

Title	Enforcement Rules of Employment Service Law
Amended Date	2013.06.07
Category	Ministry of Labor (勞動部)
<p>Article 1</p> <p>Article 1-1</p> <p>Article 2</p>	<p>The Rules are prescribed in accordance with Article 82 of the Employment Service Act (hereinafter "The Act").</p> <p>The items of “Personal Information” as regulated in Article 5, Section 2 item 2 include the following:</p> <ol style="list-style-type: none"> 1. Physiologic Information: Genetic test, Medication test, Medical treatment tests, HIV tests, Intelligence Quotient tests and Fingerprints. 2. Psychological Information: Psychiatric tests, Loyalty tests and Polygraph tests etc. 3. Personal life style information: Financial records, Criminal records, Family plans and Background checks. <p>When the employers ask the job-seekers or employees to present said information, personal interest of the persons concerned shall be respected, no boundary shall be crossed beyond the mandatory and specific confinements upon the economic demands or public interest protection, in addition to the appropriate and decent relations with the intended purposes shall be satisfied.</p> <p>In order to investigate employment discrimination in accordance with Subparagraph 1 of Paragraph 4 of Article 6 of the Act, the competent authorities of municipal city, and those of counties/cities may invite the relevant government agencies, the representatives of the labor organizations and those of the employers organizations, and scholars and experts, to form the Employment Discrimination Review Committee.</p>

Article 3 The Committee for Promoting Employment Services, as established in accordance with Article 7 of the Act, shall review matters regarding employment services and employment promotions in accordance with respective employment market situation. The directions for the establishment of the Committee are at the discretion of the respective competent authority.

Article 4 The expenses incurred in recruiting workers on behalf of the employers as prescribed in Article 13 of the Act include the following:

1. Advertisement expenses;
2. Pay for composing examinations;
3. Pay for examination paper marking or reviewing;
4. Pay for use of examination site;
5. Administrative expenses;
6. Printing, stationery and paper expenses; and
7. Mailing costs.

Article 5 Should any error, insufficiency, or violation of laws or regulations be detected in any application form submitted in accordance with Article 14 of the Act by any person seeking to employ or to be employed, the public employment services institutions shall notify the applicant to make necessary supplements or rectifications thereupon.

Should the applicant in question fail to comply with such requirement as referred to in paragraph 1 of this article, the public employment services institutions may refuse to process his/her application.

Article 6 The term "low-income household(s)" as referred to in Article 15, Subparagraph 5 of Paragraph 1 of Article 24, and Article 29 of the Act, is defined as those qualified low-income household(s) as decided by the competent social or political

authorities in accordance with the Public Assistance Act.

Article 7 The public employment services institutions shall periodically collect the information regarding wage variations, supply and demand of human resources, and analysis of the future development within its responsible districts, and shall submit, once every three months, such information to the competent authorities of the central government, the municipal city, or the counties/cities. The competent authorities of the municipal city and those of the counties/cities shall submit such information referred to in paragraph 1 of this article, as accumulated and analyzed, to the competent authorities of the central government for reference while taking adjustment measures to cope with the supply and demand of human resources.

Article 8 The public employment services institutions, when providing employment consultation in accordance with Article 17 of the Act, shall evaluate the physical and psychological conditions, the educational qualifications, working experiences of the person being advised, and provide employment suggestions accordingly; in addition, the said institutions shall assist the disabled for occupational rehabilitation, or, provide employment suggestions and assistance according to their occupation competency and willingness.

Article 9 The term "the disabled" as referred to in Subparagraph 3 of Paragraph 1 of Article 24, Article 25, Articles 27 and 28 of the Act is defined as those holding the handicap certificate issued in accordance with the Physically and Mentally Disabled Citizens Protection Act.

Article 9-1 The circumstances as referred to in Subparagraph 2 of

Paragraph 1 of Article 48 of the Act include those to whom the competent authorities in charge of the entry and exit of border issue residence permits in accordance with Subparagraph 1 of Paragraph 1 of Article 23 of Immigration Act or extended residence permit in accordance with Subparagraph 1 to Subparagraph 5 of Paragraph 4 of Article 31 of the same Act.

Article 10 The term "foreign agency/agencies stationed in the Republic of China" as referred to in Article 49 of The Act denotes those Foreign Agencies stationed in the Republic of China, the establishment of which is authorized by the Ministry of Foreign Affairs in accordance with Article 2 of the Act on the Privileges and Immunities of the Foreign Agencies and their Personnel Stationed in the Republic of China.

Article 11 The term "those permitted to live with their lineal relatives with registered domestic residence in the Republic of China" as referred to in Subparagraph 3 of Paragraph 1 of Article 51 of the Act is defined as those to whom the competent authority in charge of the entry and exit of border issue residence permits on account of living with relatives. However, before get residence permits to live with their lineal relatives with registered domestic residence in the Republic of China, a foreigner who is the spouse of a national of the Republic of China with a registered permanent residence in the territory of the Republic of China and has been permitted to stay in accordance with the term as referred to in Article 9-1 of Immigration Act , the engagement in work in the territory of the Republic of China should be conducted in accordance with Subparagraph 2 of Paragraph 1 of Article 48 of the Act.

Article 12 The term "certificates" as referred to in Paragraph 1 of Article 62 of the Act is defined as the service certificates, labor inspection certificates, or any other identification documents, official documents or letters made and issued by the competent authorities, police offices, or coastal patrol and defense agencies in order to conduct inspections. After having evaluated the surrounding circumstances, the competent authorities, police offices, or coastal patrol and defense agencies may assign officers, accompanied by the local heads of the district subdivisions in a county/city and/or of the basic community unit thereof, with the certificates referred to in paragraph 1 of this article, to conduct inspections in places where foreigners work or the places suspected of illegal work therein.

Article 13 The term "the offence of same regulation" as referred to in Subparagraph 2 of Article 69 of the Act is defined as a conduct once again carried out by a private employment service agency in violation of the same subparagraph of the same paragraph of the same article as a prior conduct did.

Article 14 The term "within one year" as referred to in Subparagraph 3 of Article 69 and Subparagraph 2 of Paragraph 1 of Article 70 of the Act is defined as the one year period preceding the day the last violation case is adjudicated.

Article 15 The Rules shall become effective on the date of promulgation.