與現況

自民國81年本法施行以來，秉持聘僱外國人工作，不得妨礙本國人就業機會與勞動條件、國民經濟發展及社會安定等意旨，法規明定外國人在臺累計工作期間不得逾2年。然而隨著社會經濟發展，產業結構變遷，配合立法院委員提案逐步採取漸進式修正，分別於86年、91年及96年修正本法第52條規定公布外籍勞工在臺工作期間累計不得逾3年、6年及9年。

基於現行國籍法與入出國及移民法等規定已將外籍勞工在臺工作期限排除在申請歸化與取得永久居留的認定範圍；且外籍勞工在臺工作年限如延長，將可減少雇主訓練成本，避免銜接空窗期；加上民衆持續向政府部門陳情反映有延長外籍勞工累計工作年限的迫切需求等原因，勞委會便邀集外籍勞工來源國代表、專家學者、相關部會政府單位代表、雇主團體、勞工團體、仲介業者及人權團體共同開會研商，經與會代表討論後獲得共識，認為以漸進式適度延長外籍勞工累計在臺工作年限較為妥適。

申請僱用外籍勞工之許可制度規定

依本法規定，勞委會核發雇主僱用外籍勞工聘僱許可期間為2年，期滿後得申請展延最長1年，故外籍勞工每次在臺工作最長為3年。實務上，勞委會經書面審查雇主申請文件後，僅有少數因逾期申請而不予許可案件，其餘多數均予以核發展延聘僱許可，故於不影響國人就業權益及社會安定之前提，基於簡化申請程序等便民考量，取消申請展延聘僱許可之程序，而外籍勞工每次在臺工作期限最長仍維持為3年。

繳納就業安定費之背景與修正目的

本法第55條明文規定雇主僱用外籍勞工應繳納就業



▲ 政府以漸進式適度延長外籍勞工在臺工作年限。

安定費，做為加強辦理促進國民就業、提升勞工福祉及處理外國人聘僱管理事務之用；另加徵滯納金之立法原意乃期望藉此規範雇主依期限繳納就業安定費。然而民意多有反映目前加徵滯納金之額度過高，顯失公理，且雇主因逾期繳納就業安定費而遭加徵滯納金後，進而衍生因無力繳納滯納金而連帶拒繳就業安定費之情形。因此，為減少雇主負擔及考量保有規範雇主依期限繳納之目的，調降滯納金按日加徵比率及加徵上限，由原按日加徵1%調整為0.3%；由原加徵1倍上限調整為加徵30%為上限。

勞委會訂定配套措施

因應法令修正生效後的相關配套措施如下：

- 一、雇主得在原聘僱許可有效期間屆滿前60日期間內，向主管機關申請最長至3年之聘僱許可（例：原聘僱許可將於102年1月1日屆滿，則雇主可於101年11月1日起向勞委會申請新聘僱許可）。
- 二、前因受修法前累計工作年限9年所限，致聘僱許可期間少於2年，或展延聘僱許可少於1年，仍合法在臺工作之外籍勞工，雇主得在聘僱許可、展延聘僱許可有效期間屆滿前60日內，向主管機關申請最長至3年之聘僱許可（例：原聘僱許可期間為6個月，將於101年5月1日屆滿，則雇主可於101年3月1日起向勞委會申請新聘僱許可）。
- 三、另以101年2月1日修正生效日為基準，原聘僱許可、展延聘僱許可有效期間不足60日期間者，得於3個月內，向主管機關申請變更最長至3年之聘僱許

可（例：原聘僱許可將於101年2月29日屆滿，則雇主於101年5月1日前仍可向勞委會申請變更聘僱許可）。

另自101年2月1日起，雇主提出下列變更聘僱許可申請案件，勞委會將不收取案件審查費：

- 一、已取得2年工作期限聘僱許可函之雇主，後續申請最長至3年之聘僱許可申請案。
- 二、前因外籍勞工在臺累計工作期限將屆9年而經核發未滿2年之聘僱許可或未滿1年展延聘僱許可之雇主，申請變更最長至3年之聘僱許可申請案。



政策法規

在職訓練：3年7萬，學習不斷

行政院勞工委員會職業訓練局為提升在職勞工知識、技能、態度，積極結合民間優質訓練單位，提供多元化實務導向的訓練課程，並給予參訓勞工訓練費用補助，特推動「產業人才投資方案」。由勞工團體、大專校院或訓練機構等非營利團體提出訓練計畫並執行訓練課程，分別訂定提升勞工自主學習計畫及產業人才投資計畫等兩項計畫，以協助在職勞工自主學習，提升專業職能或培養第二專長，進而達到提升國家整體人力資本的目標。101年上半年核定的訓練課程已於職訓局網站上公告，歡迎有意充實職場競爭力的在職勞工朋友們踴躍報名參訓。

「產業人才投資方案」提高補助額度

該方案補助對象為年滿15歲以上，具勞工保險、農民保險被保險人身分之在職勞工，須先行繳費參加此案審查核可通過的訓練課程，俟完成課程取得結訓證書後，每門課程至少可以獲得80%訓練費用補助；另符合特定對象者（依就業服務法第24條規定，包括：獨力負擔家計者、中高齡者、身心障礙者、生活扶助戶中有工作能力者、原住民等）以及社會救助法之中低收入戶、因犯罪行為被害死亡者之配偶、直系親屬或其未成年子女之監護人、因犯罪行為被害受重傷者之本人、配偶、直系親屬或其未成年子女之監護人，則可獲得全額訓練費用補助；自101年起，每位學員3年內最高補助額度由原5萬元提高至7萬元。

訓練計畫每半年公開受理訓練單位提出申請（預定每年5月、12月受理），申請單位之資格需其組織章程或執行任務具有辦理訓練相關項目，及3年內（含當年度）曾接受勞訓局訓練品質評核系統（TTQS）訓練機構版或



▲ 政府協助在職勞工自主學習，提升專業職能或培養第二專長。

外訓版評核，且最近一次評核結果等級為合格或通過門檻（含）以上之大專校院、依法立案1年以上之職業訓練機構、工業團體、商業團體、農民團體、漁民團體、研究機構或財團法人、社團法人等相關團體，或依工會法設立1年以上且無積欠勞保費用之各級工會團體。

至於訓練產業別則以行政院推動6大新興產業、10大重點服務業、4大智慧型產業或政府推動之政策性產業為優先，其他產業為輔。訓練內容包含：共通核心職能課程、國際溝通能力課程、運用數位能力課程、研發創新能力課程、專業技術及管理課程等。每年約有600餘個訓練單位於全國各地開辦訓練課程，提供4,000餘門訓練課程供勞工參訓之機會，想提升工作職能或學習第二專長的在職勞工，歡迎報名參加。

在101年度上半年所核定的訓練課程中，則有包括文化創意類有拼貼彩繪藝術創作、創意色彩鑲嵌玻璃藝術班等；綠色能源類有太陽能電池模組設計與應用班、生態綠 ▶▶

建築室內設計與應用等；觀光旅遊類有華語導遊訓練班、外語領隊人員訓練班等；精緻農業類有五色養生飲食餐飲實務班、創意綠能花藝布置實作班等；生物科技類有生技保健化妝品調製班、皮膚保健應用與化妝品成分安全性實

務班等；雲端運算產業有Android手機程式開發實務班、Google & Oracle Java雲端程式設計班等課程等2,000門訓練課程，可不要錯過這個自我充實的好機會，課程查詢網址：<http://ihrip.evta.gov.tw>。



新聞瞭望

勞委會訂3月5日為我國「同酬日」 盼各界一同為縮小兩性薪資差距努力

為喚起兩性同酬之公共意識，勞委會特別在婦女節前夕，首次公布3月5日為我國今年之「同酬日」，並期許各界共同為縮小兩性薪資差距而努力。

同酬日，對於大家來說是一個新的概念，在未擔任勞委會主委之前長期推動婦女運動的王如玄主委表示，國際間如歐洲、美國、南韓等都訂有同酬日，以歐洲來說，今年的同酬日是3月2日，美國是4月17日，今年勞委會特別統計兩性薪資差距發現，今年3月5日是兩性薪資同酬日。換言之，就是女性需比男性再工作65天才和男性去年一整年總薪資相同；若換算比例來說，100年我國女性平均薪資較男性少17.6%，所以為喚起各界一同為縮小兩性薪資差距努力，勞委會在婦女節前夕公布「100年僱用管理及工作場所性別平等概況」，並首次公布3月5日為今年的同酬日。

100年我國女性平均時薪較男性少17.6%

勞委會指出，發布「100年僱用管理及工作場所性別平等概況」調查顯示，我國性別工作平等法實施10年來，致力建構性別平等工作環境，對於促進婦女就業及排除婦女就業障礙，已漸顯成效，事業單位實施各項促進工作平等措施之比率均較91年提升，有助於勞工工作與家庭生活平衡。該調查亦顯示，事業單位對受僱者之薪資給付標準、調薪幅度有性別考量之比率分別占9.7%、4.4%，另依據行政院主計總處「受僱員工薪資調查」，100年我國女性平均時薪較男性少17.6%，顯示兩性薪資所得差距仍需努力改善。



▲ 為喚起兩性同酬之意識，勞委會訂3月5日為我國今年的同酬日。

另外，過去4年勞委會積極辦理促進婦女就業、保障婦女權益、落實性別友善職場，具體施政成果包括：提升女性勞動力參與率、創造10萬個婦女就業機會、鼓勵婦女參與社會事業發展、放寬外配及陸配工作權保障、協助外配及陸配就業、促進婦女創業培育、放寬生育給付標準門檻、實施育嬰留職停薪津貼、提高職場性騷擾處罰額度、擴大育嬰留職停薪適用範圍、強化安胎休養及擴大家庭照顧假適用範圍、成立「臺灣職場雙贏平台」。

最後，勞委會表示，未來將推動婦女勞動權益3大主軸：培育就業、勞動參與；修正法令、保障權益；友善職場、身心健康。待推動8大業務工作重點包括：提升女性勞動參與率、縮小兩性薪資差距、訂立有薪颱風家庭照顧假、違反性別工作平等法者公布負責人姓名、制定家事勞工保障法、強化性別就業歧視申訴及救濟機制、推動工作與生活平衡、促進女性的職場安全健康措施。✿