Regulations of Calculation and Adjustment of Labor Occupational Accident Insurance Merit Rating

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| Amended Title |
| Regulations of Calculation and Adjustment of Labor Occupational Accident Insurance Merit Rating |
| Amended Provisions |
| Article 1 These Regulations are drawn upon by Paragraph 5 of Article 16 of the Labor Occupational Accident Insurance and Protection Act (hereinafter referred to as the Act). |
| Article 2 An insured unit that employs a certain number of employees or more as mentioned in Paragraph 4 of Article 16 of the Act refers to an entity that employs more than 50 people insured.  The number of persons in the preceding Paragraph shall be calculated based on the average number of persons insured for one year from July 1 of the year before the effective date of the annual performance fee rate. |
| Article 3 If the number of employees employed by an insured unit that applies these Regulations decreases to the extent that the number of employees in the preceding Article falls below the number specified in the preceding Article, the same rate shall continue to be applied within such annual period.  For insured units that do not apply the Act, if the number of employees employed increases to the number specified in the preceding Article, and the insurance period complies with the provisions of Article 8, the provisions of the Act shall start to apply from the following annual period. |
| Article 4 The actual performance fee rate of the industry-specific accident specified in Paragraph 4 of Article 16 of the Act shall be handled by Articles 5 and 7, in addition to the standards applicable to the industry and rate announced by the central competent authority, the determining method shall be calculated, summed up and adjusted each year. |
| Article 5 By the circumstance of the total amount of insurance benefits paid by the insurance applicant in the last three years to the total amount of insurance premiums payable as specified in Paragraph 4 of Article 16 of the Act, the insurer shall calculate and adjust its industry-specific accident rate every year in the following manner:   1. For a ratio less than 60%: For every reduction of 10%, the rate for the industry-specific accident will be reduced by 5%. 2. For ratio exceeding 80%: For every increase of 10%, an additional 5% of the industry-specific accident rate will be charged, and the surcharge shall not exceed 30%.   The total insurance benefits and insurance premiums specified in the preceding Paragraph do not include insurance benefits and insurance premiums for accidents during commuting. |
| Article 6 The total amount of insurance benefits specified in the preceding Article includes the following benefits:   1. Occupational accident cash payment: Injury and illness benefits, permanent disability benefits, death benefits, and disappearance benefits. 2. Occupational accident medical benefits: The outpatient and inpatient medical benefits.   The cash distribution for occupational accidents specified in Paragraph 1 of the preceding Paragraph shall be based on the verified cash distribution amount of the insurer during the calculation period. However, when the insured or the beneficiary receives permanent disability or survivor annuity benefits, it shall be calculated based on the lump-sum claim for permanent disability benefits or death benefits.  The medical benefits for occupational accidents specified in Subparagraph 2 of Paragraph 1 shall be based on the number of medical benefits incurred during the calculation period. |
| Article 7 The handling of occupational safety and health in the last three years as specified in Paragraph 4 of Article 16 of the Act refers to the occurrence of occupational accidents and occupational safety and health management performance of the insured unit in the last three years.  The evaluation of the occupational safety and health management situation in the preceding Paragraph shall be conducted based on the levels and baselines as shown in the attached Schedule.  The insurer calculates and adjusts the rate for an industry-specific accident according to the level of occupational safety and health of the insured unit each year as follows:   1. Level 1: 20% reduction of the industry-specific accident rates. 2. Level 2: 10% reduction of the industry-specific accident rates. 3. Level 3: Not adjusted. 4. Level 4: 10% increase in the industry-specific accident rates. 5. Level 5: 20% increase in the industry-specific accident rates. |
| Article 8 The most recent three years as mentioned in Article 5 and the preceding Article refer to the three years calculated from the first day of the first month of the year before the effective date of the annual calculation of the adjusted experience rate.  If the insured unit's insured period does not meet the provisions of the preceding Paragraph, the rate for industry-specific accidents prescribed in Paragraph 3 of Article 16 of the Act shall apply. |
| Article 9 When the insured unit changes its industrial category, it shall apply the rate of the new industry category from the month in which the change is approved, and the experience rate shall be calculated according to the rate of the industry-specific accident adjusted according to the original calculation. |
| Article 10 The insurer shall calculate the actual performance fee rate of each insured unit for the following year before the end of September of each current year, and notify the insured unit before the end of the following month. |
| Article 11 When an occupational accident occurs to the insured, the insured unit applying for insurance benefits shall be the insured unit for calculating the actual performance fee rate. In the event of doubt, the insurer shall determine it based on the facts. |
| Article 12 The insurance benefits and insurance premiums stipulated in these Regulations include those for this insurance and labor insurance occupational accident insurance. |
| Article 13 From May 1, 2022, to December 31, 2022, the actual performance fee rate of the insured unit shall be subject to the labor insurance occupational accident insurance performance fee rate for 2022 notified by the labor insurance insurer. |
| Article 14 These Regulations shall be enforced on May 1, 2022. |

Schedule: Baselines for Levels of Occupational Safety and Health Management Situations

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| Levels | Baselines |
| Level 1 | Those have been awarded the National Occupational Safety and Health Award or the Five-Star Award for Excellent Occupational Safety and Health Unit. |
| Level 2 | Verified by Taiwan Occupational Safety and Health Management System (TOSHMS) and within the validity period. |
| Level 3 | Those who do not have situations specified in Levels 1, 2, 4, or 5. |
| Level 4 | Occupational accident at the workplace in which more than three people were injured or more than one person was injured and required hospitalization due to violation of the necessary safety and health equipment and measures stipulated in the Occupational Safety and Health Act. |
| Level 5 | Occupational accidents at the workplace that cause death due to violation of the necessary safety and health equipment and measures stipulated by the Occupational Safety and Health Act. |

Remarks: Anyone who meets two or more levels of these Regulations shall be assessed according to the highest level of their additional percentage; those that only meet the two levels of the reduced amount shall be assessed according to the highest level of their reduced percentage.