Partial amendments to the Labor Standards Act

**Article 23**

Except as otherwise agreed to by the parties to a labor contract or when wages are paid in advance on a monthly basis, wages shall be paid on a regular basis at least twice a month; the details of wage computation must also be provided. This shall also apply to wages computed on the basis of piece by piece work.

An employer shall keep a worker payroll roster in order to record entries such as wages payable, the details of wage computation and the total sum of wages paid. This payroll roster shall be kept on file for at least five years

**Article 24**

An employer shall pay worker overtime wages using the following basis:

1. When the overtime work does not exceed two hours, the worker shall be paid, in addition to the regular hourly wage, at least an additional one-third of the regular hourly rate.

2. When the overtime work is over two hours, but the total overtime work does not exceed four hours, the worker shall be paid, in addition to the regular hourly wage, at least an additional two-thirds of the regular hourly rate.

3. When the overtime work requested is governed by Paragraph 3 of Article 32, the worker shall be paid two times the regular hourly rate.

In accordance with Article 36, an employer shall pay a worker overtime wages when required to work on the rest days. When the overtime work does not exceed two hours, the worker shall be paid, in addition to the regular hourly wage, at least an additional one and one-third of the regular hourly rate. When the overtime work is over two hours, the worker shall be paid, in addition to the regular hourly wage, at least an additional one and two-thirds of the regular hourly rate.

The time and wage computation are to be done using the following basis: When the overtime work does not exceed four hours, it shall be computed as four hours; when the overtime is in excess of four hours and under eight hours, it shall be computed as eight hours; when the overtime is in excess of eight hours and under twelve hours, it shall be computed as twelve hours.

**Article 30-1**

For businesses (or industries) designated by the Central Competent Authority, upon the consent of its labor union, or if there is no labor union in a business entity, with the approval of a labor-management conference, an employer may change his/her working hours under the following principles:

1. The distribution of regular working hours to other work days in four weeks shall not exceed two hours a day and is not subject to the restrictions referred to in Paragraphs 2 to 4 of the preceding article.

2. When the regular workday is ten hours a day, the overtime work shall not exceed two hours for that particular day.

3. Female workers on night shifts, except for those who are pregnant or are in breastfeeding periods, are not subject to the restrictions referred to in Paragraph 1 of Article 49. However, the employer must provide necessary safety and health facilities.

Businesses (or industries) that are governed by Article 3 (which was amended and took effect on December 27, 1996) are not governed by the preceding paragraph, except for agriculture, forestry, fishery, and pasturage industries referred to in Subparagraph 1 of Paragraph 1.

**Article 34**

If a rotation system is adopted, workers on such shifts shall be rotated on a weekly basis except as otherwise consented to by the worker.

Workers who are on rotation in accordance with the preceding paragraph shall be granted a rest period of at least eleven hours continually. The date of enforcement of the preceding paragraph amended on December 6, 2016 shall be set by the Executive Yuan.

**Article 36**

A worker shall have two regular days off every seven days. One day is a regular leave and the other one is a rest day.

An employer shall not be subject to the restrictions of the preceding paragraph if one of the following conditions exists:

1. According to Paragraph 2 of Article 30, workers who adjust their regular working hours shall have a minimum of one day of regular leave every seven days and a minimum of four days' rest every two weeks consisting of the combined regular leaves and rest days.

2. According to Paragraph 3 of Article 30, workers who adjust their regular working hours shall have a minimum of one day of regular leave every seven days and a minimum of sixteen days' rest every eight weeks consisting of the combined regular leaves and rest days.

3. According to Article 30-1, workers who adjust their regular working hours shall have a minimum of two days of regular leaves every fourteen days and a minimum of eight days' rest every four weeks consisting of the combined regular leaves and rest days.

When an employer needs his/her employee to perform the work in addition to regular working hours, it shall be added based on Paragraph 2 of Article 32 of the total of extension of working hours. However, if there is an act of God, an accident, or an unexpected event and an employer needs his/her employee to work in addition to regular working hours, then the working hours are not subject to the restrictions of Paragraph 2 of Article 32.

**Article 37**

Leaves shall be granted for national holidays, holidays, and Labor Day which are designated as holidays by the Ministry of the Interior and holidays designated by other Central Competent Authority.

The provisions of the preceding paragraph, which was amended on December 6, 2016, shall take effect on January 1, 2017.

**Article 38**

A worker who has worked continually for the same employer or business entity for a certain period of time shall be granted annual paid leaves on an annual basis based on the following conditions:

1. Three days for service of six months or more but less than one year.

2. Seven days for service of one year or more but less than two years.

3. Ten days for service of two years or more but less than three years.

4. Fourteen days for service of three years or more but less than five years.

5. Fifteen days for service of five years or more but less than ten years.

6. One additional day for each year of service over ten years up to a maximum of thirty days.

Annual paid leaves from the preceding paragraph are to be arranged by workers. The employer, however, in the light of urgent needs of the business operation or personal factors of workers, may consult and make adjustments with workers.

The employer shall inform the worker to arrange the annual paid leaves of the preceding two paragraphs when the employee meets the conditions for the annual paid leaves under Paragraph One.

Wages must be paid for annual paid leaves not used by workers because of the termination of annual or termination of contracts.

The employer shall record the dates of annual paid leaves of workers and the total amount of the wages paid for annual paid leaves have not been taken in the worker payroll roster designated in Article 23 and shall inform the worker in writing every year on a regular basis.

In the case of a claim of rights by workers under this Article, the employer shall bear the burden of proof if the employer considers that the workers’ rights do not exist.

The provisions of this paragraph, which was amended on December 6, 2016, shall take effect on January 1, 2017.

**Article 39**

Wages shall be paid by an employer to a worker for taking leaves for regular leaves and rest days as stipulated by Article 36, for holidays as stipulated under Article 37, and annual paid leaves as stipulated by Article 38. When an employer has obtained the consent of a worker to work on a holiday, the employer shall pay the worker at double the regular rate for such work. This shall also apply when, with the consent of the worker or the labor union, the worker is required to work to meet seasonal needs.

**Article 74**

A worker, upon discovery of any violation by the business entity of the Act and other labor laws or administrative regulations, may file a complaint to the employer, competent authorities or inspection agencies.

An employer may not terminate, transfer, reduce the wages of, or harm the rights and benefits in accordance with the law, contract or norm of such a worker nor take any unfavorable measures against the worker who files a complaint in accordance with the preceding paragraph.

If the employer commits any of the actions mentioned in the preceding paragraph, that action shall be null and void.

Upon receipt of a complaint of the type from the first paragraph, the competent authority or the inspection agency shall conduct the necessary investigations and notify the worker in writing of its handling within sixty days.

The competent authority or the inspection agency shall keep the identity of the complainant confidential and shall not disclose any information which might reveal the identity of the complainant.

For those who violate the provisions of the preceding paragraph, in addition to civil servants being held liable to criminal laws and administratively responsible, shall be liable for damages to the worker.

The central competent authority shall establish the rules and regulations for competent authorities regarding the confidentiality of accepting reported complaints and other matters that must be complied with.

**Article 79**

Employers found to have any of the following conditions shall be subject to fines between NT$20,000 and NT$1,000,000:

 1. In violation of Paragraph 1 of Article 21, Articles 22 to 25, Paragraphs 1 to 3, 6 and 7 of Article 30, Article 32, Articles 34 to 41, Paragraph 1 of Article 49, or Article 59；

 2. Failure to pay wages within a given period as ordered by the competent authority in accordance with Article 27 or to adjust working hours as required by the competent authority in accordance with Article 33;

 3. Failure to pay the minimum requirement of wages as defined by the central competent authority in accordance with Article 43 for work durations other than holidays and personal leave.

Employers violating Paragraph 5 of Article 30 or Paragraph 5 of Article 49 shall be subject to fines between NT$90,000 and NT$450,000.

Those in violation of Article 7, Paragraph 1 of Article 9, Article16, Article19, Paragraph 2 of Article 28, Article 46, Paragraph 1 of Article 56, Paragraph 1 of Article 65, Articles 66 to 68, Article 70 or Paragraph 2 of Article 74, shall be subject to fines between NT$20,000 and NT$300,000.

For those having violations of any of the three preceding provisions, the competent authority, in accordance with the size of businesses, the number of those being violated or the circumstances of the violations, may increase the penalty by an additional 50% above the maximum amount of the legal fine.