



提供外國人相關法令宣導

Providing legal information relevant to foreign nationals

第 5 條

- 一、為保障國民就業機會平等，雇主對求職人或所僱用員工，不得以種族、階級、語言、思想、宗教、黨派、籍貫、出生地、性別、性傾向、年齡、婚姻、容貌、五官、身心障礙、星座、血型或以往工會會員身分為由，予以歧視；其他法律有明文規定者，從其規定。
- 二、雇主招募或僱用員工，不得有下列情事：
 - (一).為不實之廣告或揭示。
 - (二).違反求職人或員工之意思，留置其國民身分證、工作憑證或其他證明文件，或要求提供非屬就業所需之隱私資料。
 - (三).扣留求職人或員工財物或收取保證金。
 - (四).指派求職人或員工從事違背公共秩序或善良風俗之工作。
 - (五).辦理聘僱外國人之申請許可、招募、引進或管理事項，提供不實資料或健康檢查檢體。
 - (六).提供職缺之經常性薪資未達新臺幣四萬元而未公開揭示或告知其薪資範圍。

Article 5

1. 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.
2. When recruiting or employing employee(s), employer shall not engage in any of the following acts:
 - (1). Making false advertising or disclosure;
 - (2). Withholding any job applicant or employee's identification card, work certificate, or any other certifying document, nor requesting the job seekers or employees (them) to surrender any other personal documents unrelated to the employment concerned against his/her free will;
 - (3). Withholding job applicant's belongings or collecting bond from job applicant or employee;
 - (4). Assigning any job applicant or employee to engage in any work that is in violation of the public orders or the descent morals.
 - (5). Submitting false information or fake health examination sample (s) when applying for permit(s) to employ foreign worker(s), or dealing with recruitment, import, or management thereof.
 - (6). Failing to publicly display or inform the range of regular pay less than NT \$ 40,000.

第 54 條

- 一、雇主聘僱外國人從事第四十六條第一項第八款至第十一款規定之工作，有下列情事之一者，中央主管機關應不予核發招募許可、聘僱許可或展延聘僱許可之一部或全部；其已核發招募許可者，得中止引進：
 - (一).於外國人預定工作之場所第十條規定之罷工或勞資爭議情事。
 - (二).於國內招募時，無正當理由拒絕聘僱公立就業服務機構所推介之人員或自行前往求職者。
 - (三).聘僱之外國人行蹤不明或藏匿外國人達一定人數或比率。
 - (四).曾非法僱用外國人工作。
 - (五).曾非法解僱本國勞工。
 - (六).因聘僱外國人而降低本國勞工勞動條件，經當地主管機關查證屬實。
 - (七).聘僱之外國人妨害社區安寧秩序，經依社會秩序維護法裁處。

- (八).曾非法扣留或侵占所聘僱外國人之護照、居留證件或財物。
- (九).所聘僱外國人遣送出國所需旅費及收容期間之必要費用，經限期繳納屆期不繳納。
- (十).於委任招募外國人時，向私立就業服務機構要求、期約或收受不正利益。
- (十一).於辦理聘僱外國人之申請許可、招募、引進或管理事項，提供不實或失效資料。
- (十二).刊登不實之求才廣告。
- (十三).不符申請規定經限期補正，屆期末補正。
- (十四).違反本法或依第四十八條第二項、第三項、第四十九條所發布之命令。
- (十五).違反職業安全衛生法規定，致所聘僱外國人發生死亡、喪失部分或全部工作能力，且未依法補償或賠償。
- (十六).其他違反保護勞工之法令情節重大者。

二、前項第三款至第十六款規定情事，以申請之日前二年內發生者為限。

三、第一項第三款之人數、比率，由中央主管機關公告之。

Article 54

1. Should any of the following circumstances have arisen or existed with respect to the employment of foreign worker(s) to engage in work as referred to in Subparagraphs 8 to 11 of Paragraph 1 of Article 46, the Central Competent Authority shall not issue the whole or a part of the permit for recruitment, employment, or the extension thereof; in case the permit for recruitment has already been issued, the Central Competent Authority may halt the introduction of foreign workers:
- (1). The work place in which the foreign worker(s) is designated to engage in work once employed has been subject to a legal strike or industrial dispute as referred to in Article 10.
 - (2). During the domestic recruitment, the employer has unjustifiably refused to employ worker(s) referred by public employment services institution(s) or job applicant(s) appeared on his/her/their own initiative(s).
 - (3). The number of foreign workers whose whereabouts are untraceable or who are deliberately hidden by the employer has reached a certain figure or percentage as prescribed by the central competent authority.
 - (4). The Employer has ever illegally employed foreign worker(s) to work.
 - (5). The employer has ever illegally laid off/discharged national worker(s).
 - (6). The local competent authority(ies) has/have investigated and proven that the employment of foreign worker(s) has undermined the labor terms in the employment contract(s) with national worker(s).
 - (7). The employed foreign worker(s) has/have disturbed the tranquility and public orders of the local community and has/have been adjudicated upon and punished on that account in accordance with the Social Order Maintenance Act.
 - (8). The employer has ever illegally withheld passport(s)/ residence certificate(s) of foreign worker(s), or embezzled belongings of foreign worker(s).
 - (9). The Employer has failed to pay within the prescribed period the travel expenses required for dispatching the employed foreign worker(s) out of the territory of the Republic of China or the necessary expenses for the detention of his/her employed foreign worker(s) prior to the departure.
 - (10). When the entrusting private employment services institution(s) with recruiting foreign worker(s), the employer has demanded, agreed to be paid at a later stage, or accepted unjust interests from such institution(s).
 - (11). The employer has submitted false information when processing the application for the employment of foreign worker(s) or matters regarding the recruitment, introduction, or administration thereof.
 - (12). The employer has made false recruitment advertisement(s).
 - (13). The employer's application has not been made in conformity with the relevant requirements and he/she has failed to make necessary supplements and/or rectifications thereof within the specified period of time.

- (14).The employer has violated the provision(s) of the act or the regulations promulgated pursuant to Paragraphs 2 or 3 of Article 48 or Article 49.
 - (15).The employer violated the provisions of Occupational Safety and Health Act and resulted in death or loss of partial or all working abilities of the engaged foreign workers without making indemnification or compensation according to the law.
 - (16).Other than the above, the employer has been in serious violation of applicable laws and regulations protecting labors.
2. For the purpose of this Article, the circumstances as referred to in subparagraphs 3 to 16 of paragraph 1 of this article shall be limited to those that have arisen or existed within the two-year period prior to the day of application.
 3. The Central Competent Authority shall officially announce the figure or percentage of number as referred to in subparagraph 3 of paragraph 1 of this Article.

第 55 條

- 一、雇主聘僱外國人從事第四十六條第一項第八款至第十款規定之工作，應向中央主管機關設置之就業安定基金專戶繳納就業安定費，作為加強辦理有關促進國民就業、提升勞工福祉及處理有關外國人聘僱管理事務之用。
- 二、前項就業安定費之數額，由中央主管機關考量國家經濟發展、勞動供需及相關勞動條件，並依其行業別及工作性質會商相關機關定之。
- 三、雇主或被看護者符合社會救助法規定之低收入戶或中低收入戶、依身心障礙者權益保障法領取生活補助費，或依老人福利法領取中低收入生活津貼者，其聘僱外國人從事第四十六條第一項第九款規定之家庭看護工作，免繳納第一項之就業安定費。
- 四、第一項受聘僱之外國人有連續曠職三日失去聯繫或聘僱關係終止之情事，經雇主依規定通知而廢止聘僱許可者，雇主無須再繳納就業安定費。
- 五、雇主未依規定期限繳納就業安定費者，得寬限三十日；於寬限期滿仍未繳納者，自寬限期滿之翌日起至完納前一日止，每逾一日加徵其未繳就業安定費百分之零點三滯納金。但以其未繳之就業安定費百分之三十為限。
- 六、加徵前項滯納金三十日後，雇主仍未繳納者，由中央主管機關就其未繳納之就業安定費及滯納金移送強制執行，並得廢止其聘僱許可之一部或全部。
- 七、主管機關並應定期上網公告基金運用之情形及相關會議紀錄。

Article 55

1. Where employing a foreign worker(s) to work as referred to in Subparagraphs 8 to 10 of Paragraph 1 of Article 46, the employer shall pay employment security fees into the specific account for employment security fund as established by the central Competent Authority for the purposes of processing matters regarding promotion of employment of nationals, enhancement of labor welfare, and handling the employment and administration of foreign workers.
2. The amount of the employment security fees as referred to in the preceding paragraph shall be determined by the central Competent Authority in consultation with relevant authorities based on the economic development of the state, the supply and demand of the labor market as well as other related working conditions.
3. Where the employer or the care receiver meets the requirements of low-income or lower-middle-income households as defined in Public Assistance Act, or the qualification of low-income subsidy pursuant to People with Disabilities Rights Protection Act or the lower-middle-income living subsidies pursuant to Senior Citizen Welfare Act, such employer will be exempt from paying the employment security fees as described in Paragraph 1 of this Article if he hires a foreign worker to render the home care services specified in Subparagraph 9 of Paragraph 1 of Article 46. In the event that the employed foreign worker described in Paragraph 1 has lost contact or has terminated the employment, the employer may be relieved from the obligation of

paying the employment security fees after the employer has duly reported pursuant to applicable rules and the employment permit has been annulled accordingly.

- 4.If the employer fails to pay the employment security fees within the time limit, an additional 30-day extension may be granted.
- 5.However, if the payment is not received within such period, the employer is subject to a delay penalty calculated at a rate of 0.3% of the total outstanding fees from the next day following the 30-day period until the day before the payment date. The delay penalty shall not exceed 30% of the total outstanding fees.
- 6.In the event that the employer does not pay the delay penalty within 30 days from the start date under the preceding paragraph, the central Competent Authority may file for a direct enforcement against the unpaid amount of the employment security fees and the delay penalty and may revoke the employer's employment permit in whole or in part.
- 7.The Competent Authority shall regularly publish the status and related meeting minutes regarding fund operation on the official websites.

第 57 條

雇主聘僱外國人不得有下列情事：

- 一、聘僱未經許可、許可失效或他人所申請聘僱之外國人。
- 二、以本人名義聘僱外國人為他人工作。
- 三、指派所聘僱之外國人從事許可以外之工作。
- 四、未經許可，指派所聘僱從事第四十六條第一項第八款至第十款規定工作之外國人變更工作場所。
- 五、未依規定安排所聘僱之外國人接受健康檢查或未依規定將健康檢查結果函報衛生主管機關。
- 六、因聘僱外國人致生解僱或資遣本國勞工之結果。
- 七、對所聘僱之外國人以強暴脅迫或其他非法之方法，強制其從事勞動。
- 八、非法扣留或侵占所聘僱外國人之護照、居留證件或財物。
- 九、其他違反本法或依本法所發布之命令。

Article 57

As for employment of foreign worker(s), employer shall not engage in any of the following:

1. Employing a foreign worker without permit or after the expiration of permit therefore, or a foreign worker that has been permitted to be employed at the same time by a third party;
2. Employing in the name of the employer a foreign worker, but in reality causing that foreign worker to engage in work for a third party;
3. Appointing the employed foreign worker to work that is not within the sphere of the permit;
4. Commanding, without permission therefore, an foreign worker who is employed to engage in the work as referred to in Subparagraphs 8 to 10 of Paragraph 1 of Article 46 to change his/her work place;
5. Failing to arrange for the employed foreign worker to undergo health examinations or failing to submit the health examinations report(s) to the competent health authority in accordance with the applicable laws and regulations;
6. Dismissing or laying off national worker(s) as a result of having employed foreign worker(s) by the employer;
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;
8. Illegally withholding the passport(s)/ residence certificate(s) of foreign worker(s) or embezzling belongings of foreign worker(s); or
9. Having violated, other than the above, the provision(s) of the Act or the regulations promulgated pursuant to the Act.

第 73 條

雇主聘僱之外國人，有下列情事之一者，廢止其聘僱許可：

- 一、為申請許可以外之雇主工作。
- 二、非依雇主指派即自行從事許可以外之工作。
- 三、連續曠職三日失去聯繫或聘僱關係終止。
- 四、拒絕接受健康檢查、提供不實檢體、檢查不合格、身心狀況無法勝任所指派之工作或罹患經中央衛生主管機關指定之傳染病。
- 五、違反依第四十八條第二項、第三項、第四十九條所發布之命令，情節重大。
- 六、違反其他中華民國法令，情節重大。
- 七、依規定應提供資料，拒絕提供或提供不實。

Article 73

Where any of the following circumstances has arisen or existed with respect to a foreign worker, the employment permit therefore shall be annulled:

- 1.The employed foreign worker has engaged in work for an employer who is not stated in the Permit;
- 2.The employed foreign worker has engaged, without being appointed by his/her employer, in work on his/her own initiative that is not within the sphere of the permit;
- 3.The employed foreign worker has been unjustifiably absent from his/her work and not in contact for three consecutive days or the employment has been terminated;
- 4.The employed foreign worker has refused to undergo health examinations, submitted fake health examination sample(s), or failed health examinations, or his/her mental and/or physical condition(s) are/is not qualified for the assigned work, or he/she has been infected with any of the contagious diseases that have been listed and announced by the central competent health authority;
- 5.The employed foreign worker has been in serious violation of the regulations promulgated pursuant to Paragraph 2 or 3 of Article 48 or Article 49;
- 6.Other than the above, the employed foreign worker has been in serious violation of applicable laws and regulations in the Republic of China; or
- 7.The employed foreign worker has refused to submit any information as required by applicable laws and regulations, or has submitted false information in violation of the applicable laws and regulations;