

Article Content

Chapter I General Provisions

[Article 1](#) The Rules are prescribed in accordance with Article 57 of the Labor Pension Act (here-in-after referred to as the Act).

[Article 2](#) Employers applying for contributing to labor pensions in accordance with Paragraph 1 to Article 6 of the Act are required to complete the Application for Labor Pension Contributions (here-in-after referred to as the Application) and the Labor Pension Contributions Report (here-in-after referred to as the Report) and shall submit each to the Bureau (here-in-after referred to as the Bureau). Those that are already participating in labor insurance or employment insurance are waived from completing the Application, and a serial number will be issued by the Bureau.

[Article 3](#) Where an employer is declaring the labor pensions shall be contributed in accordance with Paragraph 1 to Article 6 of the Act, a photocopy of the national identification card or a photocopy of the responsible person's national identification card of the employer and the photocopies of the following documents should be submitted except the employer is one of government institutions, public schools and except the employer is using on-line declaration system provided by government agencies (institutions) to declare:

1. Factory: related identification documents regarding factory registration.
2. Coal Mine: Record of mine registration, licenses for coal mining or exploration.
3. Salt fields, farms, grazing sites, logging sites and tea fields: record of registration.
4. Transportation industries cargo transportation permit or related identification documents.
5. Public works industries: operation license or related identification documents.
6. Companies, shops or stores: company registration records or commercial license.
7. Private educational institutions, news media outlets, cultural enterprises, public interest organizations, cooperative enterprises, fisheries, vocational training centers and civic organizations of all kinds: establishment or registration records.
8. All other business entities: permits or documentation provided by industry supervisory bodies.

Those who cannot obtain the required documentations for the items in the preceding paragraph shall alternatively submit tax deduction records or use generalized and standardized receipts in applying. For responsible persons submitting copies of national identification cards in accordance with Paragraph 1, non-citizens may submit copies of their residence permits or passports as an alternative.

[Article 4](#) Should any changes occur in the following, the employer must apply to the Bureau within thirty days:

1. Changes in the name, registered address or contact address of the business entity.
2. Change of responsible persons.

Should the necessary changes fail to be made in accordance with the previous paragraph, the Bureau shall directly make the necessary changes in accordance to the insuring unit of the labor insurance or employment insurance.

[Article 4-1](#) Employers filing pension contributions for the personnel specified in subparagraphs 2 and 3 of Paragraph 1 to Article 7 of the Act shall submit photocopies of their ROC Alien Resident Certificates.

[Article 4-2](#) The term 'self-employed persons' stated in subparagraph 2 of Paragraph 2 to Article 7 of the Act refers

to people working under either of the following circumstances for remuneration without hiring others:

1. Those operating their own businesses or with partners;
2. Those independently engaging in labor or skillful work.

Chapter II The Application and Linkage of the Pension System

Article 5

The written inquiry made by employers in accordance with Paragraph 1 of Article 9 of the Act shall require the signature of employees. The inquiry form shall exist in two copies for the employer and the employee to hold one copy each.

Employers shall fill the result of inquiry in the Labor Pension System Selection and Pension Contribution Application Form and mail it the Bureau of Labor Insurance and also keep a copy for themselves.

Employees choosing this labor pension system according to Paragraph 1 of Article 9 of the Act, in addition to indicating their choice in writing as described therein, may also file a written statement of their choice with the Bureau of Labor Insurance. If the information filed by the employer is inconsistent with the written statement from the employee, the latter shall prevail.

Employees choosing this pension system according to Paragraph 2 of Article 9 of the Act shall indicate their choice in a written statement carrying their signature.

Employees choosing the pension system prescribed in the Labor Standards Act according to Paragraph 1 or 2 to Article 8-1 of the Act shall indicate their choice in a written statement carrying their signature and the statement shall exist in two copies for the employer and the employee to keep one copy each.

Article 6

Business entities that have not received permission to implement annuity insurance shall contribute into employees' individual account of labor pension in accordance with Paragraph 1 to Article 6 of the Act.

Article 7

For business entities inquiring employees' choices of annuity insurance in accordance with Paragraph 1 to Article 35 of the Act, should its employees choose not to participate in annuity insurance, aside from selecting to adopt the retirement mechanism provided for by the Labor Standards Act, the employer shall also contribute to employees' individual account of labor pension.

Article 8

Upon enforcement of the Act, employees who are notified by the Central Competent Authority that are subject to the Labor Standards Act shall adopt the Labor pension system provided for by the Act, with the employers contributing to individual pension accounts and reporting to the Bureau within 15 days after the Act has come into force. However, those participating in annuity insurance as prescribed in Article 35 of the Act shall not be subject to this deadline.

Assessments of prior seniority, level of pension payment and severance payments of employees who adopt the pension mechanism of the Act as mentioned in the previous paragraph shall be made in accordance with the, Article 84-2 of the Labor Standards Act.

Article 9

For a employee who is hired by and concurrently works for two or more employers, his or her employers must each contribute into unique individual accounts belonging to the same employee.

Article 10

For employees who are injured in work-related disasters and as a result cannot work, the employer must in this time period provide the original wage in accordance with Paragraph 2 to Article 59 of the Labor Standards Act in pursuant to the Monthly Contribution Wages Classification of Labor Pension, and continue to contribute labor pension on a monthly basis to injured employees' individual accounts.

[Article 11](#) In the event that the business entity is reorganized or transferred ownership in the manner prescribed by Article 20 of the Labor Standards Act or is to merger/acquisition as prescribed by the Business Mergers and Acquisitions Act and the Financial Institution Mergers Act, the remaining employees choice of retirement mechanism and retention of annual wages as regulated by Paragraphs 1 and 2 to Article 8, Paragraph 1 to Article 11 or Paragraph 1 to Article 35 of the Act shall be administered by the business entity that remains from the merger, reconstitution or takeover.

[Article 12](#) Employees shall transfer the agreed retirement payment for paying off in accordance with Paragraph 2 to Article 13 of the Act to individual accounts provided for by the Act; those who fail to meet the requirements stipulated by Paragraph 1 to Article 24 or Paragraph 1 to Article 24-2 of the Act are not entitled to payment.

Employees who intend to transfer the entire sum of the above-mentioned payment into their individual account of labor pension shall base their calculation of seniority on the method pursuant to Article 24 and Paragraph 1 to Article 24-2 of the Act. The Bureau or insurers shall be notified of this transfer.

[Article 12-1](#) Before the implementation of the annuity insurance provided under Article 25 of the Act, the employees' calculation of seniority exceeds fifteen years in Paragraph 2 to the preceding Article, the entire cumulative amount in their individual account of labor pension shall be paid for monthly pension payment in accordance with Article 23 of the Act. However, workers applying for monthly pensions in accordance with Paragraph 1 to Article 24-2 shall decide the length of time their monthly pensions are to be issued.

[Article 13](#) (Deleted)

[Article 14](#) Workers choosing to deposit contributions in the designated individual pension account, separated from work, finding new employment and deciding to participate in the annuities insurance according to Paragraph 1 of Article 35 of the Act may choose to keep already deposited pension contributions in the designated individual pension account or transfer the entire principal and accrued interest in one lump sum to participate in the annuities insurance.

Workers choosing to participate in the annuities insurance, separated from work, finding new employment and deciding to let their employers appropriate pension contributions from their wages into the designated individual pension account may choose to keep already deposited for the annuities insurance or transfer the entire policy value reserve of their annuities insurance policy in one lump sum into the designated individual pension account.

Switches made in accordance with the two preceding paragraphs must be processed by the Bureau within 30 days upon receipt of the application.

Chapter III Contribution and Claim for Individual Account of Labor Pension

[Article 15](#) Labor Pension contributions made in accordance with Paragraphs 1 to 3 to Article 14 of the Act shall be determined and reported by the employer or the commissioned unit to the Bureau based upon employees' monthly wage earnings as stipulated by the Table of Monthly Contribution Wage Classification.

For workers without fixed wages, the average pay of the three most recent months shall apply.

The wages of workers with similar duties shall apply as the standard for new employees whose pay is not yet finalized.

Workers to whom the Act applies and who are also covered by the Labor Insurance or National Health

Insurance, besides the ones with wages below the lower limit specified in the Pay Classification Table for Labor Insurance Enrollment, the monthly amount to be appropriated may not be lower than the amount appropriated for the Labor Insurance or National Health Insurance.

[Article 16](#)

Employers shall file with the Bureau of Labor Insurance the monthly rates of Labor Pension contribution they are responsible for different workers and appropriate the contributions each month accordingly.

When employers do not file the contribution rates for the personnel described in Paragraph 1 to Article 7 or the rates filed are below 6%, such rates shall be calculated as 6%.

[Article 17](#)

Employers who wish to apply for initiation or termination of contributions to labor pension must complete an application that is to be submitted to the Bureau.

For those who do not complete the preceding steps of the application, the Bureau shall either begin or terminate collection of labor pension, temporarily using the starting and ending dates of effectiveness on the labor insurance, employment insurance or withdrawal of insurance or employment insurance and set the monthly rate according to the labor insurance premium rate or national health insurance from the counting of labor pension.

[Article 18](#)

In the event that the relevant documentation submitted for application of labor pension by the employer is incomplete or erroneous, the employer must make the necessary corrections within ten days upon receipt of notice from the Bureau.

[Article 19](#)

In the event that an employee or a commissioned worker's name, birth-date or national identification serial number or Alien Resident Certificate number has been altered or incorrectly registered, the employer or the commissioned unit must complete the application to change employee records and submit a copy of his/her own national identification card, Alien Resident Certificate, or equivalent personal identification documents to the Bureau in order to make the necessary changes.

The Bureau of Labor Insurance may make the correction according to the changes indicated in the insured person's Labor Insurance or Employment Insurance information should employers fail to take the procedure specified in the preceding paragraph.

[Article 20](#)

Employers who engage in labor work and choose to appropriate their pension contributions shall process such contributions along with those for their employees.

[Article 21](#)

When the personnel specified in Paragraph 1 and Subparagraphs 3 and 4 of Paragraph 2 of Article 7 of the Act choose to have their pension contributions appropriated according to Paragraph 3 to Article 14 of the Act, the employer or commissioned unit shall fill out the application form to notify the Bureau of Labor Insurance as well as withhold the contributions from their wages to pay to the Bureau of Labor Insurance along with the amount for which the employer is responsible.

When terminating payment of pension contributions, the personnel described in the preceding Paragraph shall notify the employer or commissioned unit to have the Pension Contribution Payment Termination Application Form filled out and submitted to the Bureau of Labor Insurance to process the termination.

When people having chosen to pay their pension contributions appropriated according to Paragraph 3 or 4 to Article 14 of the Act fail to pay the contributions before the deadline due to causes attributable to themselves, it shall be regarded termination of contribution payment.

[Article 21-1](#)

Self-employed workers applying to pay pension contributions according to the Act shall fill out the

Self-employed Workers' Voluntary Pension Contribution Payment Application Form and the Pension Contribution Transfer Authorization Agreement and submit them to the Bureau of Labor Insurance along with a photocopy of their National ID or Alien Resident Certificate.

When changes or errors occur to the name, date of birth, National ID number or Alien Resident Certificate number, registered domicile, or contact address of a self-employed worker, such self-employed worker shall submit a photocopy of his or her National ID or Alien Resident Certificate to the Bureau of Labor Insurance to have the correction processed.

[Article 22](#) The worker pension contribution payment form shall be issued on a monthly basis. Each month is calculated as 30 days.

The NT dollar shall be the unit of pension contributions to be appropriated by employers for their employees. Decimals shall be rounded up.

The Bureau of Labor Insurance shall post mail or send by electronic means the payment slip with the amount on the 25th of the following month for the pension contributions employers must make.

The three preceding paragraphs shall apply when a commissioned unit pays pension contributions for commissioned workers.

[Article 23](#) To contribute to the pension, the employer or commissioned unit should bring the payment statements to designated financial institutions for submission or arrange for automatic bank account transfers for payment.

The Bureau of Labor Insurance shall calculate before the 25th of the following month the pension contributions to be paid by self-employed workers each month; the amount shall be deducted before the end of the next following month from the account the self-employed workers have authorized automatic transfer at a financial institution.

[Article 24](#) In the event that an employer has not paid the amount specified on the payment statement, the Bureau shall directly distribute proportionately the amount paid by the employer among each employee .

[Article 25](#) If the payment sum on the pension statement does not correspond with the sum provided by the employer, the employer shall first pay for the amount that appears on the statement and then notify the Bureau of the need for adjustment. Following inspection and clarification by the Bureau, the adjustment will be made during the next payment period.

[Article 26](#) If an employer has not received the labor pension statements distributed by the Bureau by the fifteenth day of the month, the Bureau shall be notified to resend replacement statements.

[Article 27](#) In the event that a business entity ceases operation, dissolves, declares bankruptcy or no longer remains in business and no longer employs employees, calculations of its outstanding pension fund payments and additional fines for late payment shall commence from the confirmed date of the occurrence of the above-mentioned events. If this date is indeterminable, the date given by the Bureau shall be used.

[Article 28](#) For employers who notify and apply with the Bureau for ceasing the contributions to labor pension in accordance with Article 18 and Paragraph 1 to Article 20 of the Act, the portion of voluntary contributions shall also cease.

[Article 29](#) Employers shall inform their employees of their monthly contribution to labor pension by listing

payments on their salary statements or in other written form or by electronic means. Those who contribute voluntarily shall also be informed of their payment sums with a receipt at the end of the year.

[Article 30](#) (Deleted)

[Article 31](#) The terms life chart of annuity, average life expectancy, interest rate and amount calculations referred to in Subparagraph 1, Paragraph 1 to Article 23 of the Act shall be prescribed by the Bureau and submitted to the Central Competent Authority for approval and promulgated be subject to review on a triennial basis.

[Article 32](#) The profits from the utilization of employees' pension contributed in accordance with Paragraph 2 to Article 32 of the Act shall not be lower than the interest rate paid for a two-year fixed term deposit by local banks, and the average annual interest rate for the time period between the starting date of contribution until the legal date of pension collection shall not be lower than the average rate of interest paid for a two-year fixed term deposit by local banks for an equivalent length of time. The interest rate of a two-year fixed term deposit by local banks mentioned in the preceding paragraph refers to the calculated annual average interest rate derived from the fixed interest rates on two-year deposits posted at the beginning of each month by the six major banks: the Bank of Taiwan Co., Ltd., First Commercial Bank of Taiwan Co., Ltd., Taiwan Cooperative Bank Co., Ltd., Hua Nan Bank Co., Ltd., Land Bank of Taiwan Co., Ltd., and Chang Hua Bank Co., Ltd. The Labor Pension Fund Supervisory Committee (here-in-after referred to as the Supervisory Committee) shall announce on a monthly basis, the current month's lowest guaranteed rate.

[Article 33](#) For employees applying to receive monthly pension payments, in the event that the sum of a monthly contribution to their individual accounts just misses the designated date of deposit, it shall be counted as having contributed for the time being. For those who fail to contribute into their individual pension account, the difference shall be subtracted from their monthly pension payment. For those who are receiving their pension payment in one lump-sum payment of retirement, the payment shall be the sum of the principal of their pension fund for the month in which the fund is disbursed. As for subsequent pension contributions, the Bureau shall disburse to the employee without further notification.

[Article 34](#) The sum of the dividend accrued at the moment an employee applies for pension payments, in addition to the dividend that has already been allocated into the pension account, any remaining unallocated periods' dividends will be allocated according to the nearest monthly rate of return announced by the Supervisory Committee to calculate the dividend up to the month when the application is submitted. The rate of return mentioned in the preceding paragraph shall be calculated to the fourth digit after the decimal point.

[Article 35](#) Seniority stated in Paragraph 1 to Article 24 and Paragraph 1 to Article 24-2 shall be calculated according to the number of months for which the pension contributions have actually been paid. Workers participating in the annuities insurance of the Act are required to transfer the entire policy value reserve of the annuities insurance to the designated individual pension account to have their years of service before and after the transfer calculated together.

[Article 36](#) (Deleted)

[Article 37](#)

Workers applying for the worker retirement pension according to Paragraph 1 of Article 28 of the Act shall fill out the Worker Retirement Pension Application Form.

Workers applying for the worker pension according to Paragraph 1 to Article 24-2 shall fill out the Worker Pension Application Form; those applying according to Subparagraph 3 of Paragraph 1 of the same article shall also submit photocopies of the front and back of the Severe Disability Certificate. Applicants for the worker pension as stated in the two preceding paragraphs shall also submit identification documents if they do not have household registration in the country.

[Article 37-1](#)

When issuing monthly pensions according to Article 24-2 of the Act, the Bureau of Labor Insurance shall apply the length of time determined by monthly pension applicants as the basis of calculating the monthly pension specified in Paragraph 1 to Article 23 of the Act.

The unit of the length of time stated in the preceding Paragraph shall be by year, and the length of time shall be rounded to a whole number. Once pensions are issued, no changes may be made.

[Article 38](#)

Survivors of workers or designated applicants applying for labor pensions according to Article 28 of the Act shall fill out the Worker Survivor or Designated Applicant Labor Pension Application Form and submit it along with the following documents:

1. A photocopy of household registration booklets with indication of the worker's date of death,, clinical record of death, state prosecutor's autopsy report, the declaration of death, or related proof documents or death certificate;
 2. For applicants who are not registered under the same household as the worker, copies of the household registration or other proof documents capable of proving the relationship between the applicant and the worker;
 3. Photocopies of identification documents and the will for applicants designated in the will.
- If there are two or more designated applicants, the application shall be filed in accordance with Paragraph 2 of Article 27 of the Act. If pension distribution is indicated in the will, the applicants shall divide the pension on their own.

[Article 39](#)

In the event that an employee, survivor of a deceased employee or designated person reside abroad or cannot return to claim for pension payment may claim through power of attorney at the ROC embassies, consulates, representative offices abroad, or other agencies authorized by the Ministry of Foreign Affairs (hereinafter as "overseas missions") of the Republic of China, or present personal identification documents from the country of residence to arrange for payments.

The power of attorney instrument and the personal identification documents mentioned in the preceding paragraph should include a Chinese translation to be authenticated by overseas missions of the Republic of China. Translations that are not authenticated shall be notarized by a court or notary public of the R.O.C.

The persons claiming for pension payments referred to in Paragraph 1 of this Article who are residents of Mainland China and cannot claim for their pension payments in person may do so through power of attorney, which should include personal identification documents. The instrument of the power of attorney and personal identification documents shall be notarized on the mainland and confirmed by an institution approved by the R.O.C. government.

[Article 40](#)

The monthly pension payments stipulated in Paragraph 2 to Article 28 shall be disbursed on a fixed seasonal basis. The dates of dispersion are set as the following:

1. Monthly pension payments due in January through March shall be disbursed before the end of February.
2. Monthly pension payments due in April through June shall be disbursed before the thirty-first of May.
3. Monthly pension payments due in July through September shall be disbursed before the thirty-first of August.
4. Monthly pension payments due in October through December shall be disbursed before the thirtieth of November.

For those who are entitled to receive their first monthly pension payment following approval by the Bureau, payments shall commence on the first month following receipt of their applications.

[Article 41](#) Pension payments that are to be distributed as stipulated in Paragraph 2 to Article 28 of the Act shall be transferred into individual bank accounts set-up in the name of employees or their survivors or designated persons. In the event that the personal bank accounts are based overseas, any additional handling fees are borne by the beneficiaries.

[Article 42](#) Employees deemed to be ineligible to receive pension payments by the Bureau have thirty days upon receipt of notice to return the entirety of the pension payments they have received. If the pension payments are not returned on time, an additional late fee penalty must be charged.

[Article 43](#) The "other revenues " mentioned in Paragraph 4 to Article 32 of the Act refers to any of the following sources of income:

1. Principal and accrued dividends from the individual pension account of a deceased employee who has no surviving family or designated beneficiaries.
2. Remainder of a deceased labor's pension individual account that has not been claimed within the five year application period by surviving family members or designated beneficiaries.

Chapter IV Supervision and Expenses

[Article 44](#) The Bureau in implementing Article 5 and Article 34 of the Act shall comply with final account book keeping requirements, submit a final accounting report, and shall also submit to the Supervisory Committee on a monthly basis the following documents:

1. Statistical records showing the total sum of payment units, the total number of payees, and total sum of wage payments.
2. Statistical record of disbursed pension payments.
3. Statistical record of acquired pension account payments.
4. Other documents which are to be reviewed by the Central Competent Authority.

[Article 45](#) The tax exemption set forth in Article 44 of the Act shall apply as follows:

1. No stamp tax shall be imposed on books of account, contracts and financial records presented for processing matters in relation to labor pensions.
2. Pensions, late fees, fines and all other penalty-related proceeds, miscellaneous proceeds and dividends earmarked for pension funds are exempted from operations and income taxes.

Chapter V Supplementary Provisions

[Article 46](#) The 'specified time limit' for contribution and correction stipulated in Paragraph 3 to Article 49 and Article 19 of the Act shall not exceed a period of thirty days. In the event of a major natural disaster or

unavoidable delay, the business entity may be granted an extension of sixty days.

[Article 47](#) Employers who violate the stipulations of Paragraph 1 to Article 19 of the Act, upon the first day following the expiration of the time limit stipulated in Paragraph 3 to the same Article, shall pay the late fee as pursuant to Paragraph 1 to Article 53 of the Act.

[Article 48](#) The monthly late fee referred to in Paragraph 1 to Article 53 of the Act shall be assessed on the thirtieth of every month.

[Article 48-1](#) Where workers controversy arising out of contract termination , and a lawsuit is filed for claiming pension and severance pay, the worker concerned may request legal aid from Central Competent Authority.

The aforementioned legal aid businesses may be entrusted by the Central Competent Authority to civil organization to operate.

[Article 49](#) The Bureau shall set the formatting of the documents mentioned in these Rules.

[Article 50](#) These Enforcement Rules shall take effect on Jul. 1, 2005.

The amended provisions shall take effect on the day they are promulgated except for the amendment to Article 38 which is to take effect on January 1, 2015 after its promulgation on June 24, 2014.