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提供外勞相關法令宣導 (英文)

Offer Foreign Worker Relevant Acts and Announcement

第五條 為保障國民就業機會平等，雇主對求職人或所僱用員工，不得以種族、階級、語言、思想、宗教、黨派、籍貫、出生地、性別、性傾向、年齡、婚姻、容貌、五官、身心障礙或以往工會會員身分為由，予以歧視;其它法律有明文規定者，從其規定。

Article 5 For the purpose of ensuring national's equal opportunity in employment, Employer is prohibited from discriminating against any Job Applicant or Employee on the basis of race, class, language, thought, religion, political party, place of origin, birth place, sex, sexual preference, age, marital status, appearance, facial features, disability, or past membership in any labor union. if there is a conflict between the laws and the regulations, the laws rule.

雇主招募或僱用員工，不得有下列情事：

When recruiting or employing Employee(s), Employer shall not engage in any of the following acts:

一) 為不實之廣告或揭示。

Making false advertising or disclosure;

二) 違反求職人或員工意思，留置其國民身分證、工作憑證或其他證明文件，或要求提供非屬就業所需之隱私資料。

Withholding any Job Applicant's Identification Card, Work Certificate, or providing private data irrelevant with job requirements;

三) 扣留求職人或員工財物或收取保證金。

Withholding Job Applicant's belongings or collecting bond from Job Applicant;

四) 指派求職人或員工從事違背公共秩序或善良風俗之工作。

Assigning any Job Applicant to engage in any work that is in violation of the public orders or the descent morals;

五) 辦理聘僱外國人之申請許可、招募、引進或管理事項，提供不實資料或健康檢查檢體。

Submitting false information or fake health examination sample(s) when applying for Permit(s) to employ Foreign Worker(s), or dealing with recruitment, import, or management thereof.

第五十四條 雇主聘僱外國人從事第四十六條第一項第八款至第十一款規定之工作，有下列情事之一者，中央主管機關應不予核發招募許可、聘僱許可或展延聘僱許可之一部或全部；其已核發招募許可者，得中止引進：

Article 54 Should any of the following circumstances have arisen or existed with respect to the employment of Foreign Worker(s) to engage in work as referred to in Subparagraphs 8 to 11 of Paragraph 1 of Article 46, the Central Competent Authority shall not issue one or all of the Permit for recruitment, employment, or the extension thereof; in case the Permit for recruitment has already been issued, the Central Competent Authority may halt the introduction of Foreign Workers:

一) 於外國人預定工作之場所有第十條規定之罷工或勞資爭議情事。

The work place in which the Foreign Worker(s) is designated to engage in work once employed has been subject to a legal strike or industrial dispute as referred to in Article 10;

二) 於國內招募時，無正當理由拒絕聘僱公立就業服務機構所推介之人員或自行前往求職者。During the domestic recruitment, the Employer has unjustifiably refused to employ Worker(s) referred by Public Employment Services Agency(s) or Job Applicant(s) appeared on his/her/their own initiative(s);

三) 聘僱之外國人行蹤不明或藏匿外國人達一定人數或比例。

The number of Foreign Workers whose whereabouts are untraceable or who are deliberately hidden by the Employer has reached a certain figure or percentage as prescribed by the Central Competent Authority;

四) 曾非法僱用外國人工作。

The Employer has ever illegally employed Foreign Worker(s) to engage in work;

五) 曾非法解僱本國勞工。

The Employer has ever illegally laid off/discharged national worker(s);

六) 因聘僱外國人而降低本國勞工勞動條件，經當地主管機關查證屬實。

The local Competent Authority(s) has/have investigated and proven that the employment of Foreign Worker(s) has undermined the labor terms in the employment contract(s) with national worker(s);

七) 聘僱之外國人妨害社區安寧秩序，經依社會秩序維護法裁處。

The employed Foreign Worker(s) has/have disturbed the tranquility and public orders of the local community and has/have been adjudicated upon and punished on that account in accordance with the Social Order Maintenance Act;

八) 曾非法扣留或侵占所聘僱外國人之護照、居留證件或財物。

The Employer has ever illegally withheld passport(s)/ residence certificate(s) of Foreign Worker(s), or embezzled belongings of Foreign Worker(s);

九) 所聘僱外國人遣送出國所需旅費及收容期間之必要費用，經限期繳納屆期不繳納。

The Employer has failed to pay within the prescribed period the travel expenses required for dispatching the employed Foreign Worker(s) out of the territory of the Republic of China or the necessary expenses for the detention of his/her employed Foreign Worker(s) prior to the departure;

十) 於委任招募外國人時，向私立就業服務機構要求、期約或收受不正利益。

When entrusting Private Employment Services Agency(s) with recruiting Foreign Worker(s),

the Employer has demanded, agreed to be paid at a later stage, or accepted unjust interests from such Agency(s);

十一) 於辦理聘僱外國人之申請許可、招募、引進或管理事項，提供不實或失效資料。

The Employer has submitted false or invalid information when processing the application for The employment of Foreign Worker(s) or matters regarding the recruitment, introduction, or administration thereof;

十二) 刊登不實之求才廣告。

The Employer has made false recruitment advertisement(s);

十三) 不符申請規定經限期補正，屆期未補正。

The Employer's application has not been made in conformity with the relevant requirements and he/she has failed to make necessary supplements and/or rectifications thereof within the specified period of time;

十四) 違反本法或依第四十八條第二項、第三項、第四十九條所發布之命令。

The Employer has violated the provision(s) of the present Act or the regulations promulgated pursuant to Paragraphs 2 or 3 of Article 48 or Article 49;

十五) 其他違反保護勞工之法令情節重大者。

Other than the above, the Employer has been in serious violation of applicable laws and regulations protecting labor.

前項第三款至第十五款規定情事，以申請之日前二年內發生者為限。

Those that mention above at article two to fifty, only limited to the fist two years after registration.

第一項第三款之人數、比例，由中央主管機關公告之。

Total and proportion that mention on Paragraph 3 of Article 1 will be based on Central Competent Authority's announcement.

第五十五條 雇主聘僱外國人從事第四十六條第一項第八款至第十款規定之工作，應向中央主管機關設置之就業安定基金專戶繳納就業安定費，作為加強辦理有關促進國民就業、提升勞工福祉及處理有關外國人聘僱管理事務之用。

Article 55 Where employing Foreign Worker(s) to engage in work as referred to in Subparagraphs 8 to 10 of Paragraph 1 of Article 46, the Employer shall pay Employment Security Fees into the specific account for Employment Security Fund as established by the Central Competent Authority to be utilized for the purposes of processing matters regarding promotion of employment of nationals, enhancement of labor welfare, and handling the employment and administration of Foreign Workers.

前項就業安定費之數額，由中央主管機關考量國家經濟發展、勞動供需及相關勞動條件，並依其行業別及工作性質會商相關機關定之。

The amount of the employment ability fee is established by the central competent authority in evaluation of the economic development, the supply and demand of worker, and according to the some others industry who has the relevant character and an establishment rules.

雇主或被看護者符合社會救助法規定之低收入戶或中低收入戶、依身心障礙者權益保障法領取生活補助費，或依老人福利法領取中低收入生活津貼者，其聘僱外國人從事第四十六條第一項第九款規定之家庭看護工作，免繳納第一項之就業安定費。

The owner or caretaker comply with the Social Assistance Services Act, low-income families or low-income households, receive subsistence allowance in accordance with disabilities Protection Act, or receive a living allowance of low-income elderly persons in accordance with the welfare law, the hiring of foreign people engaged in the first paragraph of Article 46 of the ninth paragraph of home care work, shall be exempt from the first paragraph of Employment Security Fees.

第一項受聘僱之外國人有連續曠職三日失去聯繫或聘僱關係終止之情事，經雇主依規定通知而廢止聘僱許可者，雇主無須再繳納就業安定費。

The Employer is exempted from paying the Employment Security Fees as required in Accordance with Paragraph 1 of this Article as long as the Employer report a fact according to the rules that the employed Foreign Worker had been unjustifiably absent from his/her work and had not been in contact for three (3) consecutive days or that the Employment regarding the employed Foreign Worker had been terminated, and as a result thereof the Employment Permit was annulled.

雇主未依規定期限繳納就業安定費者，得寬限三十日；於寬限期滿仍未繳納者，自寬限期滿之翌日起至完納前一日止，每逾一日加徵其未繳就業安定費百分之零點三滯納金。但以其未繳之就業安定費百分之三十為限。

Where Employer fails to pay off the Employment Security Fees within the specified period, an extension thereof for thirty (30) days may be granted; where Employer fails to pay off the said Fees within the grace period, a late payment fine of zero point three percent (0.3%) of the outstanding accrued Fees shall be levied per day from the day following the expiration of the grace period until the day prior to the complete payment thereof; the aggregate sum of such fine shall not exceed the 30 percent of the outstanding accrued Employment Security Fees.

加徵前項滯納金三十日後，雇主仍未繳納者，由中央主管機關就其未繳納之就業安定費及滯納金移送強制執行，並得廢止其聘僱許可之一部或全部。

Should Employer fail to pay off the said Fees by the end of thirty (30) days after the late payment fine was levied daily as referred to in Paragraph 3 of this Article, the Central Competent Authority shall thereafter seek legal compulsory proceedings to collect the then unpaid Fees as well as the late payment fine levied but yet paid, and obtained annul in whole or in part his/her Employment Permit.

主管機關並應定期上網公告基金運用之情形及相關會議紀錄。

Top authorities must timely post on their website of their fund usage and other related information.

第五十七條 雇主聘僱外國人不得有下列情事：

Article 57 As for employment of Foreign Worker(s), Employer shall not engage in any of the following:

一) 聘僱未經許可、許可失效或他人所申請聘僱之外國人。

Employing a Foreign Worker without Permit or after the expiration of Permit therefor, or a Foreign Worker that has been permitted to be employed at the same time by a third party;

二) 以本人名義聘僱外國人為他人工作。

Employing in the name of the Employer a Foreign Worker, but in reality causing that Foreign Worker engage in work for a third party;

三) 指派所聘僱之外國人從事許可以外之工作。

Appointing the employed Foreign Worker to engage in work that is not within the sphere of the Permit;

四) 未經許可，指派所聘僱從事第四十六條第一項第八款至第十款規定工作之外國人變更工作場所。

Commanding, without permission therefor, an Foreign Worker who is employed to engage in the work as referred to in Subparagraphs 8 to 10 of Paragraph 1 of Article 46 to change his/her work place;

五) 未依規定安排所聘僱之外國人接受健康檢查或未依規定將健康檢查結果函報衛生主管機關。

Failing to arrange for the employed Foreign Worker to undergo health examinations or failing to submit the health examinations report(s) to the Competent Health Authority(s) in accordance with the applicable laws and regulations;

六) 因聘僱外國人致生解僱或資遣本國勞工之結果。

Dismissing or laying off national worker(s) as a result of having employed Foreign Worker(s) by the Employer;

七) 對所聘僱之外國人以強暴脅迫或其他非法之方法，強制其從事勞動。

Exerting coercion, threat, or any other illegal means upon the employed Foreign Worker(s) to enforce him/her/them to engage in work contrary to his/her/their free will;

八) 非法扣留或侵占所聘僱外國人之護照、居留證件或財物。

Illegally withholding the passport(s)/residence certificate(s) of Foreign Worker(s) or embezzling belongings of Foreign Worker(s);

九) 其他違反本法或依本法所發布之命令。

Having violated, other than the above, the provision(s) of the present Act or the regulations promulgated pursuant to the present Act.

第七十三條 雇主聘僱之外國人，有下列情事之一者，廢止其聘僱許可：

Article 73 Where any of the following circumstances has arisen or existed with respect to a Foreign Worker, the Employment Permit therefor shall be annulled:

一) 為申請許可以外之雇主工作。

The employed Foreign Worker has engaged in work for an Employer who is not stated in the

Permit;

- 二) 非依雇主指派即自行從事許可以外之工作。

The employed Foreign Worker has engaged, without being appointed by his/her Employer, in work on his/her own initiative that is not within the sphere of the Permit;

- 三) 連續曠職三日失去聯繫或聘僱關係終止。

The employed Foreign Worker has been unjustifiably absent from his/her work and not in contact for three (3) consecutive days or the employment has been terminated;

- 四) 拒絕接受健康檢查、提供不實檢體、檢查不合格、身心狀況無法勝任所指派之工作或罹患經中央衛生主管機關指定之傳染病。

The employed Foreign Worker has refused to undergo health examinations, submitted fake health examination sample(s), or failed health examinations, or his/her mental and/or physical condition(s) are/is not qualified for the assigned work, or he/she has been infected with any of the contagious diseases that have been listed and published by the Central Competent Health Authority(s);

- 五) 違反依第四十八條第二項、第三項、第四十九條所發布之命令，情節重大。

The employed Foreign Worker has been in serious violation of the regulations promulgated pursuant to Paragraph 2 or 3 of Article 48 or Article 49;

- 六) 違反其他中華民國法令，情節重大。

Other than the above, the employed Foreign Worker has been in serious violation of applicable laws and regulations in the Republic of China;

- 七) 依規定應提供資料，拒絕提供或提供不實。

The employed Foreign Worker has refused to submit any information as required by applicable laws and regulations, or has submitted false information in violation of the applicable laws and regulations;