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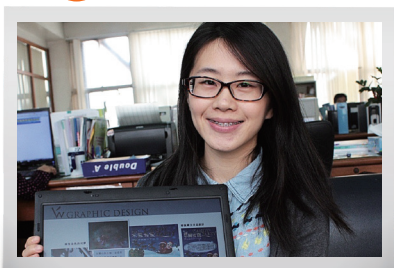
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## QUARTERLY FOCUS



### Introduction to "Guidelines for the Youth Employment Subsidy"

## POLICIES & REGULATIONS

- The Ministry of Labor amends Regulations on Aids for Legal Service and Living Expenses of Labor-management Disputes to broaden the scope of aids
- Review on Repealing the Applicability of Some Workers specified in Article 84-1 of Labor Standards Act

## NEWS OUTLOOK

- 2014 Investment Performance and Prospects of Labor Funds
- Pursuit of Happiness – Touching Micro Films on Employment for New Immigrants
- Taiwan implemented the Registration of Safety Information for Machinery on January 1, 2015

## QUARTERLY FOCUS



## Introduction to "Guidelines for the Youth Employment Subsidy"

To encourage young people to strengthen their skills and improve their employment capacity, in addition to assisting more young people to understand their future career orientation and employment market status, the Workforce Development Agency of Ministry of Labor (hereinafter referred to as the Agency) loosened the eligibility of applicable targets for "Guidelines for the Youth Employment Subsidy" (hereinafter referred to as the Guidelines), whereas young people between the ages of 18 and 29 who have been unemployed for three consecutive months or more or are working part-time can apply for this Guidelines. Additionally, participants are eligible for partial refund of the uncompleted training courses if they take up employment during the period of training. This will increase the flexibility of Guidelines participation.

### Considerable fruitful outcomes since the launching of the Guidelines in January 2012

The Agency launched this Guidelines in January 2012 to encourage young people to strengthen their skills and improve their employment capacity to boost employment. Qualified candidates for the Guidelines include young people between the ages of 18 and 29 of Taiwan nationality who are seeking jobs for the first time or have been unemployed for more than six consecutive months. Young people seeking assistance through self-training and public employment service agencies who also participate in training courses organized, commissioned or subsidized by the Agency, or courses directly related to employment goals that are organized by



legal training departments such as training institutions that have been evaluated by the Agency's training quality appraisal system in three years (including the current year) while the latest outcome of evaluation was rated Bronze (inclusive) or higher, and courses organized or commissioned by other governmental agencies (institutions), can apply for up to NTD120,000 of self-financed training subsidy in two years. As of the end of December 2014, 38,265 people have completed this Guidelines with certifications, 29,871 people participated in training, and 24,843 young people have received assistance with access to the employment market.

### Lowered threshold restriction to cope with current conditions

To help more young people understand their future career orientation and employment market status, the Agency amended this Guidelines in July 2014 to retain the "first-time job seekers" eligibility and shorten previous stipulation over the prerequisite of "unemployment over six consecutive months" to "unemployment over three consecutive months" in consideration of employment difficulty for prolonged period of unemployment. Additionally, since young people in part-time work also have the needs to improve their skills, those qualified as "Labor Insurance for Part-time workers" are also qualified for the Guidelines.

Moreover, in view of actual implementation, where it is possible for participants to withdraw from the Guidelines due to personal career plans or family issues, the new regulations allow one-time withdrawal prior to the start of the Guidelines upon completing eligibility recognition. Additionally, the Agency will exclude training organizers that place false recruitment advertisements and promote courses outside of the announcement scope. The training organizer will be excluded from Guidelines announcement for one year, and announced courses will be canceled if courses have not begun yet. This is done to maintain the rights and interests of the participants. Since its amendment on July 7, 2014, approximately 2,500 young people unemployed for more than three consecutive months and 270 part-time young people participated in this Guidelines.

### Relentless efforts to fulfill dreams

Among the many young people participating in this Guidelines was Yi-wen Lin, borned in the 1980s, who embraced her design dream with a passion for advertisement design related work. She was full of ideas, but lacked the techniques to express her creativity. To increase her practical experience and skills, she participated in this Guidelines through the assistance of the Pingtung Employment Center of Kaohsiung-Pingtung-Penghu-Taidung Branch, Workforce Development Agency of Ministry of Labor to acquire expertise in magazine design.

She spent 8 months and traveled between Kaohsiung and Pingtung to take classes, from design software to digital illustration. Yi-wen Lin took advantage of the resources to study diligently to make up her "lack of skills for the workplace." During the course of the Guidelines, she was highly praised by her teacher for her sense of design

aesthetics, and was even referred to a logo design job. She was greatly encouraged by this first-time opportunity to excel in work. She also believed that she was capable of design, which motivated her to take cases on her own. Yi-wen Lin has now worked on advertisement design cases for more than two years. Using the Internet to communicate with her clients, she is able to serve clients from other counties and cities, and in some cases, as far as northern Taiwan. Yi-wen Li says that with the help of Internet, she no longer needs to contact clients face-to-face and her work can be transmitted through the Internet and cloud technology. She even uses free communication software (LINE) to discuss design orientation, which is particularly common in the design industry. It was as early as her training in the Guidelines that she targeted self-employment as her career goal. Now through words-of-mouth referral of her service quality, she is fully booked for her work.



▲ Net Generation Yi-wen Lin acquired expertise and take cases to fulfill her dream as a designer.

### Self-selection of appropriate courses to develop training and learning Guidelines

Since this Guidelines is a self-study Guidelines, participants can select courses based on their individual learning motives, course characteristics, and benefits for personal future career goals to work out a training and learning Guidelines with the staff at public employment service centers. Upon completing the eligibility recognition, participants are required to visit the public employment service centers in person where they completed the eligibility recognition to receive employment related consultation. They will then have access to employment service system with career consultation and introduction to relevant employment services that would help them identify their career orientation. The employment information and matching services are provided to shorten the job-seeking period for young people and help them employed sooner.

Those intending to apply for this Guidelines may register for job seek and complete the eligibility recognition with public employment service agencies (including public employment centers under the Workforce Development Agency, Taipei City Employment Service Office, Employment Services Center of New Taipei City Government, Taichung City Employment



Service Office and others). Employment service staff will provide professional consultation on employment, develop training and learning Guidelines with the qualified candidates. Upon completion of the training, participants will receive a Certification for Training Completion. With such certification, participants return to the public employment service agencies where they initially completed the eligibility recognition and can apply for self-financed training subsidy of up to NTD120,000 in two years.



## INFORMATION

For more information regarding the Guidelines, application forms and course curricula, please visit **Taiwan Jobs** at [www.taiwanjobs.gov.tw](http://www.taiwanjobs.gov.tw) or call the **24-hour Toll-free** customer service hotline at **0800-777-888** to talk to a representative about the nearest public employment agencies under the Workforce Development Agency of Ministry of Labor.

### POLICIES & REGULATIONS



## The Ministry of Labor amends Regulations on Aids for Legal Service and Living Expenses of Labor-management Disputes to broaden the scope of aids

To assist workers in litigations for their legal rights, the Ministry of Labor has established the Labor Rights and Interests Fund in 2009 to broaden the scope of litigation aids for workers. The Fund has assisted over 12,700 workers since its founding 5 years ago with 80% of the case outcome in favor of the workers, which becomes a key measure in the government's assertion toward safeguarding labor's rights and interests.

### Substantial amendment of regulations to protect labor's rights and interests

The project is implemented pursuant to the Regulations on Aids for Legal Service and Living Expenses of Labor-management Disputes in order to further the protection of labor's rights and interest as well as to resolve labor-management disputes. The regulations underwent substantial amendment for the first time last year (2014) by adding aids for "court fees" and "compensations for attorney in unfair labor practices" so that workers do not have to fear for insufficient finance in filing law suits and request for respective rights and interests. Additionally, it is expected that workers dismissed by employers on accounts of unfair labor practices can quickly resolve disputes and stabilize labor-management relationship through court ruling. The main content of amendment is described below:

#### Added aids in "court fees"

The number of cases regarding reconciliation over labor-management disputes handled by labor administrative competent authority is approximately 20,000 cases a year. Depending on the types of disputes, about 99% of the disputes attribute to matters related to labor's rights. Such disputes are also known as legal disputes. If they cannot be resolved through Alternative Dispute Resolution, then they are relieved

following the judicial (lawsuit) procedures. To reduce the difficulty in labor lawsuits, Taiwan has established the Labor Rights and Interests Fund in 2009, where the government initially prepares NTD50 million annually to finance the fund and use it as a financial resource measure for labor lawsuit aids.

Pursuant to the provisions prescribed in the Regulations on Aids for Legal Service and Living Expenses of Labor-management Disputes implemented on May 1, 2012, in case the disputes arise from the termination of contract made between labor and management, where lawsuits are filed in the failure of labor-management dispute settlement and the financial eligibility does not exceed the upper limit prescribed in the regulation, the workers will receive lawsuit aids.

Namely, workers can receive professional attorney assistance free of charge to assist them with lawsuits through the aforementioned aids. Nonetheless in practice, lawsuit costs imposed on the litigants are excluded from the aids. Sometimes, it also becomes the reason for workers fearing to file for lawsuits. For example, workers filing lawsuits for employers failing to pay pension funds according to the law shall pay certain amount of court lawsuit fees according to the object of lawsuit in case the workers do not apply for legal aids or when the application for legal aids are repelled by the court. For workers involved in disputes involving pension fund or severance pay, the petition for the sources which their lives depend on is not yet granted while the preparation of court lawsuit fees has already become a burden. Hence, the Ministry of Labor added the regulations on aids for "court lawsuit fees" in case workers who are involved in civil lawsuit regarding outstanding severance pay or pension funds may apply for aids prior to the court's final verdict if they are financially eligible and that reconciliation by competent authority has failed. Such amendment intends to further eliminate possible obstacles encountered by workers during lawsuits.





### Added aids for attorneys for unfair dismissal rulings

The Three Labor Laws of Taiwan are still in their developmental stage. To protect the development of labor unions, it is stipulated in the Labor Union Act amended and implemented on May 1, 2011, that "ruling" mechanism shall be added to the Act for Settlement of Labor-Management Disputes regarding unfair labor practices. This is in attempt to settle disputes professionally and swiftly, in addition to restoring normal development of labor relationship. Since the operation of collective labor-management relationship depends on the devotion of workers or officials of labor unions, if employers dismiss workers or officials of labor unions on accounts of unfair labor practices, this will impose the greatest impact on the normal development of labor unions or labor-management relationship. Of the 204 cases handled by the Ministry since the implementation of the system, 25 of which involved disputes over dismissal.

Generally speaking, employers often employ professional attorneys in unfair labor practice lawsuits given their financial advantages. They could organize and consolidate their lawsuit strategies, which often drive workers to a disadvantage position of lack of professional support that could affect the verdict. In order to give ruling procedures a fairer environment, the New Taipei City Government has taken the lead in October 2012 to provide relevant attorney aids for workers or officials of labor unions. As of the end of 2014, three cases of legal attorney aids have been provided. Though the number of cases receiving aids is limited, it demonstrates that the government's implementation of the Three Labor Laws and its thorough determination in implementing the concept of labor-management self-governance.

To provide proper professional assistance to workers or officials of labor unions in other administrative regions when encountering incidents of dismissal disputes on the accounts of unfair labor practices, the Ministry of Labor specifically proposed the amendment on Regulations on Aids for Legal Service and Living Expenses of Labor-management Disputes in 2014 by allowing the aforementioned dismissed workers to apply for attorney compensations from the Ministry of Labor when they request for ruling. In the future, under the assistance of professional attorneys, requests for ruling will speed up the ruling procedures to resolve disputes and restore normal development of labor relationship.

Other types of disputes include employers not paying compensation, or indemnification for occupational accidents, or damage to worker's interests when employers fail to comply with Labor Insurance Regulations or Employment Insurance Act in filing the insurance or insuring worker with less insurance salary.

The financial eligibility of the specified in this Regulation refers to the applicant's total monthly income at the time of application of not exceeding NTD80,000, or the total assets of the applicant may not exceed NTD3 million. Nonetheless, the real estate registered for the applicant's residence is not included. For family members of the applicant with catastrophic illness and requiring routine payment of necessary fees, or if the applicant is a single parent raising children or caring for direct blood relatives with considerably difficult financial situations, exemption of deduction to some income or assets apparently infringes the intent of aids and shall be deducted from the aforementioned income or assets.

### POLICIES & REGULATIONS



## Review on Repealing the Applicability of Some Workers specified in Article 84-1 of Labor Standards Act

On December 18, 2014, the Ministry of Labor announced the repealing of provisions on Article 84-1 of the Labor Standards Act applicable to 14 categories of workers, and beginning on January 1, 2015, regulations on normal working hours shall apply.

### Good intention misinterpreted and a review taken immediately

Pursuant to Article 84-1 of the Labor Standards Act, after the approval and public announcement of the central competent authority, specific types of workers may arrange their own working hours, regular days off, national holidays and female workers' night work through other agreements with their employers. These agreements are to be submitted to the local competent authorities for approval and record, and are not subject to the restrictions imposed by Articles 30, 32, 36, 37 and 49 of the Act. These agreements should be in the form of written document with reference to the basic standards contained in the Act, and should not be detrimental to the health and well-being of the workers. Nonetheless, this

good intention of the provision has been misinterpreted and is believed that the signing of written contracts with workers pursuant to Article 84-1 of Labor Standards Act is subject to infinite extension of working hours for workers and such extension does not require the payment of overtime pay. In view of the influence on workers' health and rights from prolonged period of working condition without the acquisition of overtime, the Ministry of Labor hence conducted a review on this issue.

### Repealing provisions applicable to 14 Types of Workers

The Ministry of Labor invited employer groups and labor unions, relevant competent authorities, scholars and experts to discuss the applicability of workers stipulated in Article 84-1 of the Labor Standards Act, including public service vehicle drivers of Morakot Post-disaster Reconstruction Council, Executive Yuan, managers or personnel of higher ranks employed by banks, creative personnel and customer service planning personnel employed by advertising industries, case





managers and architectural planning and design personnel in architecture firms, supervisors in movies and film industries, field senior salespersons and salespersons of security brokers, berthing workers at naval shipyards, management consultants of management consultation industries, case managers and professional planning and design personnel of interior design and renovation industries, professional planning and design personnel of construction industries, project coordinators and engineering planning and design personnel of architecture and engineering technology service industries, crane vessel crew members for port operations of all port branch offices under the Ministry of Transportation and Communication, workers receiving technician certificates such as "Cosmetics Class B," "Hair Salon for Men Class B" and "Hair Salon for Women Class B" issued by the central competent authorities. Since workers in some categories have completed missions particular to their work, others affected by changes in social-economic situations can resolve the issues of not being applicable to provisions regarding working hours prescribed

in Labor Standards Act through arrangement of work shifts or adjustment of working hours. Hence, the provisions prescribed in Article 84-1 of Labor Standards Act no longer apply to the foregoing workers mentioned in the announcement, and repealing such protects the labor rights of these workers.

### Applicability repealed starting January 1, 2015.

The Ministry of Labor reminds the aforementioned workers that the provision prescribed in Article 84-1 of Labor Standards Act no longer applies to them starting January 1, 2015. Matters regarding working hours, holidays, leaves, and night jobs for women shall follow the provisions prescribed in Article 30, 32, 36, 37, and 49 of the Act. Employees cannot require workers to work overtime without overtime pay or refuse leaves. Additionally, for the remaining workers still applicable with the provisions prescribed in Article 84-1 of Labor Standards Act, employers shall still submit the agreement made between the labor and management to the local competent authority for review before proceeding in accordance with the agreement.

## NEWS OUTLOOK



# 2014 Investment Performance and Prospects of Labor Funds

In 2014, global economic prosperity has sustained gradual recovery under the easy monetary policies imposed and the economic stimulus plans proposed by various governments. Nonetheless, the financial market is still faced with different challenges from political and economic factors. From the Ukrainian Crisis, increase of interest rate in the United States, sluggish economic growth of Europe and Japan, oil price plunges, depreciation of Asian currencies, deflation, and Greece's political crisis, global financial situation continues to remain volatile, aggravating the performance differences of regional financial markets. In 2014, the rate of returns on the MSCI, emerging market, Asian-Pacific stocks and Taiwan stock index were 4.16%, -1.79%, 2.82%, and 8.08%, respectively.

## Upholding practices of deliberate operations

The scale of Labor Funds has reached NT\$ 2,682.1 billion as of the end of 2014. To cope with the volatility of the 2014 global stocks, bonds and exchange market, the Bureau of Labor Funds upholds the practice of deliberate operations by closely monitoring the value at risk for all funds, in addition to taking marketing initiatives through a diversified investment portfolio while adjusting its point-in-time with flexibility to strengthen investment efficiency and increase fund profitability. The overall 2014 returns for Labor Funds were NT\$ 149.5 billion with a return rate of 6.15%. In particular, the returns for Labor Pension Fund, Labor Retirement Fund, Labor Insurance Funds, Employment Insurance Fund, Underdue Wages Payment Fund, and Occupation Incidents Protection Fund were NT\$ 75.4 billion, NT\$ 41.8 billion, NT\$ 31 billion, NT\$ 990 million, NT\$ 180 million, and NT\$ 100 million, with corresponding rates of returns of 6.38%, 7.19%, 5.61%, 1.07%, 1.80%, and 0.89%, respectively.

## Estimating global economic prosperity and adjusting investment strategies

Looking into 2015, it is estimated that global economic prosperity will continue to recover gradually in favor of the performance of risk-based assets, and hence weight of equity securities for asset allocation program of funds shall be increased relatively to securities with fixed income. Additionally, to provide risk protection for the overall investment portfolio that is subject to market fluctuation, the Bureau continues to expand alternative investments that are of relative lower relevancy to traditional stocks and bonds.

In terms of domestic investment, in consideration of the proprietary investments being long-term holdings with flexible investment portfolio adjustment function, fund will be increased accordingly for proprietary section. An additional NT\$ 60 billion will be added to domestic mandated management with an allocation of NT\$ 30 billion each to the Labor Pension Fund and Labor Retirement Fund for an absolute return pattern. The Bureau of Labor Funds requests all security investment companies to continue to improve their operational team for stable investment performance. As for foreign investment, the labor funds will undergo continuous diversification of global market while the Bureau will actively conduct Smart Beta mandated investment by mandating foreign investment bidding with "Global High-Quality Stock Index" and "Global Sovereign Credit Debts" in pursuit of investment returns different from traditional indices.

The Bureau of Labor Funds' consolidated operation of labor fund investments has exhibited stable management performance. The Bureau will continue to apply the properties of funds in the future to advance different investment portfolios and to effectively improve the synergies of fund operations.



## Pursuit of Happiness – Touching Micro Films on Employment for New Immigrants

According to statistics from the Ministry of the Interior, the number of foreign and Chinese spouses in Taiwan has exceeded 480,000 people. These “Taiwanese daughter-in-laws” or “Taiwanese son-in-laws” are living with us. They could be our relatives or friends blended into the same society, or family members we live with days and nights. Many diligent foreign and Chinese spouses who demonstrate their endurance for hardship, perseverance, and high level of cooperation in the workplace are also the major workforce required for the current employment market. Their devotion to the employment market gives them financial independence and speed up their adaptation into Taiwanese society. Nonetheless, how do they overcome the language barrier, cultural differences and habits in life while taking care of the family, seek jobs and even fulfill self-development and growth? The Ministry of Labor portrays how new immigrants get to understand and accept each other, thereby build up their own lifestyle and march forward on the path to happiness through the production of two micro films, namely “Pursuit of Happiness” and “Ili’s Sky.”

### “Pursuit of Happiness” and “Ili’s Sky”

The “Pursuit of Happiness” tells of the story of Emy, an Indonesian wife in Taiwan. She has been looking for a job since her son started school. Through the referral of her fellow

Indonesian friends, she looked into occupational courses and convinced her family through actual actions to fulfill her dreams.

“Ili’s Sky” is the story of a Sanxi girl who had worked in the tourism industry planning and guiding tours in China. She had always wanted to work in tourism related jobs after she was married to Taiwan, but did not have access to the industry. Also, employers she met were concerned about special regulations governing the employment of Chinese spouses, thus hindering her job search. With the referral from the employment center, Ili started working for a tourism agency. Her progressive, attentive and relevant experience eventually helped her earned the appreciation from her supervisor and recognitions of her peers. Ili finally dispels the cloud and sees the sun.

### Perceive the Government's intention to change different viewpoints

The Workforce Development Agency of Ministry of Labor hopes that the micro films will give the public an alternative means to understand the employment situation and life of foreign and Chinese spouses in Taiwan, in addition to perceiving the Government's intention to provide “safe living and work enjoyment.” The Agency also hopes that through the



▲ 2014 promotion short for foreign and Chinese spouse employment, “Pursuit of Happiness.”



▲ 2014 promotion micro films for foreign and Chinese spouse employment, "Ili's Sky."

communication of these micro films, more and more foreign and Chinese spouses can utilize the employment information and channels provided by the Government to seek assistance, promote employment intention from employers, and to build up a friendly workplace for new immigrants.

In coordination with the International Migrant's Day, the Workforce Development Agency held the "Pursuit of Happiness, Foreign and Chinese Spouse Employment Film Premier and Seminar" on December 16, 2014, to show the government's efforts in assisting foreign and Chinese spouses in their path to employment and contribution to Taiwan's society. These films allow employers to notice the new workforce potential exhibited by foreign and Chinese spouses.

## INFORMATION



The two micro films are available on YouTube (website: [https://www.youtube.com/channel/UCW4\\_xAGMRUyNbB9IzchFhSw](https://www.youtube.com/channel/UCW4_xAGMRUyNbB9IzchFhSw)). Please search under "Pursuit of Happiness" and "Ili's Sky" for viewing, or visit the official website of Workforce Development Agency, Ministry of Labor and view the films from "Information Services – Audio/Video section" (website: <http://www.wda.gov.tw/home.jsp?pageno=201112120003>).

## NEWS OUTLOOK



# Taiwan implemented the Registration of Safety Information for Machinery on January 1, 2015

To prevent hazards brought by unsafe products accessing the domestic market and to truly control labor safety, from January 1, 2015 onward, Taiwan Government requires importers with a total of 10 machines, equipment or tools to conform to the "Safety Standards for Machinery, Equipment and Tools" prior to clearing customs, and declare product safety information with the "Machinery, Equipment and Tools Safety Information Network" established by the Occupational Safety and Health Administration, Ministry of Labor, pursuant to the provisions prescribed in Article 7 of the Occupational Safety and Health Act. All products must acquire a registration number and adhere safety labels prior to importing. Similarly, the aforementioned machinery, equipment or tools made in Taiwan also require the completion of registration of safety information for machinery from the aforementioned website in addition to adhering safety labels prior to transporting the

products from the factory, or else the products may not be transported from the factory of production.

## Protecting the operational safety of domestic workers

The Ministry of Labor states that the purpose of the self-declaration of safety information registration system is intended to restrict industries from manufacturing and importing machinery, equipment or tools not conforming to safety standards. In the event of violation to the provisions prescribed in Article 7 of the Act, the maximum fine of NTD2 million will be imposed. This is done to prevent hazards from unsafe machinery products accessing the market, thereby ensuring operational safety for domestic workers.



Machinery, equipment and tools prescribed in Article 12 of the Enforcement Rules of the Occupational Safety and Health Act are categorized in 68 C.C.C.Code according to the statistics conducted by our customs. Each year, there is an average of USD2.4 billion import value for the said products, accounting for 1% of our total annual import value. According to recent statistics, there are over 8,000 workers each year from the manufacturing industry who suffer from occupational mortality or disability injury due to rolling, clamping, piercing, cutting and friction, accounting for over 14% of the total number of industrial occupational mortality or disability injury. In other words, more than 8,000 people in average each year are constantly subject to the hazards from unsafe machinery, equipment or tools.

### Effectively control from the source to lower injury rates

The Ministry of Labor states that, in compliance with the management of machinery source and border control

prescribed in Article 7 of the Occupational Safety and Health Act for the promotion of self-declaration system in the industry, 10 items including power-driven press, hand-feed planer, circular sawing machinery for woodwork, power-driven forklift truck, grinding machinery, abrasive wheels for grinders, explosive-proof electrical equipment, photoelectric type safety device for power-driven punching/shearing machinery, protective device to prevent the operator from touching the cutting blade for hand-feed planer, anti-kickback protective device and the saw teeth touching protective devices which should be equipped in the circular sawing machinery for woodwork are required to complete the online declaration and registration of safety information of products. The registration website is "Safety Information for Machinery, Equipment and tools" at <http://tsmark.osha.gov.tw>, which already launched for operation starting January 1, 2015.

This registration of safety information system for the abovementioned products will effectively control hazards from unsafe products at the source and thereby lower the injury rate of workers.

**最新消息**

張貼日期	標題
104-03-10	有關「職業安全衛生法」第7條等相關規定、產品範圍說明，請製造者或輸入者配合辦理。(NEW)

**下載專區**

張貼日期	檔案名稱	檔案大小
104-03-10	「職業安全衛生法」第7條等規定.PDF	227K
104-01-28	機械設備器具安全資訊網繳費通知單.DOC	54K
104-01-27	登錄完成通知書.PDF	196K
104-01-27	安全標章示意圖.PDF	273K
104-01-23	安全標章CAD圖檔.DWG	217K

**完成申報案件查詢**

產品種類:  請選擇

廠商名稱:

型式/系列型式:

本署總機: 02-8995-6666 免付費電話: 0800-085151 FAX: 8995-6665  
 本署地址: 24219 新北市新莊區中平路439號南棟11樓  
 本署服務時間: 週一至週五 上午8:30-12:30, 下午13:30-17:30  
 最佳解析度1024\*768

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 | 著作權聲明, 隱私權政策及網站安全政策 |  
 法規相關問題諮詢電話: 02-8995-6666  
 報關審核問題諮詢: 02-2701-3181 分機604 黃先生  
 系統諮詢時間: 週一至週五 上午9:30-12:30, 下午13:30-17:30

▲ The website of "Registration of Safety Information for Machinery"

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中華民國104年03月  
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# 台灣勞工簡訊

TAIWAN LABOR e-QUARTERLY

中華民國勞動部 Ministry of Labor, R.O.C

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## 專題報導



### 「青年就業讚計畫」 之簡介

## 政策法規

- ◎ 勞動部修訂勞資爭議法律及生活費用扶助辦法擴大扶助項目
- ◎ 檢討勞動基準法第84條之1規定之部分工作者廢止適用

## 新聞瞭望

- ◎ 勞動基金 103 年投資收益與未來展望
- ◎ 前進幸福 - 新住民就業微電影感動人心
- ◎ 臺灣 104 年 1 月 1 日實施機械安全資訊申報登錄制度

## 專題報導



### 「青年就業讚計畫」之簡介

為鼓勵青年強化技能及提升就業能力，並協助更多青年瞭解自身未來職業方向及就業市場狀況，勞動部勞動力發展署(以下簡稱本署)放寬「青年就業讚計畫」(以下簡稱本計畫)適用對象資格，只要年滿18歲至29歲的青年，連續失業3個月以上或從事部分工時者都可申請；另青年在參訓期間就業，未完成的訓練課程也可申請部分退費，增加青年運用的彈性。

#### 自101年1月推出以來，成果相當豐碩

本署自101年1月推出本計畫，係為鼓勵青年強化技能及提升就業能力，以促進就業。其協助對象為年滿18

歲至29歲的本國籍初次尋職或連續失業6個月以上未就業青年，透過青年自主訓練學習及公立就業服務機構的協助，並參加本署自辦、委辦或補助辦理之訓練課程，3年內(含當年度)曾接受本署訓練品質評核系統之訓練機構版評核，且其最近一次評核結果等級為銅牌(含)以上之合法辦訓單位所開辦與就業目標直接關聯之課程及其他政府機關(構)自辦或委辦之課程，可申請2年最高12萬元的訓練學習自付額補助。截至103年12月止，已有3萬8,265人完成本計畫之資格認定、2萬9,871人次參加訓練及協助2萬4,843名青年投入就業市場。





## 因應現況條件，降低門檻限制

為使更多青年瞭解自身未來職業方向及就業市場狀況，本署亦於103年7月修正本計畫，資格條件除保留原「初次尋職者」外，考量青年失業過久不易就業情形，將原規定須「連續失業6個月以上」的條件，縮短為「連續失業3個月以上」即可申請，另考量從事部分工時的青年也有技能提升需求，將「勞工保險投保部分工時」的青年納入可申請的對象。

此外，本署參考實務推動情形，針對青年在資格認定後，可能因個人生涯規劃、家中事故等因素，未能繼續完成本計畫，新增青年在完成資格認定後，未參訓前可以撤回參加本計畫，並以1次為限；另新增辦訓單位倘有招生廣告內容不實、推銷非公告範疇的課程等情形，該辦訓單位列入1年內不予公告對象，而已公告卻未開訓的課程則予撤銷，以維護其參訓青年之權益。自103年7月7日修訂以來，已有約2,500位連續失業3個月以上青年及270位部分工時青年參加本計畫。

## 努力不懈，一圓夢想

在參加本計畫的眾多青年中，懷抱設計夢想的7年級青年林乙文，熱愛廣告設計相關工作，總有滿腦子的想法，但卻苦無可以表達創意的技術。為了增加實際經驗與技能，2年前透過勞動部勞動力發展署高屏澎東分署屏東就業中心的協助，加入本計畫，以學習平面設計之專長。

花了8個月的時間，每天往返高雄屏東上課，從設計軟體到數位插畫，林乙文把握資源努力學習，以補足「進入職場缺乏的技能」。上課期間，設計美感受到老師讚許，更主動推薦一份logo設計工作，讓她初嚐工作成就感，受到莫大鼓舞，也更加相信自己有能力走上設計之路，促成了她自力接案的動機。目前林乙文廣告設計的接案已逾2年，在現今網路的世代，她的客戶主要來自外縣市，最遠甚至到北台灣，林乙文說，在網路的協助下，現在已經不需要面對面接洽業務，作品透過網路及雲端傳送，還用免費通訊軟體(LINE)討論設計方向，在設計界尤其普遍，因此在參與本計畫之訓練課程期間，她就以自行創業為職涯目標。現服務品質透過客戶口碑介紹，工作已經排到滿檔。

## 自主選擇適性課程，擬定訓練學習計畫

由於本計畫係青年自主學習計畫，故青年可自主選擇適性之課程，針對個人學習動機、課程特色、對於個人未來就業目標之助益等，與公立就業服務機構人員共同擬定訓練學習計畫，經完成資格認定後，每二個月需親自前往完成資格認定之公立就業服務機構，接受就業服務等相關諮詢，藉此讓青年進入就業服務體系，以提供職涯諮詢及引導等相關就業服務，期協助青年釐清職涯方向，提供就業資訊及媒合服務，以縮短青年尋職期間，協助及早就業。



### ▲ 網路世代林乙文學得專長自力接案一圓設計夢

青年朋友如欲申請本計畫，可先向公立就業服務機構（包含發展署所屬公立就業中心、臺北市就業服務處、新北市政府就業服務中心、臺中市就業服務處等單位）辦理求職登記及完成資格認定，就業服務人員將提供專業的就業諮詢，與青年共同擬定訓練學習計畫，完訓並取得結訓證明後，依規定檢具相關單據，便可回到完成資格認定的公立就業服務機構申請2年最高12萬元的訓練學習自付額補助。

## 好康資訊



有關詳細計畫、申請表單及訓練學習課程等內容都可於台灣就業通網站 ([www.taiwanjobs.gov.tw](http://www.taiwanjobs.gov.tw)) 查詢，或撥打24小時免付費客服專線0800-777-888詢問及就近向勞動部勞動力發展署所屬公立就業服務機構洽詢。





## 政策法規



# 勞動部修訂勞資爭議法律及生活費用 扶助辦法擴大扶助項目

為協助勞工訴訟爭取法定權益，勞動部於98年設置勞工權益基金，以擴大辦理勞工訴訟扶助專案。設置5年多以來，已協助勞工1萬2,700餘位進行訴訟，且結案件數中約有8成之結果對勞工有利，成為近年來我國政府宣示維護勞工權益之重要具體措施。

## 為落實勞工權益保障，大幅度修正辦法

該專案係依據勞資爭議法律及生活費用扶助辦法辦理，為進一步落實勞工權益之保障，解決勞資爭議之目的，去(103)年首次大幅度修正該辦法，增加「裁判費」及「不當勞動行為律師代理酬金」之扶助項目，使勞工不因無力負擔裁判費而怯於訴訟爭取其應有之權益；並期受到雇主基於不當勞動行為動機解僱之勞工，得透過裁決之程序，迅速解決爭議，穩定勞資關係。此次修訂主要内容，分述如下：

### 一、增訂「裁判費」扶助項目

我國勞工行政主管機關每年受理勞資爭議調解之件數約為2萬餘件，依爭議型態觀之，屬權利事項之爭議佔99%以上，該等爭議又稱法律之爭議，如無法透過訴訟外紛爭解決機制獲得解決，應循司法（訴訟）程序救濟之。為降低勞工訴訟之困難，我國於98年設置勞工權益基金，初期由政府每年編列新台幣5,000萬元之方式，挹注該基金，做為辦理扶助勞工訴訟措施之財源。

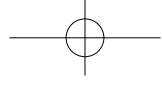
依據101年5月1日施行之勞資爭議法律及生活費用扶助辦法之規定，勞工與雇主之間因終止契約發生爭議，經勞資爭議調解不成立而提起訴訟，其資力未超過該辦法所定上限時，可以獲得訴訟代理之扶助。亦即，勞工透過上開扶助，將有專業及免費之律師，協助其進行訴訟。然而，實務上，還有一些應由訴訟當事人負擔之訴訟成本，尚不在扶助之列，有時候也成了勞工怯於訴訟的原因，像是勞工因雇主未依法給退休金而

提起訴訟，如未聲請訴訟救助或其訴訟救助之申請經法院駁回時，應依訴訟標的繳納一定金額之裁判費。對於因退休金或資遣費所生爭議的勞工來說，其生活賴以為繼的來源尚請求無著，要再籌措訴訟所需之裁判費，更屬困難。因此，勞動部增訂了勞工因與雇主發生積欠資遣費或退休金之爭議，經主管機關調解不成立而提起民事訴訟且非屬有資力者，於法院判決確定前，得申請「裁判費」扶助之規定，進一步排除了勞工訴訟時可能遭遇之障礙。

### 二、增訂不當解僱事件裁決律師代理扶助

我國勞動三權尚於發展階段，為保障工會之發展，100年5月1日修正施行之工會法，已明定雇主之不當勞動行為，並於勞資爭議處理法增設「裁決」機制，期以專業、迅速弭平爭議，回復勞動關係之正常發展。由於集體勞資關係之運作，繫於勞工或工會幹部之投入，如雇主以不當勞動行為之動機解僱勞工或工會幹部，對工會或勞資關係之正常發展影響最大。該制度施行以來，本部受理之204件案件中，其中涉及解僱之爭議，達25件。





依裁決實務運作之經驗，雇主於不當勞動裁決過程中，因經濟優勢，往往聘請專業之律師為其代理人，組織及統整其攻防論述，常使勞工在無專業之奧援下，陷入弱勢，甚有影響裁決結果之慮。為使裁決程序得於較為公平之環境下進行，新北市政府已於101年10月起，率先提供相關勞工或工會幹部律師代理之扶助，截至103年底止已提供3件裁決律師代理扶助，雖扶助件數尚屬有限，惟已彰顯政府落實勞動三法，貫徹勞資自治理念之決心。

為使其他行政區域之勞工或工會幹部，於遇雇主基於不勞動行為動機所為之解僱爭議事件時，亦能得到適當之專業協助，勞動部特於103年提出勞資爭議法律及生活費用扶助辦法之修正，增訂上開解僱事件之勞方當事人，申請裁決時，得向勞動部申請律師代理酬金之扶助之規定。未來裁決申請在專業之律師代理協助下，將有助於裁決程序之進行，透過裁決程序，迅速解決爭議，回復勞動關係之正常發展。

## 政策法規



# 檢討勞動基準法第84條之1規定之部分工作者廢止適用

勞動部於103年12月18日公告，廢止14類工作者適用勞動基準法第84條之1規定，並自104年1月1日起回歸勞動基準法一般工時規範。

## 善意遭到曲解，著手進行檢討

依勞動基準法第84條之1規定，經中央主管機關核定公告之工作者，得由勞雇雙方另行約定，工作時間、例假、休假、女性夜間工作，並報請當地主管機關核備，不受第30條、第32條、第36條、第37條、第49條規定之限制。又該約定應以書面為之，並應參考勞動基準法所定之基準且不得損及勞工之健康與福祉。但近年來，該條規定之善意遭到曲解，認為只要與勞工簽訂勞動基準法第84條之1書面契約，即可無限制使勞工長時間工作且無需給付延時工資（加班費），致使勞工長期處於過度勞動狀態又無法獲取延時工資，影響勞工健康及權益，勞動部著手進行檢討。

## 廢止14類工作者適用規定

經邀集勞資團體、相關主管機關及學者專家審慎討論，勞動基準法第84條之1核定之工作者中，行政院莫拉克颱風災後重建推動委員會公務車駕駛人員、銀行業僱用之經理職以上人員、廣告業僱用之創作人員及客務企劃人員、建築師事務所之個案經理人員及建築規劃設

計人員、電影片映演業之主管人員、證券商之外勤高級業務員及業務員、海軍所屬各造船廠指泊工、管理顧問業之管理顧問、室內設計裝修業之個案經理人及專業規劃設計人員、營造業專業規劃設計人員、建築及工程技術服務業之計畫主辦人員及工程規劃設計人員、交通部所屬各港務局港勤工作船舶之起重船船員、凡領有經中央主管機關核發之「美容乙級」、「男子理髮乙級」及「女子美髮乙級」等職類之技術士證照之工作者等工作人員，部分因階段性任務已完成，另一部分因社會經濟情勢變更，事業單位已可透過輪班或工時之調整，解決原先無法適用勞動基準法工時規定之問題，不再有繼續適用勞動基準法第84條之1規定之必要，爰公告上開工作者不再適用該條規定，以保障其勞動權益。

## 自104年1月1日起不再適用

勞動部提醒，前開工作者自104年1月1日起已不再適用勞動基準法第84條之1規定，有關工作時間、例假、休假、女性夜間工作等事項，應依該法第30條、第32條、第36條、第37條及第49條等規定辦理。雇主不得再以責任制為由，要求勞工超時工作而不給延時工資或不給予其例假。另外，其餘仍適用勞動基準法第84條之1規定之工作者，雇主仍應將勞雇間之約定以書面報當地主管機關核備，始得依約辦理。





## 勞動基金103年**投資收益與未來展望**

回顧103年度，全球景氣在各國政府寬鬆貨幣政策及景氣刺激方案下，維持緩步復甦，但金融市場仍陸續面臨各種政治及經濟因素的挑戰，從烏俄危機、美國升息議題、歐洲與日本經濟成長趨緩、油價重挫、亞幣競貶、通貨緊縮及希臘政治變局等疑慮，迄今全球金融情勢仍持續震盪，各區域金融市場表現差異加劇。103年度MSCI世界、新興市場、亞太股票及台灣股價指數報酬率分別為4.16%、-1.79%、2.82%及8.08%。

### 秉持審慎操作原則

勞動基金規模截至103年底已達2兆6,821億元，面對103年全球股、債、匯市震盪，勞動基金運用局秉持審慎操作原則，除了密切監控各基金風險值外，並積極辦理各基金多元投資布局，彈性調整投資布局標的及時點，以強化投資效率、提升基金之獲利。整體勞動基金103年度之收益數為1,495億元，收益率為6.15%，其中新、舊制勞退基金、勞保基金、就保基金、積欠工資墊償基金及職災保護專款收益數分別為754億元、418億元、310億元、9.9億元、1.8億元及1.0億元，收益率分別為6.38%、7.19%、5.61%、1.07%、1.80%、0.89%。

### 預估全球景氣，調整投資策略

展望104年，預估全球景氣仍將維持緩步復甦，有利於風險性資產表現，故各基金資產配置計畫中權益證券相對於固定收益比重皆提高。另，為提供整體投資組合面臨市場變動之風險保護，將持續擴大與傳統股債相關性較低之另類資產投資部位。



在國內投資部分，考量自營投資屬長期持有部位，並具靈活調整投資組合之功能，將依各基金特性適度提高自營部位；另國內委託經營，將新增600億元，新舊制勞退基金各300億元，均為絕對報酬型態，運用局要求各投信持續精進代操團隊，提供穩健投資績效。

在國外投資部分，勞動基金除持續進行全球多元化布局外，將積極辦理策略型（Smart Beta）指數委外投資，例如，近期公告新增「全球高品質股票指數型」及「全球主權信用債券型」委外投資招標，以追求有別於傳統指數的投資效益。

勞動基金運用局統籌各項勞動基金投資運用業務，致力推動基金之多元運用，已展現穩健之經營績效，未來將持續依各基金之屬性，精進各項投資布局，以有效提升各基金之運用效益。







## 新聞瞭望



# 前進幸福 – 新住民就業微電影感動人心

根據內政部統計，我國外籍配偶及大陸地區配偶人數已多達48萬人，這些遠渡重洋來到臺灣的「臺灣媳婦」或「臺灣女婿」就在我們生活周遭，或許是您的親戚、朋友，已漸漸成為我們社會的一份子，甚或是朝夕相處的家人。許多勤奮的外籍配偶及大陸地區配偶，其吃苦耐勞和配合度高的工作態度，正好是目前就業市場的主要勞動力需求。他們投入就業市場，也有助經濟自主、加速融入臺灣社會。而他們如何克服語言、文化、生活習慣上的隔閡，同時還需要兼顧照顧家庭、求職就業，甚至是自我發展與成長的人生課題呢？勞動力發展署藉由兩部微電影「前進幸福」及「尹麗的天空」，闡述著新移民與家人、與雇主彼

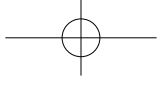
此因瞭解而互相接納，進而開創人生，朝幸福的路上前進！

### 「前進幸福」及「尹麗的天空」

「前進幸福」劇中描述Emy自印尼嫁來臺灣，兒子上學後就想找一份工作，經由同鄉介紹，參觀職訓課程，並以實際行動說服了家人，實現了夢想。另一部「尹麗的天空」劇中主角是陝西姑娘-尹麗，在大陸從事過旅遊行程企劃、帶團等工作，嫁來臺後很想從事旅遊相關事業，卻一直不得其門而入，而雇主也很擔心僱用大陸配偶會有特殊規定，透過就業中心的介紹，尹麗開始在旅行社工作，她積極、用心又有相關



▲ 103年外籍配偶及大陸地區配偶就業微電影-【前進幸福】



▲ 103年外籍配偶及大陸地區配偶就業微電影-【尹麗的天空】

工作經驗，逐漸獲得主管的賞識和同事的認同，尹麗的天空終於撥雲見日。

### 改變各界觀點，感受政府用心

勞動部勞動力發展署希望透過微電影故事，讓各界對外籍配偶及大陸配偶在臺灣就業與生活的觀點，有另一種不同的認識與體悟，並感受政府對人民生活能夠「安居樂業」的用心！更希望藉由微電影的傳播力，讓更多外籍配偶及大陸配偶可以多善用政府所提供的就業資訊與管道尋求協助、促進雇主僱用意願及形塑新住民友善職場。

勞動部勞動力發展署配合國際移民日，已於103年12月16日假敦南誠品書店視聽室舉辦「前進幸福-外籍配偶及大陸地區配偶就業微電影首映會暨座談會」，

透過微電影娓娓道來我國在協助外籍及大陸配偶融入臺灣社會的就業之路，也讓雇主看見外籍及大陸配偶在工作中所展現的勞動新潛力。

### 好康資訊



兩部微電影於youtube網站(網址：[https://www.youtube.com/channel/UCW4\\_xAGMRUyNbB9IzchFhSw](https://www.youtube.com/channel/UCW4_xAGMRUyNbB9IzchFhSw))持續熱映中，請搜尋片名「前進幸福」及「尹麗的天空」，或上勞動力發展署官網「資訊服務-影音專區」(網址：<http://www.wda.gov.tw/home.jsp?pageno=201112120003>)觀賞

### 新聞瞭望



## 臺灣104年1月1日實施機械安全資訊申報登錄制度

臺灣當局為阻絕不安全產品流入國內市場造成危害，確實為勞動安全把關，自104年1月1日起，計有10種機械、設備或器具，其輸入者必須在各該產品進口通關前，確認符合「機械設備器具安全標準」，並依「職業安全衛生法」第7條規定，向勞動部職業安全衛生署建置之「機械設備器具安全資訊網」申報產品安

全資訊，取得登錄號碼，並在產品本體上張貼安全標示，始能輸入。同樣地，國內產製之上述機械、設備或器具也必須在產品運出廠場前，完成上述專屬網站之產品安全資訊申報登錄，並張貼安全標示，否則，不能產製運出廠場。



## 保障國內工作者操作安全

依勞動部說明產品安全資訊申報登錄自我宣告制度，旨在限制業者不得製造、輸入不符安全標準之機械、設備或器具，如有違反該法第7條規定情事，最高可處新臺幣二百萬元罰鍰，以防止不安全機械產品流入市場造成危害，落實保障國內工作者操作安全。

「職業安全衛生法施行細則」第12條明定之機械、設備及器具，依我國海關統計，計有超過68項貨品分類號列，每年平均約有24億美元之進口值，占我國每年總進口值約1%。根據近年來統計資料，每年在製造業平均都有超過8千位工作者，因被捲、夾、刺、割、擦等原因，而導致職災死亡或失能傷害，占全產業總職災死亡、失能傷害之人數比約達14%以上。換言之，平均每年有高達8千人次以上持續受到本質不安全之機械、設備或器具的危害。

## 從源頭有效管制，降低勞工傷殘率

據勞動部表示為配合「職業安全衛生法」第7條規定之機械源頭管理及邊境管制，以推動業者自我宣告制度，包括動力衝剪機械、手推刨床、木材加工用圓盤鋸、動力堆高機、研磨機、研磨輪、防爆電氣設備、動力衝剪機械之光電式安全裝置、手推刨床之刃部接觸預防裝置、木材加工用圓盤鋸之反撥預防裝置及鋸齒接觸預防裝置等10項產品，均採線上申報產品安全資訊及登錄之網路作業，申報網站為「機械設備器具安全資訊網」，網址為<http://tsmark.osha.gov.tw>，並已於104年1月1日正式啟動運作。

故勞動部推動上述產品安全資訊申報登錄制度，將從源頭有效管制不安全產品之危害，降低操作勞工之傷殘率。🏠

OSHA 勞動部職業安全衛生署  
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, MINISTRY OF LABOR

### 機械設備器具安全資訊網

受理單位登入

**申請廠商登入**

政府服務平台

如果你的瀏覽器彈跳出安全性說明視窗，則請依照說明完成HICOS元件安裝，安裝後即可使用工商憑證登入。

**最新消息**

張貼日期	標題
104-03-10	有關「職業安全衛生法」第7條等相關規定、產品範圍說明，請製造者或輸入者配合辦理。(HICO)

**下載專區**

張貼日期	檔案名稱	檔案大小
104-03-10	「職業安全衛生法」第7條等規定.PDF	227K
104-01-28	機械設備器具安全資訊網繳費通知單.DOC	54K
104-01-27	登錄完成通知書.PDF	196K
104-01-27	安全標準示意圖.PDF	273K
104-01-23	安全標準CAD圖檔.DWG	217K

**完成申報案件查詢**

產品種類：請選擇  
廠商名稱：  
型式/系列型式：  
查詢

本署總機：02-8995-6666 免付費電話：0800-085151 FAX:8995-6665  
本署地址：24219 新北市新莊區中平路439號南棟11樓  
本署服務時間：週一至週五 上午8:30-12:30，下午13:30-17:30  
最佳解析度1024\*768

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「著作權聲明」隱私權政策及網站安全政策  
法規相關問題諮詢電話：02-8995-6666  
報關審核問題諮詢：02-2701-3181 分機604 黃先生  
系統諮詢時間：週一至週五 上午9:30-12:30，下午13:30-17:30

▲ 「機械設備器具安全資訊網」的網站首頁