



Global Care Policy Index

Technical Report for Taiwan

Published: 23 February 2022 | The Global Care Policy Index | globalcarepolicy.com

Overview

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. The GCPI incentivizes states to take an embedded economy approach, and recognize and reward the critical role that caregiving and carework within households play in supporting the reproduction of society and the functioning of the economy. This goal is in line with the 2030 UN Agenda for Sustainable Development and the ILO's Decent Work Agenda which aim for a future where everyone is able to access decent work. It recognizes that paying attention to, valuing, and dignifying (paid) carework and (unpaid) caregiving is essential if a society wants to improve the quality of life of its people.

For more detailed information about the GCPI, please visit globalcarepolicy.com.

Index Calculation

Each question in the index is scored on a scale of 0 to 1. Each sub-category score is calculated by summing the equally weighted scores of all the questions in the sub-category and then converting that to a 0-to-10 scale. Each category score is calculated as an equally weighted average of their respective sub-category scores. Each sub-index is calculated as an equally weighted average of their respective category scores. Thus, all sub-categories, categories, and sub-indices are calculated out of 10. The overall GCPI score is calculated as an equally weighted average of Sub-Indices A and B.

How to Cite this Technical Report

The recommended citation for this report is as follows:

Wang, Yibo and Paul, Anju M. 2022. *Global Care Policy Index: Technical Report for Taiwan*. Singapore: Global Care Policy Index. https://globalcarepolicy.commons.yale-nus.edu.sg/country_profile/Taiwan.

This project is supported by Yale-NUS College and Duke University.



No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
Taiwan				
SUB-INDEX A: PROTECTIONS FOR FAMILY CAREGIVERS				
A1. Pregnancy and Maternity Leave Coverage				
A1.1	Are working women guaranteed maternity leave?	1.00	<p>Yes, with no exclusionary conditions.</p> <p>Labor Standards Act (Article 50) "A female worker shall be granted maternity leave before and after childbirth for a combined period of eight weeks. In the case of a miscarriage after the first three months of pregnancy, the female worker shall be permitted to discontinue her work and shall be granted maternity leave for a period of four weeks."</p> <p>Act of Gender Equality in Employment (Article 15) "Employers shall stop female employees from working and grant them a maternity leave before and after childbirth for a combined period of eight weeks. In the case of a miscarriage after being pregnant for more than three months, the female employee shall be permitted to discontinue work and shall be granted a maternity leave for four weeks. In the case of a miscarriage after being pregnant for over two months and less than three months, the female employee shall be permitted to discontinue work and shall be granted a maternity leave for one week. In the case of a miscarriage after being pregnant for less than two months, the female employee shall be permitted to discontinue work and shall be granted a maternity leave for five days."</p>	<p>Labor Standards Act</p> <p>Act of Gender Equality in Employment</p>
A1.2	Are all categories of working women guaranteed maternity leave?	0.60	<p>No, only working women of categories 1, 2 and 3 are covered.</p> <p>Both the Labor Standards Act and Act of Gender Equality state that "A female worker shall be granted maternity leave before and after childbirth for a combined period of eight weeks."</p> <p>Additionally, according to the Labor Standards Act (Article 2), worker means "a person who is hired by an employer to work for wages."</p> <p>As working women of category 4 (workers in temporary agency or in multi-party employment relationships) and 5 (workers in disguised employment and dependent self-employment) are not guaranteed maternity leave, Taiwan's score for this question would be $3 + 5 = 0.6$.</p>	<p>Labor Standards Act</p> <p>Act of Gender Equality in Employment</p>
A1.3	How long a maternity leave are eligible working women guaranteed?	0.25	<p>Working women are guaranteed 8 weeks of paid maternity leave.</p> <p>Labor Standards Act (Article 50) "A female worker shall be granted maternity leave before and after childbirth for a combined period of eight weeks. In the case of a miscarriage after the first three months of pregnancy, the female worker shall be permitted to discontinue her work and shall be granted maternity leave for a period of four weeks."</p> <p>Act of Gender Equality in Employment (Article 15) "Employers shall stop female employees from working and grant them a maternity leave before and after childbirth for a combined period of eight weeks. In the case of a miscarriage after being pregnant for more than three months, the female employee shall be permitted to discontinue work and shall be granted a maternity leave for four weeks. In the case of a miscarriage after being pregnant for over two months and less than three months, the female employee shall be permitted to discontinue work and shall be granted a maternity leave for one week. In the case of a miscarriage after being pregnant for less than two months, the female employee shall be permitted to discontinue work and shall be granted a maternity leave for five days."</p> <p>As the total number of paid maternity leave is less than the ILO-recommended 18 weeks, Taiwan's score for this question is 0.25</p>	<p>Labor Standards Act</p> <p>Act of Gender Equality in Employment</p>
A1.4	Are eligible working women guaranteed extended prenatal maternity leave, if the actual date of childbirth is before or after initial predicted date of childbirth (indicated by a medical certificate) without any reduction in the postnatal maternity leave?	0.00	No specific mention in either the Labor Standards Act and Act of Gender Equality.	<p>Labor Standards Act</p> <p>Act of Gender Equality in Employment</p>
A1.5	Are eligible working women guaranteed extended maternity leave in the case of simultaneous multiple births?	0.00	No specific mention in either the Labor Standards Act and Act of Gender Equality.	<p>Labor Standards Act</p> <p>Act of Gender Equality in Employment</p>



GLOBAL CARE POLICY INDEX (GCPI)

2021 Country Score

Taiwan

Published: 23 February 2022 | The Global Care Policy Index | globalcarepolicy.com

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A1.6	Are eligible working women entitled to freely choose when they wish to take the non-compulsory portion of their maternity leave - before or after childbirth?	0.75	<p>Yes, eligible working women are able to choose when they take the non-compulsory portion of their maternity leave, but with one exclusionary condition: approval from their employer is required.</p> <p>In the Labor Standard Act FAQ: "In accordance with Article 50 of the Labor Standards Act, a female worker shall be granted maternity leave before and after childbirth for a combined period of eight weeks. The female worker can also start the maternity leave four weeks prior to the childbirth. If the employers and employees reach consensus, female workers can also take maternity leaves by several batches."</p> <p>Hence, 1-0.25=0.75</p>	FAQ: Labor Standards
A1.7	Are eligible working women guaranteed a period of compulsory maternity leave after childbirth?	1.00	<p>Yes, Article 15 of the Act of Gender Equality in Employment stipulates that: "Employers shall stop female employees from working and grant them a maternity leave before and after childbirth for a combined period of eight weeks." This can be interpreted as compulsory maternity leave, rather than an entitlement, though the language in the Act can be made clearer.</p>	Labor Standards Act Act of Gender Equality in Employment
A1.8	How long is the compulsory maternity leave that eligible working women are guaranteed after childbirth?	0.67	<p>Given that the Labor Standards Act FAQ stipulates that female workers can take up to four weeks of maternity leave before childbirth, this would imply that the compulsory maternity leave period is (8 - 4 weeks) = 4 weeks. This is less than the 6 weeks recommended by the ILO.</p> <p>Article 15 of the Act of Gender Equality in Employment stipulates that: "Employers shall stop female employees from working and grant them a maternity leave before and after childbirth for a combined period of eight weeks."</p> <p>In the Labor Standard Act FAQ: "In accordance with Article 50 of the Labor Standards Act, a female worker shall be granted maternity leave before and after childbirth for a combined period of eight weeks. The female worker can also start the maternity leave four weeks prior to the childbirth."</p> <p>Score = 4/6 = 0.67</p>	Labor Standards Act Act of Gender Equality in Employment
A1.9	Are eligible women guaranteed additional leave in case there is a documented medical illness, complications, or risk of complications arising out of pregnancy or childbirth?	0.00	No specific mention in both the Labor Standards Act and Act of Gender Equality	Labor Standards Act Act of Gender Equality in Employment
A1.10	Do adoptive mothers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.00	No specific mention in both the Labor Standards Act and Act of Gender Equality	Labor Standards Act Act of Gender Equality in Employment
A2.	Protections during Pregnancy and Maternity Leave			
A2.1	Financial Protections			
A2.1.1	What proportion of their salary are eligible working women entitled to receive while on maternity leave?	0.75	<p>Eligible working women who have worked for at least 6 months prior to their pregnancy are to receive 100% of their working wages.</p> <p>However, Article 50 states that, "if a female worker has been employed for less than 6 months, she shall be paid wages at half of the regular payment."</p> <p>Hence, 1-0.25=0.75</p>	Labor Standards Act (Article 50)



GLOBAL CARE POLICY INDEX (GCPI)

2021 Country Score

Taiwan

Published: 23 February 2022 | The Global Care Policy Index | globalcarepolicy.com

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A2.1.2	Is the woman entitled to cash benefits during maternity leave out of social assistance funds if she does not qualify for wage replacement or the country does not offer wage replacements?	0.75	<p>Yes, the woman is entitled to Maternity Allowance upon childbirth, as well as receiving payment from the labor insurance with 1 exclusionary condition – the duration of their employment insurance.</p> <p>Any woman who is a Taiwanese citizen is entitled to receiving Maternity Allowance (生育補助) from her local government. Each local government has a different amount of allowance available, for example: - Taipei: NTD20,000 per newborn (estimate USD700). - Taoyuan: NTD30,000 for 1 newborn (estimate USD1,050), NTD35,000 for twins (estimate USD1,243), NTD45,000 for triplets and above (estimate USD1,598).</p> <p>However, the woman will also receive payment from labor insurance with 1 exclusionary condition: the duration of their employment insurance.</p> <p>The woman will receive maternity benefits – that is a 60-day lump-sum payment based upon the 6-month average of insured salary (which is basically the full amount of their earned salary) before the delivery or premature delivery date.</p> <p>Exception: duration of employment insurance. Bureau of Labor Insurance: "(1) An insured female who gives birth 280 days after enrolling in labor insurance coverage. (2) An insured female who has a premature delivery 181 days after enrolling in coverage. (The so-called premature delivery means a gestation lasting over 20 weeks and fewer than 37 weeks.) (3) The insured person becomes pregnant during the effective period of the insurance and meet the coverage days needed to qualify for the benefit in (1) or (2) and deliver or having a premature delivery due to the same pregnancy within 1 year after the insurance coverage terminated."</p> <p>Although the Maternity Allowance has no exclusionary conditions, its financial benefit is not significant enough to grant Taiwan full marks for this section. As a result, the 1 exclusionary condition in the Labor Insurance benefit is taken into consideration. Hence, 1-0.25=0.75</p>	<p>Bureau of Labor Insurance</p> <p>Taiwan Maternity Allowance from local government (2020最新！全台縣市政府【生育補助】總整理)</p>
A2.1.3	Does the government ensure that employers are not individually liable for the cost of providing cash benefits to working women during maternity leave either through compulsory social insurance or public funds?	1.00	<p>Yes, the cash benefits are paid by the National Health Insurance Administration instead of employers.</p> <p>Bureau of Labor Insurance FAQ: "After the implementation of National Health Insurance Program on March 1, 1995, the original delivery expense in labor insurance is changed to be paid by National Health Insurance Administration as medical care benefits."</p>	<p>FAQ: Maternity Benefits</p>
A2.1.4	Are taxes and contributions due under compulsory social insurance, utilised to finance maternity benefits, payable equally by men and women, without distinction of sex?	1.00	<p>Yes, contributions to social insurance are payable equally by men and women without distinction of sex.</p> <p>According to National Health Insurance Administration, National Health Insurance premium is "calculated based on the monthly income they report to the National Health Insurance Administration", without distinction of an employee's sex.</p>	<p>National Health Insurance Administration</p>
A2.1.5	Are unemployment benefits protected from loss or suspension in situations when a worker refuses a job offer on the grounds of conflicts with their family responsibilities?	0.00	<p>No specific mention in both the Labor Standards Act and Act of Gender Equality.</p>	<p>Labor Standards Act</p> <p>Act of Gender Equality in Employment</p>
A2.2	Employment Protections			
A2.2.1	Are working women 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?	0.75	<p>A female worker's job is guaranteed but protection of her salary or wage rate is not explicitly mentioned.</p> <p>According to the Act of Gender Equality in Employment Article 11, "Work rules, labor contracts and collective bargaining agreements shall not stipulate or arrange in advance that when employees marry, become pregnant, engages in childbirth or child care activities, they have to sever or leave of absence without payment. Employers also shall not use the above-mentioned factors as excuses for termination. Any prescription or arrangement that contravenes the stipulations of the two preceding paragraphs shall be deemed as null and void. The termination of the labor contract shall also be deemed as null and void."</p> <p>Hence, 1 - 0.25 = 0.75</p>	<p>Act of Gender Equality in Employment</p>
A2.2.2	Are working women protected from dismissal from work while they are on maternity leave, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	1.00	<p>A female worker's job is guaranteed while they are on maternity leave.</p> <p>Act of Gender Equality in Employment Article 11, "Work rules, labor contracts and collective bargaining agreements shall not stipulate or arrange in advance that when employees marry, become pregnant, engages in childbirth or child care activities, they have to sever or leave of absence without payment. Employers also shall not use the above-mentioned factors as excuses for termination. Any prescription or arrangement that contravenes the stipulations of the two preceding paragraphs shall be deemed as null and void. The termination of the labor contract shall also be deemed as null and void."</p>	<p>Act of Gender Equality in Employment</p>



GLOBAL CARE POLICY INDEX (GCPI)

2021 Country Score

Taiwan

Published: 23 February 2022 | The Global Care Policy Index | globalcarepolicy.com

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A2.2.3	Are working women protected from dismissal during a period following their return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	0.00	No, there is no mention in the Act of Gender Equality in Employment that working women are protected from dismissal during a period following their return to work after maternity leave.	Act of Gender Equality in Employment
A2.2.4	Are employers prohibited from requiring pregnancy tests of women applying for employment (except for work that is prohibited for nursing or pregnant women, or for work that poses significant risk to the health of the woman and the child) ?	0.00	There is no explicit mention in the Act of Gender Equality in Employment prohibiting pregnancy tests for women. The Act only states that, "Employers shall not discriminate against applicants or employees because of their gender or sexual orientation in the course of recruitment, screening test, hiring, placement, assignment, evaluation and promotion. However, if the nature of work only suitable to a specific gender, the above-mentioned restriction shall not apply." Which does not explicitly prohibit pregnancy tests of women applying for employment.	Act of Gender Equality in Employment
A2.2.5	Are there laws to protect workers against direct or indirect job discrimination on the basis of their marital status or family responsibilities?	0.50	Yes, there is law to protect workers against discrimination on the basis of their marital status but not family responsibilities. The Act of Gender Equality only states that, "Employers shall not discriminate against applicants or employees because of their gender or sexual orientation in the course of recruitment, screening test, hiring, placement, assignment, evaluation and promotion", but does not explicitly mention no discrimination against one's marital status or family responsibility. However, the Employment Service Act Article 5 states: 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, place of birth, gender, gender orientation, age, marital status , appearance, facial features, disability, horoscope, blood type, or past membership in any labor union; matters stated clearly in other laws shall be followed in priority. Hence, 1/2 = 0.5	Labor Standards Act Act of Gender Equality in Employment
A3. Paternity Leave Policies				
A3.1	Are working men guaranteed paternity or parental leave?	0.75	Yes, working men are guaranteed paternity leave with one exclusionary condition: He has to be the spouse of the pregnant woman. Article 15 of the Act of Gender Equality in Employment states: " When an employee accompanies their spouse for pregnancy checkups or such spouse is in labor, their employer shall grant the employee seven days off as pregnancy checkup accompaniment and paternity leaves." Hence, 1-0.25=0.75	Act of Gender Equality in Employment
A3.2	Are all categories of working men guaranteed paternity leave or parental leave?	1.00	Yes, All categories of working men are guaranteed paternity leave. Article 15 of the Act of Gender Equality in Employment, "When an employee accompanies their spouse for pregnancy checkups or such spouse is in labor, their employer shall grant the employee seven days off as pregnancy checkup accompaniment and paternity leaves." There is no explicit exclusion, as long as the male employee's spouse is in labor.	Act of Gender Equality in Employment
A3.3	How long a paternity or parental leave are eligible working men guaranteed?	0.50	7 days paternity leave is guaranteed. Article 15 of the Act of Gender Equality in Employment, "When an employee accompanies their spouse for pregnancy checkups or such spouse is in labor, their employer shall grant the employee seven days off as pregnancy checkup accompaniment and paternity leaves." Hence, 7/14 =0.5	Act of Gender Equality in Employment
A3.4	What proportion of their salary are eligible working men entitled to receive while on paternity leave?	1.00	100% of their wage is paid. Article 15 of the Act of Gender Equality in Employment states: "When an employee accompanies their spouse for pregnancy checkups or such spouse is in labor, their employer shall grant the employee seven days off as pregnancy checkup accompaniment and paternity leaves. Regular wages shall be paid for pregnancy checkups, pregnancy checkup accompaniment and paternity leaves."	Act of Gender Equality in Employment
A3.5	In the case of the death of the mother before the expiry of the postnatal leave, is the employed father of the child entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.00	Not mentioned in the Act of Gender Equality in Employment	Act of Gender Equality in Employment



GLOBAL CARE POLICY INDEX (GCPI)

2021 Country Score

Taiwan

Published: 23 February 2022 | The Global Care Policy Index | globalcarepolicy.com

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A3.6	In the case of sickness or hospitalisation of the mother after childbirth where the mother cannot take care of the child, is the employed father of the child entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.00	Not mentioned in the Act of Gender Equality in Employment	Act of Gender Equality in Employment
A3.7	Do adoptive fathers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.00	Not mentioned in the Act of Gender Equality in Employment	Act of Gender Equality in Employment
A4. Dependent Care Leave Policies				
A4.1	Are eligible workers entitled to leave to take care of their children?	1.00	Yes, they are entitled to take "family care leaves" up to 7 days. Act of Gender Equality in Employment Article 20, "For the purpose of taking personal care for family members who need inoculation, who suffer serious illness or who must handle other major events, employees may request family care leaves. The number of this leave shall be incorporated into leave with personal cause and not exceed seven days in one year. The computation of wage during family care leave period shall be made pursuant to the related statutes and administrative regulations governing leave with personal cause."	Act of Gender Equality in Employment
A4.2	Are eligible workers entitled to leave to take care of immediate family members who may be suffering from an illness?	1.00	Yes, they are entitled to take "family care leaves" up to 7 days. Act of Gender Equality in Employment Article 20, "For the purpose of taking personal care for family members who need inoculation, who suffer serious illness or who must handle other major events, employees may request family care leaves. The number of this leave shall be incorporated into leave with personal cause and not exceed seven days in one year. The computation of wage during family care leave period shall be made pursuant to the related statutes and administrative regulations governing leave with personal cause."	Act of Gender Equality in Employment
A4.3	Are all categories of workers guaranteed dependent care leaves?	1.00	Yes, with no exclusionary conditions. Act of Gender Equality in Employment Article 3, "Employee means a person who is hired by an employer to work for wages."	Act of Gender Equality in Employment
A5. Flexible Work Arrangements				
A5.1	Do employees with care responsibilities have the right to request reduced working hours?	0.50	Yes, employees with care responsibilities have the right to request for 1 hour of reduced work per day under 2 exclusionary conditions. Act of Gender Equality in Employment Article 19, "For the purpose of raising children of less than three years of age, employees hired by employers with more than thirty employees may request one of the following subparagraph from their employers: (1)To reduce working hours one hour per day; and for the reduced working time, no compensation shall be paid. (2)To reschedule working hours." However, there is 2 exclusionary conditions: 1. The size of the company: this article is only applicable to "employees hired by employers with more than thirty employees". Article 19 states for employers with fewer than thirty employees, workers can negotiate with their employer: "Employees hired by employers with less than thirty employees may request to apply the above provisions by discussing with their employers to reach mutual consent." 2. The policy only applies to employees with a specific care responsibilities – child care. Hence: 1-0.5=0.5	Labor Standards Act Act of Gender Equality in Employment
A5.2	Do employees with care responsibilities have the right to request flexitime, telecommuting, etc.?	1.00	Yes, employees with care responsibilities have the right to request flexitime. Labor Standards Act Article 30 states that, "Employers may, based on the needs of workers to tend to their family members, allow workers the flexibility to adjust their starting and finishing work time of up to one hour of the daily regular working hours specified in Paragraphs 1 to 3 and Article 30-1."	Labor Standards Act
A5.3	Are the special needs of workers with family responsibilities taken into account in shift-work arrangements and assignments to night work?	0.00	No specific mention in either the Labor Standards Act or Act of Gender Equality.	Labor Standards Act Act of Gender Equality in Employment
A5.4	Is a woman allowed to leave the workplace, if necessary, after notifying her employer, in order to undergo medical examinations related to her pregnancy?	1.00	Yes, pregnant women are allowed to take up to 7 days of paid leaves from work for the purpose of pregnancy check-ups. Act of Gender Equality in Employment Article 15 states that: "During an employee's term of pregnancy, their employer shall grant seven days of leave for pregnancy checkups."	Act of Gender Equality in Employment
A6. Mother-Friendly Workplace Policies				



GLOBAL CARE POLICY INDEX (GCPI)

2021 Country Score

Taiwan

Published: 23 February 2022 | The Global Care Policy Index | globalcarepolicy.com

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A6.1 Nursing Support in the Workplace				
A6.1.1	Is the mother guaranteed daily breaks or reduction of work hours to pump milk, breastfeed, or nurse for her child?	1.00	Yes, mothers are guaranteed additional breaks to pump milk or breastfeed. Act of Gender Equality in Employment Article 18 states that, "For employees who need to personally feed their babies who are less than two years old or need to collect breast milk, their employers shall provide them with the time for feeding or breast milk collection sixty minutes a day . This is in addition to the regular rest period(s). For employees who work overtime in excess of 1 hour of daily normal work hours, their employers shall provide them an additional thirty minutes for feeding or breast milk collection. The time for feeding or breast milk collection referred to in the preceding paragraphs shall be deemed as working time."	Act of Gender Equality in Employment
A6.1.2	Are these breaks counted and compensated as working time?	1.00	Yes, these breaks are counted and compensated as working time. Act of Gender Equality in Employment Article 18 states that, "For employees who need to personally feed their babies who are less than two years old or need to collect breast milk, their employers shall provide them with the time for feeding or breast milk collection sixty minutes a day. This is in addition to the regular rest period(s). For employees who work overtime in excess of 1 hour of daily normal work hours, their employers shall provide them an additional thirty minutes for feeding or breast milk collection. The time for feeding or breast milk collection referred to in the preceding paragraphs shall be deemed as working time. "	Act of Gender Equality in Employment
A6.1.3	On the production of a medical certificate, can the frequency and length of these nursing breaks be adapted to particular needs?	0.00	No specific mention in both the Labor Standards Act and Act of Gender Equality.	Labor Standards Act Act of Gender Equality in Employment
A6.1.4	Are employers required to provide infrastructural provisions/facilities at or near the workplace that mothers may use to nurse or pump milk?	0.75	Yes, employers are required to provide infrastructural facilities for the purpose of breastfeeding but with 1 exclusionary condition. The Act of Gender Equality in Employment Article 23 states that, " Employers having one hundred employees or more shall provide the following facilities and measures: 1. Breastfeeding (breast milk collection) rooms. 2. Childcare facilities or suitable childcare measures. Competent authorities shall provide subsidies to employers who have set up breastfeeding (breast milk collection) rooms and childcare facilities or those who provide suitable childcare measures for their employees." Given that there is 1 exclusionary condition - the size of the company - one step-point deduction is made. Hence: 1-0.25=0.75	Act of Gender Equality in Employment
A6.2 Workplace Safety for Pregnant and Nursing Women				
A6.2.1	Are employers required to assess and report workplace risks related to the health and safety of pregnant and nursing women and their children?	0.00	No, the requirement to conduct a risk assessment related to the health of safety of pregnant and nursing women and their children is not specifically mentioned in the Labor Standards Act. Although the Labor Standards Act Article 8 states that, "An employer shall take precautions for the safety and benefit of his / her hired workers against occupational hazards, create a proper working conditions and provide welfare facilities. All safety, sanitation and welfare matters related thereto shall be governed by the regulations of applicable statutes", it does not mention explicitly any risk assessment regarding pregnant and nursing women.	Labor Standards Act
A6.2.2	Is a pregnant or nursing woman exempt from performing work that has been determined to be prejudicial to the health of the mother or the child?	0.50	Yes, there is an effort to exempt pregnant women from performing strenuous work. However, there is no mention of similar provisions for nursing women, or women who have recently returned from their maternity leave. The Labor Standards Act Article 51 states that, "A female worker may apply to be transferred to less strenuous work during her pregnancy . The employer shall neither reject her application nor reduce her wage."	Labor Standards Act
A6.2.3	Is the woman entitled to eliminate risk elements from work (if possible), adapt the conditions of her work, or transfer from harmful labor to other kinds of work that do not pose risks to her health?	0.50	Yes, women are entitled to eliminate risk elements from their work during her pregnancy but there is no explicit mentions of eliminating risk elements from work for nursing women or after the woman has returned from her maternity leave. Although the Labor Standards Act Article 51 states that, "A female worker may apply to be transferred to less strenuous work during her pregnancy . The employer shall neither reject her application nor reduce her wage", it does not explicitly guarantee the elimination of risk elements from work after the pregnancy.	Labor Standards Act



GLOBAL CARE POLICY INDEX (GCPI)

2021 Country Score

Taiwan

Published: 23 February 2022 | The Global Care Policy Index | globalcarepolicy.com

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
A6.2.4	On the production of a medical certificate, is the woman exempt from doing night work if it may be incompatible with her pregnancy or nursing?	1.00	<p>Yes, pregnant women and nursing women are not allowed to perform night work.</p> <p>Labor Standards Act Article 49 states that, "An employer shall not make his /her female worker perform her work between ten o'clock in the evening and six o'clock in the following morning. However, with the consent of a labor union, or if there is no labor union in a business entity, with the approval of a labor-management conference, and the following requirements in each subparagraph are met, the preceding restrictions are not applied: [omit exclusionary conditions]"</p> <p>Furthermore, Article 49 also states that, "For those female workers who are pregnant or are feeding their babies, the proviso clause of Paragraph 1 and the preceding paragraph shall not be applied", thereby disallowing all pregnant and nursing women from performing night work.</p>	Labor Standards Act

SUB-INDEX B: PROTECTIONS FOR DOMESTIC WORKERS

B1. Coverage under National Labor Laws				
B1.1	Are domestic workers covered under national labor laws?	0.10	<p>No, domestic workers are not covered under the Labor Standards Act.</p> <p>In a statement made by the Ministry of Labor, it is stated that, "The Ministry of Labor indicated that domestic workers are employed by individuals to take care of family members or handle household tasks, their duties, work hours and rest hours are clearly different from workers of business entities, making it hard to draw a clear line between what is work and what is not. Hence, it is indeed hard to apply the "Labor Standards Act" to domestic workers. At present, working conditions, including wage and hours, of domestic workers of foreign nationality are regulated and agreed in a contract between the employer and worker before the worker enters Taiwan."</p> <p>However, there do exist limited regulations covering the employment of migrant domestic workers in Taiwan and for this reason, Taiwan scores 0.1 for this question.</p>	The Ministry of Labor Endeavors to Protect the Rights of Domestic Workers through Pragmatic Approaches
B1.2	Do the legislations for domestic workers cover all categories of domestic work and contractual arrangements?	0.25	<p>There are some regulations covering migrant domestic workers in Taiwan. But there are no regulations for local domestic workers, or domestic workers on part-time contracts or with multi-employer relations.</p> <p>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 still currently being reviewed by the Executive Yuan." (as of 29 Dec. 2020)</p>	The Ministry of Labor Endeavors to Protect the Rights of Domestic Workers through Pragmatic Approaches
B2. Fair Employment Process				
B2.1 Standard Terms of Employment				
B2.1.1	Is there a requirement for domestic workers to be informed of their terms of employment, preferably through written contracts, though verifiable verbal contracts are allowed?	1.00	<p>Yes, employers are required to offer their employment terms during the recruitment stage, 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.</p> <p>Regulation on the Permission and Administration of the Employment of Foreign Workers Article 12 states that, "In order to apply for a permit to employ type B foreign workers (referring to Household assistant and nursing work), an employer shall offer reasonable employment terms and register such employment demands with the local Public Employment Services Institutions", and these employment demands "shall specify the type of work and the number of persons to be recruited, the required specialty or qualifications, the name of the employer, the wage/salary, the working hours, the working location, the employment period, whether meals are provided and the name, address and telephone number of the Public Employment Service Institutions which processed the registration". As it is stated in Article 13 of the same Act that, "Type B foreign workers [referring to Household assistant and nursing work] as employed by the employer shall possess the same specialty or qualifications as required by the employer in the process of domestic recruitment conducted in accordance with Article 12", the terms of recruitment can hence be understood as part of the labor contract.</p> <p>In Article 42, it further states that, "Every written labor contract for a fixed term entered into and executed by and between an employer and a foreign worker [doing household assistant and nursing work] shall be made in Chinese serving as the original and shall also be translated, as a duplicate, into the native language of the foreign worker's national country."</p>	Regulation on the Permission and Administration of the Employment of Foreign Workers

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B2.1.2	Are domestic workers' contracts required to include standard information about the employment relationship?	0.5	<p>No, domestic workers' contracts are only required to indicate work duration, name of the employer, and the working location.</p> <p>Employment Service Act Article 46 states that, "The employer when employing a foreign worker to engage in work as [Household assistant and nursing work], shall execute a labor contract in writing with the employed foreign worker [condition 3] and with fixed duration only [condition 6]; in case where it is not so fixed, the duration of his/her employment shall be deemed as the same with the duration of employment permit thereof. The foregoing in this paragraph shall equally apply in the case of extension of such labor contract."</p> <p>Furthermore, Regulation on the Permission and Administration of the Employment of Foreign Workers Article 12 states that, "In order to apply for a permit to employ type B foreign workers (referring to Household assistant and nursing work), an employer shall offer reasonable employment terms and register such employment demands with the local Public Employment Services Institutions", and these employment demands "shall specify the type of work and the number of persons to be recruited, the required specialty or qualifications, the name of the employer [condition 1], the wage/salary, the working hours, the working location [condition 5], the employment period [condition 6], whether meals are provided and the name, address and telephone number of the Public Employment Service Institutions which processed the registration".</p> <p>As it is stated in Article 13 of the same Act that, "Type B foreign workers (referring to Household assistant and nursing work) as employed by the employer shall possess the same specialty or qualifications as required by the employer in the process of domestic recruitment conducted in accordance with Article 12", the terms of recruitment can hence be understood as part of the labor contract.</p> <p>The ILO-recommended terms which are not required to be included in the contract are: (2) address of employer, (4) address of employee, (7) period of probation/trial period, and (8) terms and conditions of employment termination.</p> <p>As the contracts are only required to include 4 out of the 8 required terms, Taiwan's score for this question is hence 4/8 = 0.5</p>	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B2.1.3	Are domestic workers' contracts required to include information about working hours, rest and leave?	0.33	<p>Yes, domestic workers' contracts are required to include type of work and normal working hours.</p> <p>Regulation on the Permission and Administration of the Employment of Foreign Workers Article 12 states that, "In order to apply for a permit to employ type B foreign workers (referring to Household assistant and nursing work), an employer shall offer reasonable employment terms and register such employment demands with the local Public Employment Services Institutions", and these employment demands "shall specify the type of work [condition 1] and the number of persons to be recruited, the required specialty or qualifications, the name of the employer, the wage/salary, the working hours [condition 2], the working location, the employment period, whether meals are provided and the name, address and telephone number of the Public Employment Service Institutions which processed the registration".</p> <p>As it is stated in Article 13 of the same Act that, "Type B foreign workers (referring to Household assistant and nursing work) as employed by the employer shall possess the same specialty or qualifications as required by the employer in the process of domestic recruitment conducted in accordance with Article 12", the terms of recruitment can hence be understood as part of the labor contract.</p> <p>The ILO-recommended terms which are not required to be included in the contract are: (3) daily rest, (4) weekly rest, (5) paid annual leave, and (6) sick leave.</p> <p>As the contracts are only required to include 2 out of the 6 required terms, Taiwan's score for this question is hence 2/6 = 0.333</p>	Regulation on the Permission and Administration of the Employment of Foreign Workers

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B2.1.4	Are domestic workers' contracts required to include information about their wages?	0.14	<p>Domestic worker's contracts are only required to include information about their salary.</p> <p>Regulation on the Permission and Administration of the Employment of Foreign Workers Article 12 states that, "In order to apply for a permit to employ type B foreign workers (referring to Household assistant and nursing work), an employer shall offer reasonable employment terms and register such employment demands with the local Public Employment Services Institutions", and these employment demands "shall specify the type of work and the number of persons to be recruited, the required specialty or qualifications, the name of the employer, the wage/salary [condition1], the working hours, the working location, the employment period, whether meals are provided and the name, address and telephone number of the Public Employment Service Institutions which processed the registration".</p> <p>As it is stated in Article 13 of the same Act that, "Type B foreign workers (referring to Household assistant and nursing work) as employed by the employer shall possess the same specialty or qualifications as required by the employer in the process of domestic recruitment conducted in accordance with Article 12", the terms of recruitment can hence be understood as part of the labor contract.</p> <p>The ILO-recommended terms which are not required to be included in the contract are: (2) method of wage calculation, (3) periodicity of payments, (4) rate of pay for overtime, (5) rate of pay for standby, (6) any payments in kind given and their monetary value, (7) any authorized deductions from the wage by employers.</p> <p>As the contracts are only required to include 1 out of the 7 required terms, Taiwan's score for this question is hence $1/7 = 0.143$</p>	Regulation on the Permission and Administration of the Employment of Foreign Workers
B2.1.5	Are domestic workers' contracts required to include information about living conditions for live-in workers?	1.00	<p>Yes, domestic workers' contracts are required to include information about conditions for live-in workers.</p> <p>Regulation on the Permission and Administration of the Employment of Foreign Workers Article 19 states that: "In applying for employment of [Household assistant and nursing work], an employer shall execute genuinely the Foreigners' Living Management Plan", which should include the following items:</p> <ol style="list-style-type: none"> 1. Food and housing safety and sanitation. Protection of personal safety. Information on recreational and cultural facilities and religious activities. Consultation service for life in Taiwan. 5. Housing location and the living care service staff. Other items as may be required by the Central Competent Authority. <p>Where an employer employs a foreign domestic helper or caretaker, items prescribed in Subparagraphs 3 and 4 of the preceding paragraph shall be exempted from the plan.</p> <p>For any alteration to items in Subparagraph 5 of Paragraph 1, an employer should, within seven days of the alteration, notify in writing the local competent authority where the foreign worker concerned lives or works."</p>	Regulation on the Permission and Administration of the Employment of Foreign Workers
B2.2	Regulations for Recruitment and Employment Process			
B2.2.1	Is there any regulation around how private employment agencies recruit and place local and migrant domestic workers?	1	<p>Yes, there are regulations around recruitment of private employment agencies.</p> <p>Employment Service Act Article 40 states that: "When processing employment services businesses, no private employment service institution or any staff member thereof may engage in any of the following: (19.) Acknowledge that the engaged foreign worker is suspected to suffer from sexual assault, human trafficking, offense against personal liberty, severe injuries, or homicidal acts committed by the employer, the one who was intended to be taken care of or other family members, representative of the employer, representative, or personnel who deal with labor affairs on behalf of the employer, while fail to report to the competent authority, the entry and exit administrative authority, police, or other judiciary authorities within 24 hours."</p>	Employment Service Act
B2.2.2	Are there measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers?	0.00	<p>No specific mention in the Employment Service Act and the Regulation on the Permission and Administration of the Employment of Foreign Workers.</p>	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B2.2.3	Are there any measures to prohibit discrimination in employment of domestic workers on the basis of medical testing results?	0.00	<p>No specific mention in the Employment Service Act and the Regulation on the Permission and Administration of the Employment of Foreign Workers.</p>	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers



GLOBAL CARE POLICY INDEX (GCPI)

2021 Country Score

Taiwan

Published: 23 February 2022 | The Global Care Policy Index | globalcarepolicy.com

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B3. Decent Working and Living Conditions				
B3.1 Working Hours and Environment				
B3.1.1	Is there a requirement of normal hours of work for domestic workers?	0.00	No, there is no requirement of normal hours of work. Direct Hiring Service Center states, "Employment of domestic workers is considered as private employment and hence the minimum wage listed in the Labor Standards Act is not applicable. The salary of domestic workers is based on the labor contract signed by the employer and the employer through self-negotiation agreement." (家庭看護工及家庭幫傭的薪資依勞雇雙方所簽訂的勞動契約自行協商約定)	Precautions for employers before applying for private employment (雇主辦理直聘前注意事項)
B3.1.2	Are periods during which domestic workers remain to respond to possible calls required to be regarded as hours of work?	0.00	No specific mention in the Employment Service Act or the Regulation on the Permission and Administration of the Employment of Foreign Workers.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.1.3	Is there a limit to the number of hours of standby work domestic workers can be given, and are they entitled to compensation for this standby work?	0.00	No specific mention in the Employment Service Act or the Regulation on the Permission and Administration of the Employment of Foreign Workers.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.1.4	Is there a requirement that hours of work be accurately recorded and the records freely accessible to the domestic worker?	0.00	No specific mention in the Employment Service Act or the Regulation on the Permission and Administration of the Employment of Foreign Workers.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.1.5	Is there a requirement to provide domestic workers with a safe and healthy working environment?	1.00	Yes, employers are required to ensure the safety of a domestic worker. Regulation on the Permission and Administration of the Employment of Foreign Workers Article 19 states that: "In applying for employment of [Household assistant and nursing work], an employer shall execute genuinely the Foreigners' Living Management Plan", which should include the following items: 1. Food and housing safety and sanitation. 2. Protection of personal safety. 3. Information on recreational and cultural facilities and religious activities. 4. Consultation service for life in Taiwan. 5. Housing location and the living care service staff. 6. Other items as may be required by the Central Competent Authority. Where an employer employs a foreign domestic helper or caretaker, items prescribed in Subparagraphs 3 and 4 of the preceding paragraph shall be exempted from the plan. For any alteration to items in Subparagraph 5 of Paragraph 1, an employer should, within seven days of the alteration, notify in writing the local competent authority where the foreign worker concerned lives or works.	Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.2 Rest and Leave				
B3.2.1	Is there a requirement to provide daily rest for domestic workers?	0.00	No specific mention in the Employment Service Act or the Regulation on the Permission and Administration of the Employment of Foreign Workers.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.2.2	Is weekly rest at least 24 consecutive hours for domestic workers?	0.00	No specific mention in the Employment Service Act or the Regulation on the Permission and Administration of the Employment of Foreign Workers.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers



GLOBAL CARE POLICY INDEX (GCPI)

2021 Country Score

Taiwan

Published: 23 February 2022 | The Global Care Policy Index | globalcarepolicy.com

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B3.2.3	Are there defined exceptions when domestic workers may be asked to work during periods of rest, and is compensatory rest mandatory?	0.00	No specific mention in the Employment Service Act or the Regulation on the Permission and Administration of the Employment of Foreign Workers.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.2.4	Is paid annual leave at least 3 weeks per year for domestic workers?	0.00	No specific mention in the Employment Service Act or the Regulation on the Permission and Administration of the Employment of Foreign Workers.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.2.5	Is there a requirement that time spent by domestic workers accompanying household members on holiday should not be counted as part of paid annual leave?	0.00	No specific mention in the Employment Service Act or the Regulation on the Permission and Administration of the Employment of Foreign Workers.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.3	Wages			
B3.3.1	Is the minimum wage for domestic workers at least the national minimum wage?	0.00	No, there is no minimum wage for domestic workers. Direct Hiring Service Center states, "Employment of domestic workers is considered as private employment and hence the minimum wage listed in the Labor Standards Act is not applicable. The salary of domestic workers is based on the labor contract signed by the employer and the employer through self-negotiation agreement." (家庭看護工及家庭幫傭的薪資依勞雇雙方所簽訂的勞動契約自行協商約定)	Precautions for employers before applying for private employment (雇主辦理直聘前注意事項)
B3.3.2	Is the overtime compensation rate for domestic workers at least 1.25 times their regular rate?	0.00	No specific mention in the Employment Service Act or the Regulation on the Permission and Administration of the Employment of Foreign Workers.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.3.3	Is there any limitation placed on wages paid in the form of payments in kind for domestic workers?	0.00	No specific mention in the Employment Service Act or the Regulation on the Permission and Administration of the Employment of Foreign Workers.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.3.4	Is there a requirement to provide at least a monthly payment of wages in cash for domestic workers?	0.00	No specific mention in the Employment Service Act or the Regulation on the Permission and Administration of the Employment of Foreign Workers. The Direct Hiring Service Centre states: "The said wage/salary as referred to in Paragraph 1, except the amount incurred by foreign worker(s), shall be paid by the employer in full amount by cash directly to type B foreign worker(s). But when paying by other methods, the employer shall issue relevant evidence documents to the type B foreign worker(s) and keep a copy themselves." By leaving the provision for employers to pay wages through other means, there is the possibility that workers will not receive their wages in cash.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B3.3.5	Is there a requirement that domestic workers be given an understandable written account of the total wages due to them at the time of each payment?	1.00	Yes, it is required to provide a written account of total wages to domestic workers. Regulation on the Permission and Administration of the Employment of Foreign Workers Article 43 states that, "When paying the wage/salary to type B foreign worker(s) in accordance with the labor contract(s), the employer shall issue and deliver to the type B foreign worker(s) and keep a copy themselves the table of wage/salary indicating both in Chinese and in the native language of the type B foreign worker(s)'s national country stating the wage/salary actually received, the items accountable for the wage/salary, the total amount of the wage/salary, the payment method of wage/salary, the items of expenses incurred and the corresponding amount thereto about National Health Insurance premium, Labor Insurance premium, Income Tax withhold or boarding fees, worker bonus, detained amount of money under the detain order from court or administrative agents, or other items or amount directly deducted from wage according to laws. Of which copies should be kept by the foreign worker (s) for five years."	Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.3.6	Is there a requirement that upon termination of employment, any outstanding payments should be made promptly to domestic workers?	0.00	No specific mention in the Employment Service Act or the Regulation on the Permission and Administration of the Employment of Foreign Workers.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.4	Social Security			
B3.4.1	Are domestic workers eligible for healthcare coverage?	0.75	Yes, domestic workers are eligible for healthcare coverage provided that their employers pay for their labor insurance. The employer shall, from the day of employment, apply for the national health insurance. In order to enjoy the medical benefits of the national health insurance, the employer needs to pay national health premiums monthly. (雇主應自受僱之日起, 由雇主辦理參加全民健康保險。按月繳納全民健保保險費, 即可享有全民健保醫療權益) However, according to Ministry of Labor Foreigner Insurance Q&A, labor insurance for foreign domestic helpers and caretakers employed are subjective to employers' free choice. (受僱於自然人之外籍家庭幫傭、監護工, 則屬於自願加保對象) As there is 1 exclusionary condition, Taiwan's score for this question is hence $1-0.25=0.75$	Precautions for employers before applying for private employment (雇主辦理直聘前注意事項) Ministry of Labor Foreigner Insurance Q&A (外籍勞工來台工作, 是否應參加勞工保險)
B3.4.2	Are domestic workers eligible for paid sick leave?	0.00	No, there is no guaranteed paid sick leave for domestic workers. Direct Hiring Service Center states, "Employment of domestic workers is considered as private employment and hence the minimum wage listed in the Labor Standards Act is not applicable. The salary of domestic workers is based on the labor contract signed by the employer and the employer through self-negotiation agreement." (家庭看護工及家庭幫傭的薪資依勞雇雙方所簽訂的勞動契約自行協商約定)	Precautions for employers before applying for private employment (雇主辦理直聘前注意事項)
B3.4.3	Are domestic workers eligible for unemployment benefits?	0.00	No specific mention in the Employment Service Act or the Regulation on the Permission and Administration of the Employment of Foreign Workers.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.4.4	Are domestic workers eligible for old-age benefits (if they have completed the required number of years of active economic contributions)?	0.00	No specific mention in the Employment Service Act or the Regulation on the Permission and Administration of the Employment of Foreign Workers.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.4.5	Are domestic workers eligible for employment injury benefits?	0.00	No, there is guaranteed employment injury benefits for domestic workers. Direct Hiring Service Center states, "Employment of domestic workers is considered as private employment and hence the minimum wage listed in the Labor Standards Act is not applicable. The salary of domestic workers is based on the labor contract signed by the employer and the employer through self-negotiation agreement." (家庭看護工及家庭幫傭的薪資依勞雇雙方所簽訂的勞動契約自行協商約定)	Precautions for employers before applying for private employment (雇主辦理直聘前注意事項)



GLOBAL CARE POLICY INDEX (GCPI)

2021 Country Score

Taiwan

Published: 23 February 2022 | The Global Care Policy Index | globalcarepolicy.com

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B3.4.6	Are domestic workers eligible for invalidity benefits?	0.00	No specific mention in the Employment Service Act or the Regulation on the Permission and Administration of the Employment of Foreign Workers.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.4.7	Are domestic workers eligible for survivors' benefit?	0.00	No specific mention in the Employment Service Act or the Regulation on the Permission and Administration of the Employment of Foreign Workers.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.4.8	Is there protection of domestic workers' claims in the event of the employer's insolvency or death?	0.00	No specific mention in the Employment Service Act or the Regulation on the Permission and Administration of the Employment of Foreign Workers.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.5	Living Conditions for Live-in Workers			
B3.5.1	Are there measures to ensure that domestic workers are free to decide whether or not to live in the household?	0.00	No specific mention in the Employment Service Act and the Regulation on the Permission and Administration of the Employment of Foreign Workers. According to the Regulation on the Permission and Administration of the Employment of Foreign Workers Article 19, it is only compulsory for employers to provide "Food and housing safety and sanitation".	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.5.2	For live-in workers, is there any requirement for the employer to provide accomodation that offers privacy?	0.00	No specific mention in the Employment Service Act and the Regulation on the Permission and Administration of the Employment of Foreign Workers. According to the Regulation on the Permission and Administration of the Employment of Foreign Workers Article 19, it is only compulsory for employers to provide "Food and housing safety and sanitation".	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.5.3	For live-in workers, is there any requirement for the employer to provide access to suitable sanitary facilities?	0.00	No specific mention in the Employment Service Act and the Regulation on the Permission and Administration of the Employment of Foreign Workers. According to the Regulation on the Permission and Administration of the Employment of Foreign Workers Article 19, it is only compulsory for employers to provide "Food and housing safety and sanitation".	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.5.4	For live-in workers, is there any requirement for the employer to provide accommodation that has adequate lighting, heating, and air conditioning?	0.00	No specific mention in the Employment Service Act or the Regulation on the Permission and Administration of the Employment of Foreign Workers. According to the Regulation on the Permission and Administration of the Employment of Foreign Workers Article 19, it is only compulsory for employers to provide "Food and housing safety and sanitation".	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.5.5	For live-in workers, is there any requirement for the employer to provide appropriate meals of good quality and sufficient quantity?	0.00	No specific mention in the Employment Service Act or the Regulation on the Permission and Administration of the Employment of Foreign Workers. According to the Regulation on the Permission and Administration of the Employment of Foreign Workers Article 19, it is only compulsory for employers to provide "Food and housing safety and sanitation". There is no elaboration about the provision of appropriate meals of good quality and sufficient quantity.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers



GLOBAL CARE POLICY INDEX (GCPI)

2021 Country Score

Taiwan

Published: 23 February 2022 | The Global Care Policy Index | globalcarepolicy.com

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B3.5.6	Are there measures to ensure that live-in workers are not obliged to remain in the household or with household members during rest or leave?	0.00	No specific mention in the Employment Service Act and the Regulation on the Permission and Administration of the Employment of Foreign Workers. According to the Regulation on the Permission and Administration of the Employment of Foreign Workers Article 19, it is only compulsory for employers to provide "Food and housing safety and sanitation".	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.5.7	Is there a requirement that live-in workers be given a reasonable period of notice and time off to seek new employment and accommodation in the event of termination of employment at the initiative of the employer?	0.00	No specific mention in the Employment Service Act or the Regulation on the Permission and Administration of the Employment of Foreign Workers.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B3.5.8	Are live-in domestic workers legally entitled to keep in their possession their travel and identity documents?	1.00	Yes, it is illegal for employers to withhold domestic worker's travel and identity documents. Employment Service Act Article 57 states that, "As for employment of foreign worker(s), employer shall not engage in any of the following: (8) Illegally withholding the passport(s)/ residence certificate(s) of foreign worker(s) or embezzling belongings of foreign worker(s);"	Employment Service Act
B4. Labor Rights and Protections				
B4.1 Freedom of Association and Access to Collective Bargaining				
B4.1.1	Are there legislative provisions for domestic workers to establish their own organizations or join the workers' organizations, federations, or confederations of their own choosing?	1.00	Yes, domestic workers are allowed to join labor unions. The Labor Union Act Article 4 states that, "All workers shall have the right to organize and join labor unions." with no explicit exclusion of domestic workers.	Labor Union Act
B4.1.2	Are there legislative provisions to recognize domestic workers' rights to collective bargaining?	1.00	Yes, domestic workers are allowed to participate in collective bargaining. The Labor Union Act Article 5 states that, "The tasks of a labor union are as follows: 1. Conclusion, amendment and abolishment of a collective bargaining agreement, 2. Settling of labor-management disputes, 3. Improvement of labor conditions, occupational safety and health and welfare of its members" As the Labor Union Act does not exclude domestic workers explicitly, it can be interpreted that they are included in this Act.	Labor Union Act
B4.2 Access to Complaint Mechanisms				
B4.2.1	Are there complaint mechanisms for domestic workers to report non-compliance with labor protections?	1.00	Yes, there are complaint mechanisms for domestic workers. Notices on Work Rights of Foreign Workers in Taiwan states that, "The MOL provides foreign workers in Taiwan with living, work and legal consultation and complaint channels to suitably provide guidance, and assists with the settlement of labor disputes. At present, there are 22 "Foreign Workers Consultation Service Centers" around the country, which have bilingual (English, Thai, Indonesian, and Vietnamese) consultation personnel to provide complaint and consultation services for foreign workers . Foreign workers who wish to file a complaint or require consultation may visit the local "Foreign Workers Consultation Service Center," or contact the bilingual consultation personnel by phone or correspondence."	Notices on Work Rights of Foreign Workers in Taiwan
B4.2.2	Are there measures to ensure that domestic workers have access to courts, tribunals or other dispute resolution mechanisms?	1.00	Yes, there are measures to help resolve labor disputes Notices on Work Rights of Foreign Workers in Taiwan states that, "Services provided by the competent authority of labor affairs in each county/city government include: (1) Resolving labor disputes: "Foreign Workers Consultation Service Centers" help resolve labor disputes between foreign workers and employers, and retrieve salaries, placement fees, savings funds, and tax returns illegally taken out by employers. (2) Arrangements for foreign workers: When a foreign worker is inappropriately treated by the employer or the employer is going out of business and cannot properly care for the foreign worker, the local competent authority of labor affairs will commission the closest unit to make arrangements for foreign workers."	Notices on Work Rights of Foreign Workers in Taiwan
B4.3 Enforcement and Protection Mechanisms				



GLOBAL CARE POLICY INDEX (GCPI)

2021 Country Score

Taiwan

Published: 23 February 2022 | The Global Care Policy Index | globalcarepolicy.com

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B4.3.1	Are conditions specified, under which access to household premises must be granted for on-site labor inspections of the employers of domestic workers?	0.00	<p>No, on-site labor inspection is not applicable to domestic workers.</p> <p>Notices on Work Rights of Foreign Workers in Taiwan states that, " Services provided by Foreign Workers Consultation Service Centers include: (3) On-site visits (factory employer) and law promotion." This suggests that on-site visits are only available to foreign workers employed in factories.</p> <p>There is no specific mention in the Labor Inspection Act as well about household inspections.</p>	<p>Notices on Work Rights of Foreign Workers in Taiwan</p> <p>Labor Inspection Act</p>
B4.3.2	Are there penalties for private employment agencies for non-compliance with domestic worker protection laws?	1.00	<p>Yes, there are some penalties for private employment agencies for non-compliance with domestic protection laws.</p> <p>Employment Service Act Article 40 states the relevant guidelines for private employment agencies when hiring workers of all kind. This Act further states that, "anyone who violates Subparagraph 2, 7 to 9 or 18 Paragraph 1 of Article 40 shall be fined therefore an amount of at least NT\$ 300,000 (est. US\$10,775) and at most NT\$ 1,500,000 (est. US\$53,876)."</p> <p>Subparagraph 2, 7 to 9 or 18 Paragraph 1 of Article 40 includes: 18. Committed sexual assault, human trafficking, offense against personal liberty, severe injuries, or homicidal acts to the applicant or the employed foreign worker.</p>	<p>Employment Service Act</p>
B4.3.3	Are there penalties for employers for non-compliance with all domestic worker protections?	0.00	<p>No specific mention in the Employment Service Act and the Regulation on the Permission and Administration of the Employment of Foreign Workers.</p>	<p>Employment Service Act</p> <p>Regulation on the Permission and Administration of the Employment of Foreign Workers</p>
B4.3.4	Are domestic workers legally protected against all forms of workplace abuse, harassment, and violence?	0.00	<p>No, domestic workers do not have any specific protections against any workplace abuse, harassment, and violence.</p> <p>Regulation on the Permission and Administration of the Employment of Foreign Workers Article 19 states that, "In applying for employment of [Household assistant and nursing work], an employer shall execute genuinely the Foreigners' Living Management Plan", which should include the following items: 1. Food and housing safety and sanitation. 2. Protection of personal safety. 3. Information on recreational and cultural facilities and religious activities. 4. Consultation service for life in Taiwan. 5. Housing location and the living care service staff. 6. Other items as may be required by the Central Competent Authority. Where an employer employs a foreign domestic helper or caretaker, items prescribed in Subparagraphs 3 and 4 of the preceding paragraph shall be exempted from the plan. For any alteration to items in Subparagraph 5 of Paragraph 1, an employer should, within seven days of the alteration, notify in writing the local competent authority where the foreign worker concerned lives or works.</p>	<p>notices on Work Rights of Foreign Workers in Taiwan</p>
B5.	Protections for Forced/Under-age Domestic Workers			
B5.1	Protections against Forced/Compulsory Labor			
B5.1.1	Is illegal extraction of forced or compulsory labor of domestic workers punishable as a penal offence?	1.00	<p>Yes, illegal extraction labor of domestic workers is punishable.</p> <p>Employment Service Act Article 57 states that, "As for employment of foreign worker(s), employer shall not engage in any of the following: (7) 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."</p> <p>Employment Service Act Article 72 states that: "Where any of the following circumstances has arisen or existed, the employer's recruitment permit and employment permit shall be annulled in whole or in part: (2) Any of the circumstances as referred to in Subparagraphs 1, 2, and 6 to 9 of Article 57 has arisen or existed;"</p>	<p>Employment Service Act</p>

 GLOBAL CARE POLICY INDEX (GCPI) 2021 Country Score Taiwan				
Published: 23 February 2022 The Global Care Policy Index globalcarepolicy.com				
No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B5.1.2	Are domestic worker victims of forced labor provided with any protection?	1.00	Yes, domestic worker victims of human trafficking are provided with protection. Human Trafficking Prevention Act Article 17 states that, "The competent authorities and labor affairs competent authorities at all levels shall, either by themselves or by commissioned non-governmental organizations, provide human trafficking victims or suspected ones under protection and sheltering with the following assistance: 1. Protection of personal safety; 2. Necessary medical assistance; 3. Interpretation assistance; 4. Legal assistance; 5. Psychological advice and counseling; 6. Being accompanied when questioned (interrogated) throughout the investigation or trial; 7. Necessary financial assistance"	Human Trafficking Prevention Act
B5.1.3	Are domestic worker victims of forced labor provided with any access to remedies?	1.00	Yes, domestic worker victims of human trafficking are provided with protection. Human Trafficking Prevention Act Article 17 states that, "The competent authorities and labor affairs competent authorities at all levels shall, either by themselves or by commissioned non-governmental organizations, provide human trafficking victims or suspected ones under protection and sheltering with the following assistance: 1. Protection of personal safety; 2. Necessary medical assistance; 3. Interpretation assistance; 4. Legal assistance; 5. Psychological advice and counseling; 6. Being accompanied when questioned (interrogated) throughout the investigation or trial; 7. Necessary financial assistance"	Human Trafficking Prevention Act
B5.2	Protections for Under-age Laborers			
B5.2.1	Is the minimum age for domestic workers 16 or higher, or the age of completion of compulsory schooling (if this is age 16 or higher)?	1.00	Yes, minimum age for foreign domestic workers is 20 or higher. Direct Hiring Service Center, "Foreigners who come to Taiwan must be at least 16 years old (inclusive). In addition, they must be at least 20 years old (inclusive) to be engaged in family care workers, institutional care workers and domestic helpers." (外國人來臺年齡為16歲(含)以上, 另從事家庭看護工、機構看護工及家庭幫傭年齡須20歲(含)以上)	Precautions for employers before applying for private employment (雇主辦理直聘前注意事項)
B5.2.2	Are domestic workers, who are under the age of 18 and above the minimum age of employment, still able to access compulsory education, or opportunities for further education or vocational training?	99.00	This question is not applicable, as foreign domestic workers in Taiwan have to be 20 and older to be employed.	Precautions for employers before applying for private employment (雇主辦理直聘前注意事項)
B5.2.3	Are there extra limitations of hours of work of domestic workers who are under the age of 18 and above the minimum age of employment?	99.00	This question is not applicable, as foreign domestic workers in Taiwan have to be 20 and older to be employed.	Precautions for employers before applying for private employment (雇主辦理直聘前注意事項)
B5.2.4	Are there measures to prohibit domestic workers who are under the age of 18 and above the minimum age of employment to work at night?	99.00	This question is not applicable, as foreign domestic workers in Taiwan have to be 20 and older to be employed.	Precautions for employers before applying for private employment (雇主辦理直聘前注意事項)
B5.2.5	Are there extra measures to restrict/limit work that is excessively demanding (whether physically or psychologically) for domestic workers who are under the age of 18 and above the minimum age of employment?	99.00	This question is not applicable, as foreign domestic workers in Taiwan have to be 20 and older to be employed.	Precautions for employers before applying for private employment (雇主辦理直聘前注意事項)
B6.	Protections for Migrant Domestic Workers			
B6.1	Employment Support			
B6.1.1	Are mdws required to receive a written job offer, or enforceable contract of employment, prior to crossing national borders?	1.00	Yes, migrant domestic workers are required to receive a contract before applying for entry visa. The Regulation on the Permission and Administration of the Employment of Foreign Workers Article 27 states that, "When applying for an entry visa in accordance with the applicable laws and regulations, a type B foreign worker shall submit the following documents: 6. Properly signed labor contract."	Regulation on the Permission and Administration of the Employment of Foreign Workers



GLOBAL CARE POLICY INDEX (GCPI)

2021 Country Score

Taiwan

Published: 23 February 2022 | The Global Care Policy Index | globalcarepolicy.com

No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
B6.1.2	Is there a national hotline for migrant domestic workers with interpretation services?	1.00	<p>Yes, there is a national hotline for all migrant workers in Taiwan and it includes interpretation services.</p> <p>Notices on Work Rights of Foreign Workers in Taiwan states that, "The MOL set up the "1955" 24 hour consultation and protection hotline for foreign workers on July 1st, 2009 to offer an easy to remember channel for foreign workers to seek consultation or file a complaint. The hotline provides 24/7 services to foreign workers free of charge. Besides Chinese services, the hotline also provides consultation services in the native language of foreign workers, including English, Thai, Indonesian, and Vietnamese."</p>	Notices on Work Rights of Foreign Workers in Taiwan
B6.2 Support after Termination of Employment				
B6.2.1	Are there measures to ensure that the loss of employment should not in itself imply the withdrawal of the migrant domestic workers' authorization of residence?	0.00	<p>No, while there are mechanisms to allow workers to change jobs and transfer employers, workers still require prior consent and application of their current employers. Thus, in the event of loss of employment where the employer does not consent to a transfer, migrant domestic workers' authorization of residence are also automatically withdrawn.</p> <p>Article 74 of the Employment Service Act states "Unless otherwise provided for in the Act, upon the expiration of the duration of employment permit or the annulment of said permit in accordance with Article 73, the employed foreign worker concerned shall be immediately ordered to depart from the Republic of China and be barred from further engaging in work in the said territory."</p> <p>Article 54 of the Act also states "Should an employed foreign worker have to transfer to a new employer or be employed for two or more employers within the duration of the employment permit, the new employer(s) shall apply for permit therefore; in case of transfer to a new employer, the new employer shall submit upon such application the relevant document(s) certifying the termination of the previous employment... Unless otherwise authorized by the Central Competent Authority on account of the respective circumstances as referred to in Paragraph 1 of Article 59, a foreign worker who has been employed to engage in work as referred to in Subparagraphs 8 to 11 of Paragraph 1 of Article 46 may not shift to a new employer or new work."</p>	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B6.2.2	If it is established that the termination of employment was not justified, are the mdw entitled to reinstatement, to compensation for loss of wages or of other payment which results from unjustified termination, to access to a new job with a right to indemnification, or sufficient time to find alternative employment, with conditions no less favourable than other workers?	0.00	No specific mention in the Employment Service Act and the Regulation on the Permission and Administration of the Employment of Foreign Workers.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B6.2.3	Are mdws entitled to the right of appeal before an administrative or judicial instance if they face expulsion order or termination of their employment and should be allowed sufficient time to obtain a final decision?	0.00	No specific mention in the Employment Service Act and the Regulation on the Permission and Administration of the Employment of Foreign Workers.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B6.2.4	Are migrant domestic workers entitled to repatriation at no cost on the expiry or termination of the employment contract?	0.00	No specific mention in the Employment Service Act and the Regulation on the Permission and Administration of the Employment of Foreign Workers.	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers
B6.2.5	After termination of employment AND departure from the country of employment, can MDWs still access complaint mechanisms and pursue legal civil and criminal remedies?	0.00	<p>No, such services are not guaranteed for mdws after termination of their employment.</p> <p>Notices on Work Rights of Foreign Workers in Taiwan states that, "Foreign workers who encounter disputes over their labor contract or labor rights while working in Taiwan may directly submit an application to Ministry of Labor or the Foreign Workers Consultation Service Center of county/city governments for mediation or assistance." This implies such services are not guaranteed for mdws after termination of their employment.</p>	Employment Service Act Regulation on the Permission and Administration of the Employment of Foreign Workers