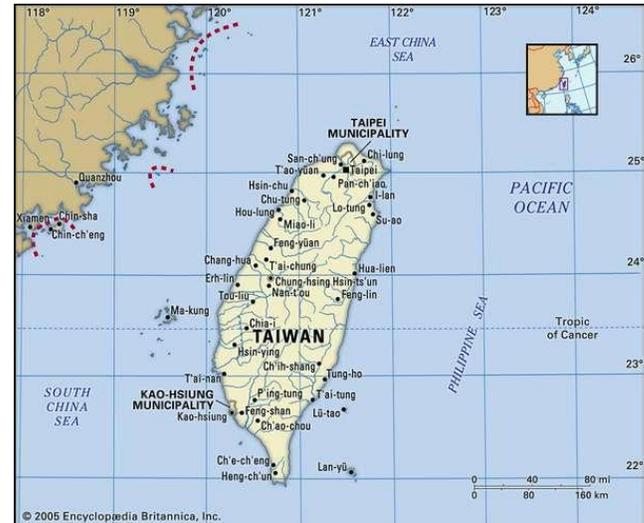


<b>SUB-INDEX A: PROTECTIONS FOR FAMILY CAREGIVERS</b>		6.14
<b>A1. Pregnancy and Maternity Leave Coverage</b> <i>(No sub-categories)</i>		4.27
<b>A2. Protections during Pregnancy and Maternity Leave</b> <i>Financial Protections</i> <i>Employment Protections</i>		5.75 7.00 4.50
<b>A3. Paternity Leave Policies</b> <i>(No sub-categories)</i>		4.64
<b>A4. Dependent Care Leave Policies</b> <i>(No sub-categories)</i>		10.00
<b>A5. Flexible Work Arrangements</b> <i>(No sub-categories)</i>		6.25
<b>A6. Mother-Friendly Workplace Policies</b> <i>Nursing Support in the Workplace</i> <i>Workplace Safety for Pregnant and Nursing Women</i>		5.94 6.88 5.00

<b>SUB-INDEX B: PROTECTIONS FOR DOMESTIC WORKERS</b>		4.99
<b>B1. Coverage under National Labor Laws</b> <i>(No sub-categories)</i>		1.75
<b>B2. Fair Employment Process</b> <i>Standard Terms of Employment</i> <i>Regulations for Recruitment and Employment Process</i>		4.52 5.70 3.33
<b>B3. Decent Working and Living Conditions</b> <i>Working Hours and Environment</i> <i>Rest and Leave</i> <i>Wages</i> <i>Social Security</i> <i>Living Conditions for Live-in Workers</i>		1.17 2.00 0.00 1.67 0.94 1.25
<b>B4. Labor Rights and Protections</b> <i>Freedom of Association and Access to Collective Bargaining</i> <i>Access to Complaint Mechanisms</i> <i>Enforcement and Protection Mechanisms</i>		7.50 10.00 10.00 2.50
<b>B5. Protections for Forced /Under-age Domestic Workers</b> <i>Protections against Forced/Compulsory Labor</i> <i>Protections for Under-age Laborers</i>		10.00 10.00 10.00
<b>B6. Protections for Migrant Domestic Workers</b> <i>Employment Support</i> <i>Support After Termination of Employment</i>		5.00 10.00 0.00



Source: Encyclopedia Britannica

## Introduction

Taiwan (traditional Chinese: 臺灣/台灣), officially the Republic of China (ROC), is a country in East Asia. Since the lifting of martial law in 1987, Taiwan has democratized and transitioned from a one-party military dictatorship to a multiparty democratic republic.<sup>1</sup> Internationally, Taiwan's political and legal status is contested: it is no longer a member of the United Nations (UN) after the People's Republic of China (PRC) was recognized in 1971 as the only legitimate representative of China to the UN.<sup>2</sup> Its contentious political status is also reflected in international legal frameworks such as the International Labour Organization (ILO) which officially states that "Taiwan should not be treated as a country, since its status is that of a province of the People's Republic of China."<sup>3</sup>

During the 1960s and 1970s, Taiwan experienced the "Taiwan Miracle" of rapid economic growth and technology-oriented industrialization, and became known as one of the "Four Asian Tigers" alongside Hong Kong, South Korea, and Singapore. Taiwan was the second-fastest growing economy in Asia after

<sup>1</sup> Ministry of Foreign Affairs of Republic of China (Taiwan), "About Taiwan", <https://www.taiwan.gov.tw/about.php>

<sup>2</sup> United Nations, "Restoration of the lawful rights of the People's Republic of China in the United Nations", 25 Oct 1971.

<https://digitallibrary.un.org/record/192054?ln=en#record-files-collapse-header>

<sup>3</sup> International Labour Organization, "ILO country and area designations and rules for their use and corresponding DOSCOM code numbers", 23 Sept 2019. <https://www.ilo.org/public/english/standards/relm/ctry-ndx.htm>

Japan from the 1970s. Its economic growth has slowed in recent decades, and it now counts as a high-income country with a low birth-rate and increasingly aging population.

Gender equality in Taiwan is relatively progressive, with women's rights guaranteed in the workforce by the Act of Gender Equality in Employment. Similarly, women's rights are also protected in the Constitution of Taiwan, with quotas reserved for female electoral candidates.

Taiwan employs a large number of foreign workers in its low-skilled industries. As of December 2021, there were a total of 443,104 foreign employees in its "productive industries" such as construction, and 226,888 foreign employees in its "social welfare" sector – the latter constituting "nursing workers and home-maids" or domestic workers.<sup>4</sup> As the vast majority of domestic workers in Taiwan are foreign, Taiwan's scores for Sub-Index B are largely based on its protections for *foreign* domestic workers.<sup>5</sup>

Taiwan's overall score for the GCPI was pulled down by its limited protections for domestic workers in Sub-Index B. As domestic workers are considered to be privately employed, they are thus excluded from coverage by the Labor Standards Act which is Taiwan's primary labor law.

## Key Care Policies

Taiwan's central labor legislation is the [Labor Standards Act](#), first established in 1984. The goal of this legislation is to "provide minimum standards for working conditions, protect workers' rights and interests, strengthen employee-employer relationships and promote social and economic development".<sup>6</sup> However, its coverage is limited. The Labor Standards Act only applies to workers who are employed by a "business entity", thus effectively excluding all domestic workers who are hired by individuals to take care of family members or handle household chores.<sup>7</sup>

<sup>4</sup> Ministry of Labor Republic of China (Taiwan), "Monthly Bulletin, Table 12-1 Foreign Workers in Productive Industries and Social Welfare by Industry", 20 Jan 2021. <http://statdb.mol.gov.tw/html/mon/c12010.htm>

<sup>5</sup> RMin News, "250,000 foreign domestic workers in Taiwan" (全外外籍看護25萬人), 01 September 2018. <https://www.rmim.com.tw/news-detail-20677>

<sup>6</sup> Laws & Regulations database of the Republic of China (Taiwan), "Labor Standard Act, Article 1", 10 June 2020. <https://law.moi.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0030001>

<sup>7</sup> Ministry of Labor Republic of China (Taiwan), "The Ministry of Labor Endeavors to Protect the Rights of Domestic Workers through Pragmatic Approaches", 31 May 2015. <https://english.mol.gov.tw/21139/21156/21505/>

Apart from the Labor Standards Act, the [Act of Gender Equality in Employment](#) is also helpful in clarifying additional protections and benefits for pregnant mothers and family caregivers. Chapter IV of this legislation focuses specifically on promoting equality in employment by outlining maternity and paternity leave policies, pregnancy benefits, and nursing benefits for workers.

Equally important are the [Employment Service Act](#) and the [Regulation on the Permission and Administration of the Employment of Foreign Workers](#). The former stipulates regulations covering the operations of recruitment and placement agencies, while the latter regulates the employment of foreign workers in Taiwan.

## Recent Care Policy Developments

### Pregnancy and Childcare Benefits

In January 2022, the government amended the [Act of Gender Equality in Employment](#) to increase the number of days of paid leave for pregnancy checkups from five to seven. Previously, in 2014, the government had amended the Labor Insurance Act to increase the maternity cash benefit to a 60-day lump-sum payment based upon the 6-month average of the pregnant worker's insured salary.<sup>8</sup> The Taiwanese government also set up various schemes to help families cover the costs of child-rearing. Parents with infants aged from 0-2 may claim a monthly child-rearing allowance from the government, with amounts ranging from NTD2,500 to NTD5,000 (USD90 to USD180) depending on parents' income level. Additionally, the Taiwanese government also provides various subsidised public nursery and pre-schools for children aged 0-6, with a monthly coverage of up to NTD7,000 (~USD250) per child.

### Expanded Paternity Leave

As of January 2022, new fathers' paid paternity leave has been extended from five days to seven days. Fathers can also use these days to accompany their spouses for prenatal checkups. And this leave can be taken in small increments of a few hours or a half-day for medical appointments. Employers are not allowed to reject applications for such leave. The cost of this

<sup>8</sup> Ministry of Labor Republic of China (Taiwan), "The protection of rights and interests related to "maternity leave" in Taiwan is not inferior to other countries' regulations"(我國「產假」相關權益保障並未劣於他國規定), 03 Nov 2016. <https://www.mol.gov.tw/announcement/2099/24138/>

expanded leave will be fully borne by the Taiwan government.<sup>9</sup>

### Legislation for Domestic Workers

As domestic workers are considered to be privately employed, they are not protected by the [Labor Standards Act](#). However, in a statement made by the Ministry of Labor (published in 2017), it is stated that "after years of proactive deliberation, the Ministry is now finished with the drafting of the 'Domestic Workers Protection Act,' which stipulates that domestic workers 'shall have at least one day off every seven days,' and also includes provisions on the termination of work contract, wage standards, rest time, special leaves, leaves, insurance, and filing of complaints. The draft is currently being reviewed by the Executive Yuan."<sup>10</sup> The Bill is currently still under review.

### Revision of Deportation Policies for Type B Female Foreign Worker

Until 2003, under Article 15 of the [Regulation on the Permission and Administration of the Employment of Foreign Workers](#), female foreign workers in type B sectors<sup>11</sup> (which included paid domestic service) were to be dismissed and deported immediately if they were found to be pregnant in Taiwan. Female foreign workers were also previously required to have a medical certificate of non-pregnancy before entering the country and a pregnancy test every six months after entry.

This law was later revised on 9 November 2002 to remove the requirement of biannual pregnancy checks. Starting from 9 November 2003, "type B" female foreign workers were also no longer deported if they were found to be pregnant while working in Taiwan.

## Key Actors

Taiwan's Ministry of Labor (勞動部) is the most important government actor enforcing relevant legislation, investigating labor complaints, and regulating all foreign workers' issues. Furthermore, the Ministry of Labor is also responsible for Labor

<sup>9</sup> Gibson, Liam. "Maternal, paternal leave in Taiwan expanded with immediate effect." *Taiwan News*. 19 January 2022. <https://www.taiwannews.com.tw/en/news/4414853>.

<sup>10</sup> Ministry of Labor Republic of China (Taiwan), "The Ministry of Labor Endeavors to Protect the Rights of Domestic Workers through Pragmatic Approaches", 30 March 2017. <https://english.mol.gov.tw/homeinfo/7040/7741/>

<sup>11</sup> Type B foreign worker refers to foreigners employed in the following services: 1. Marine fishing/netting work; 2. Household assistant and nursing work; 3. Workers in construction project(s); 4. Other specialized workers ad hoc approved by the Central Competent Authority.

Insurance, which provides benefits and protections for female employees who become pregnant.

The Direct Hiring Service Center (DHSC), established by the Ministry of Labor in 2007, provides a simplified service process to assist employers to hire foreign domestic workers on their own. The DHSC also offers advice to both employers and employees regarding relevant employment policies and employment rights.

County/city governments are also important in providing benefits and services respectively for pregnant mothers and foreign workers within their jurisdiction. For example, county/city governments are responsible for providing a reasonable amount of maternity allowance to pregnant mothers, usually ranging from NTD20,000 to NTD30,000 per child.<sup>12</sup> They are also responsible for providing consultation services on labor issues for foreign workers.<sup>13</sup>



## Sub-Index A: Protections for Family Caregivers

Taiwan's score in Sub-Index A was affected by its dearth of caregiver protections in its Labor Standards Act. While pregnant employees and their husbands are paid their full wages during their respective maternity and paternity leaves, their guaranteed leave period is inadequate. Its overall score for Sub-Index A is 6.14 (out of 10), which falls at the midpoint of the "Maturing" GCPI Index Band.

### A1 Pregnancy and Maternity Leave Coverage (4.27/10)

Taiwan's pregnancy and maternity leave policies are weak. All female employees, regardless of their duration of employment, are entitled to enjoy up to 8 weeks of maternity leave. However, this is below the 18 weeks of maternity leave recommended by the ILO Maternity Protection Convention. Pregnant mothers are also not guaranteed any further benefits or leave extensions in the event of any complicated birth situations. Additionally, adoptive mothers are not eligible for maternity benefits. However, it should be noted that Taiwan's maternity leave policy does extend to cover miscarriages. A pregnant employee who experiences a miscarriage after three or more months

<sup>12</sup> 1 NTD = 0.036 USD (15 Feb 2022)

<sup>13</sup> Ministry of Labor Republic of China (Taiwan), "Notice on Work Rights of Foreign Workers in Taiwan", 21 Dec 2020. <https://english.mol.gov.tw/homeinfo/6458/6556/6567/>

of pregnancy is eligible for four weeks of maternity leave.

### A2 Protections during Pregnancy and Maternity Leave (5.75/10)

All female employees who have worked for at least six months before their pregnancy are entitled to receive 100% of their wages while on maternity leave, and they are also entitled to a small cash benefit from their local government. Eligible working women are also entitled to a 60-day lump-sum payment based upon their insured salary before delivery. The [Act of Gender Equality in Employment](#) states that a female employee's employment contract cannot be terminated based on reasons such as marriage, pregnancy or childcare. However, working women are not guaranteed a right to return to the same job/position or to an equivalent position, paid at the same rate, at the end of their maternity leave.

### A3 Paternity Leave Policies (4.64/10)

Working fathers are entitled to 7 days of fully paid paternity leave, below the 14 days of paternity leave mentioned in the ILO's [Decent Work Report](#). There are no relevant policies explicitly mentioning paternity benefits for adoptive fathers. There are also no provisions for the transfer of the mother's unused maternity leave to the father in the event of the mother's hospitalization or death.

### A4 Dependent Care Leave Policies (10.00/10)

Taiwan performed well for this category due to the broad coverage of its family care leave policies. The [Act of Gender Equality in Employment](#) permits employees to take family care leave no longer than 7 days a year to take care of "family members who need inoculation, who suffer serious illness or who must handle other major events." This policy extends to all employees working in Taiwan, with no explicit exclusionary conditions.

### A5 Flexible Work Arrangements (6.25/10)

In companies with 30 or more workers, employees with care responsibilities have the right to request for 1 hour of reduced work per day. The [Act of Gender Equality in Employment](#) also states that workers with care responsibilities have the right to request adjustments to their starting and finishing work-hours. However, there is no mention in the Act of the need to take into account the special needs of workers with family responsibilities when making shift-work arrangements or assigning night work.

### A6 Mother-Friendly Workplace Policies (5.94/10)

Under the [Act of Gender Equality in Employment](#), pregnant and nursing women are entitled to flexible working schedules and reduced working hours. The

Act also ensures that female workers are not discriminated against on the basis of their marital status, though it does not explicitly ensure similar protections for other forms of family caregiving responsibilities that both male and female workers may have to bear. Taiwan does legally provide for a comprehensive nursing support system in the workplace, with guaranteed, 100%-paid, breastfeeding breaks during working hours, as well as requirements for the provision of nursing infrastructures like breastfeeding rooms in workplaces that employ over 100 workers.

With respect to workplace safety, policies in the [Labor Standards Act](#) ensure that pregnant and nursing women can neither engage in night work nor high-risk activities. While the Act does entitle pregnant women to remove health risks from their work responsibilities, the Act does not require workplaces to assess their working environment from the perspective of the health and safety of nursing women or women who have just returned from maternity leave.



## Sub-Index B:

### Protections for Domestic Workers

Taiwan scored poorly in Sub-Index B due to the inadequate coverage of domestic workers under its national labor laws and its poor employment contract regulations. Its overall score for Sub-Index B was 4.99 (out of 10). Given the large number of migrant domestic workers employed in Taiwan, Sub-Index B is scored largely on the basis of Taiwan's protections of foreign (rather than local) domestic workers.

### B1 Coverage under National Labor Laws (1.75/10)

The hiring of domestic workers (both local and foreign) is considered private employment in Taiwan, which means that these workers are explicitly excluded from the [Labor Standards Act](#). As a result of this gap in coverage, domestic workers have limited legal protections beyond the terms of their employment contract. However there do exist some regulations covering the employment of foreign domestic workers.

### B2 Fair Employment Process (4.52/10)

Employers are required to offer their employment terms during the recruitment stage of domestic workers, ensuring that prospective domestic workers are aware of their employment terms before starting their jobs. Furthermore, the employment contract is also required to be translated into the domestic worker's native language. However, the required terms in the contract are not comprehensive enough, as it

only requires the inclusion of basic information like the worker's accommodations, working hours and wage/salary. Additionally, there are no minimum employment standards set out by the state, leaving the negotiation over contract terms completely up to the domestic workers, their placement agents and their employers.

### **B3 Decent Working and Living Conditions (1.17/10)**

There are no regulations surrounding the regular working hours, rest hours, or minimum wages for domestic workers due to their active exclusion from the [Labor Standards Act](#). It is even explicitly stated in one of the Ministry of Labor's FAQs that: "Employment of domestic workers is considered as private employment and hence the working/living conditions of domestic workers is based on the labor contract signed by the employer and the employer through self-negotiation agreement." However, in the [Regulation on the Permission and Administration of the Employment of Foreign Workers](#), migrant domestic workers are guaranteed some minimal rights like safe living conditions, a comprehensible written accounts of their wages, and healthcare coverage.

### **B4 Labor Rights and Protections (7.50/10)**

According to the [Labor Union Act](#), domestic workers are not excluded from the right to join a registered trade union or participate in its activities. They also have access to complaint mechanisms like consultation help centers and complaint hotlines, provided by Taiwan's Ministry of Labor. However, a wide range of these complaint and dispute resolution mechanisms exist to support only foreign domestic workers in Taiwan, and it is not clear what channels exist for local domestic workers to seek help.

### **B5 Protections for Forced/Under-age Domestic Workers (10.00/10)**

Under the [Employment Service Act](#), the illegal extraction of forced or compulsory labor from workers is punishable with the cancellation of the employer's recruitment permit and employment permit. An employee forced to work through human trafficking is also guaranteed protections under the [Human Trafficking Prevention Act](#). Taiwan also requires all foreign domestic workers to be above 20 when applying to work in Taiwan, thereby instituting legal protections against underage labor in the domestic work sector.

### **B6 Protections for Migrant Domestic Workers (5.00/10)**

According to the [Regulation on the Permission and Administration of the Employment of Foreign Workers](#), prior to their hiring and entry to Taiwan,

migrant domestic workers are required to receive an employment contract for their visa applications. Additionally, there are also consultation services provided for them to access legal help.

At the same time, Taiwan lacks a few key protection policies, such as a pre-placement system that allows prospective workers to visit the employers' households, measures to secure their access to complaint mechanisms after their termination of employment and departure from Taiwan, and measures to ensure that the loss of employment should not itself imply the withdrawal of the workers' residence rights in the country. While there are mechanisms to allow workers to change jobs and transfer employers, workers still require prior consent of their current employers. Thus, in the event of loss of employment where the employer does not consent to a transfer, a migrant domestic worker's authorization of residence is also automatically withdrawn.

## **Policy-Practice Gap**

Taiwan's existing policy-practice gap occurs on two dimensions: first, the lack of public uptake of existing benefits, and second, the lack of adequate state infrastructure to support relevant policies.

### **Lack of Public Uptake of Existing Benefits**

Although Taiwan has implemented some progressive caregiver support policies, these new measures are not as effective as they could be, because the general public either lacks the awareness to make use of them or chooses not to take them up. Taiwan's policy supporting breastfeeding and nursing at work is an example of this policy-practice gap. One study shows that although 98% of mothers surveyed were aware of these breastfeeding-friendly workplace policies, only 36% took the two breaks that were allowed under these policies.<sup>14</sup>

### **Lack of Adequate Infrastructure**

Another weakness relates to Taiwan's lack of sufficient soft and hard care infrastructures to support its care policies. For example, Taiwan provides eldercare services through the public sector to cater to families with long-term care needs. However, such services are often inadequate due to their limited availability or their lack of affordability. In response, many families opt to employ a live-in migrant domestic worker to take care of their long-term care needs as it is relatively more affordable. However, applications for such a service take at least three months, resulting in

<sup>14</sup> Su-Ying Tsai, "Impact of a Breastfeeding-Friendly Workplace on an Employed Mother's Intention to Continue Breastfeeding After Returning to Work", *Breastfeeding Medicine* Vol. 8, 10 April 2013.

discontinuity of care and “extreme physical, psychological and economic burdens on the family.”<sup>15</sup>

## Recommendations

### Family Caregiver Protections

- Increase the length of both maternity leave and paternity leave to a minimum of 18 weeks and 2 weeks respectively (A1 and A3)
- Extend maternity and paternity protections to include adoptive parents (A1 and A3)
- Stipulate that there is a compulsory maternity leave period immediately after childbirth (A1.7)
- Clarify the formal definition of the term “no discrimination against employee’s sexual orientation or gender” to ensure better protections for pregnant women (A2)
- Allow workers with various caregiving responsibilities to request reduced working hours, similar to the existing provision for workers with children under the age of three to request reduced working hours (A5.1)

### Domestic Worker Protections

- Include domestic workers under the Labor Standards Act (B1)
- Expand the terms and conditions required to be included in domestic workers’ employment contracts to ensure more protection (B2)
- Introduce a legal standard for domestic workers’ terms of employment, such as minimum wage, maximum working hours and guaranteed rest (B2)
- Require live-in domestic workers to be provided with accommodation that offers privacy, sanitary facilities, heating or air-conditioning, and meals of good quality and sufficient quantity (B3)
- Establish measures to ensure that the loss of employment should not itself imply the withdrawal of the migrant domestic workers’ residence (B6)
- Establish measures to secure migrant domestic workers’ access to complaint mechanisms after their termination of employment and departure from Taiwan (B6)

<sup>15</sup> Ming Sheng Wang & Ta-Chien Chan, “The intersections of the care regime and the migrant care worker policy: the example of Taiwan”, *Asia Pacific Journal of Social Work and Development*, 24 Nov 2017.



## Global Care Policy Index

The Global Care Policy Index (GCPI) is a composite index that provides a single numerical assessment of a country's support for and protection of home-based caregivers and careworkers who do the important but often invisible work of caring for the young, old, disabled and infirm within the country.

Refer to the [GCPI website](#) for the index's methodology and Taiwan's Technical Report containing detailed index questions and score elaborations.

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