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Title: [Regulations Governing the Determination Criteria and Inspection of No Harm to Mental and Physical Health in Article 45 of the Labor Standards Act \(2014.06.11 Announced \)](#)

Article Content

- [Article 1](#) These Regulations are formulated pursuant to Article 45 Paragraph 3 of the Labor Standards Act (hereinafter referred to as "the Act").
- [Article 2](#) Employers or those accepting labor requesting the following persons to engage in labor (hereinafter referred to as "workers") shall apply for permit according to the Regulations:
1. Employed workers who have not graduated from junior high school and who are under the age of fifteen;
2. For persons under the age of fifteen providing labor service to a third party through others, or directly providing labor service to receive remuneration with no employment relationship.
- [Article 3](#) Workers are not allowed to perform work if any of the following conditions exist:
1. Working in tunnels and restricted spaces;
2. Working in suspended places, midair, and on scaffolds;
3. Working in water, on water surface, and on shoreline without safety protection measures;
4. Working in conditions where the lighting and noise affect mental and physical health;
5. Works that involve the spraying of agricultural pesticides, and the administration of drugs and disinfection to live poultry, livestock, and aquaculture;
6. Works that violate public order and boni mores;
7. Works evaluated by a medical doctor to be beyond the burden of the workers' physical and mental capacity;
8. Works that are prohibited by the Occupational Safety and Health Act, the Protection of Children and Youths Welfare and Rights Act, and by other laws and regulations.
9. Other works that have been determined by the competent authority to be impeding on mental and physical health.
- [Article 4](#) The working hours of workers should be in compliance with the following provisions:
1. For those under the age of six, no more than two hours a day;
2. For those above the ages of six but under twelve, no more than three hours a day;
3. For those above the ages of twelve but under fifteen, no more than four hours a day.
Workers under the age of six months of subparagraph 1 of the preceding Paragraph may not work for more than 30 minutes each time.
The number of working days during semester breaks shall not be more than two third the total number of days of said breaks. Articles 47 and 48 of the Act apply to the number of working hours. No work is allowed within seven days of the beginning of the semester.
The preceding Paragraph does not apply to workers enrolled in schools outside the territories of Taiwan.
Workers under the age of twelve engaging in radio, television and motion picture performances, stage and circus performances, filming of commercials, modeling, talent and folk arts performances shall be accompanied by a legal representative at the workplace.
- [Article 5](#) Waiting time and preparation time of workers should be counted toward working hours. For every two hours of continuous work, at least 15 minutes of break shall be given.
Workers shall choose every Saturday or Sunday as a full regular day off.
Employers or those accepting labor shall prepare a sign-in record or timecard, and record each time the working hours and break time of the workers.
- [Article 6](#) Employers or those accepting labor shall apply for insurance for the workers in accordance with the Labor Insurance Act or the National Health Insurance Act. However, for those who cannot enroll in labor insurance according to law, the employers or those accepting labor shall enroll them in commercial insurance.
- [Article 7](#) Employers or those accepting labor shall apply for permit with the municipal city, county (city) governments (hereinafter referred to as "regional competent labor authority") where the labor services are provided, 20 to 90 days prior to the day the workers provide such labor services. The following documents shall be included at the time of application:
1. An application form;
2. Photocopies of proof of identity, proof of company registration or business registration, proof of factory registration and license for specially permitted businesses of the employers or those accepting labor;
3. Photocopies of household register or passport of the worker;

3. Photocopies of household register or passport of the worker,
4. Photocopies of labor insurance or commercial insurance plans and national health insurance card;
5. Letters of consent from the schools within the school district of residence or the school currently enrolled in;
6. Letter of consent from the legal representative;
7. Other required documents required by the central competent authority.

Employers or those accepting labor who obtained the permit according to the provisions of the preceding Paragraph shall submit proofs of insurance to the regional competent authority for reference within ten days from the day the labor services are provided by the workers.

The duration of the permit in Paragraph 1 is valid for a maximum of one year at a time.

Article 8

When the application of the preceding Article involves a few locations where the services are provided, the employers or those accepting labor may submit the application with any of the regional competent authority where the services are provided.

When the regional competent authority of the preceding Paragraph approved the application, said authority shall carbon copy the approved permit to the other regional competent authorities where the services are provided.

Article 9

After the permit is approved by the regional competent authority, changes made to the documents submitted according to Article 7 Paragraph 1 shall be submitted with the original documents by the employers or those accepting labor and request for change of permit in accordance with the provisions of Article 7; the period of validity shall terminate at the time the original permit terminates.

Article 10

The regional competent authority shall reject the application submitted by the employers or those accepting labor if any of the following conditions exists:

1. The time of application does not meet the provisions of Article 7 Paragraph 1;
2. Incomplete documents are not corrected before the notified correction due date.

Article 11

The regional competent authority shall reject the application submitted by the employers or those accepting labor if any of the following conditions exists; if the permit has been approved, the regional competent authority may revoke or annul such permit:

1. The information on the application is falsified or untrue;
2. Violating the provisions of Articles 3 to 7;
3. The actual work involved differs from what is approved on the original permit;
4. Obstructing the worker's right to compulsory education;
5. Proof of insurance is not submitted according to Article 7 Paragraph 2;
6. Other violations to the Act or these Regulations.

Article 12

The competent authority shall register each of the information listed in Article 7 Paragraph 1 at the data system designated by the central competent authority. The competent authority may use the registered information for research and statistical use.

Article 13

For the rights and health welfare of the workers, the competent authority may implement labor inspections on a regular and random basis. The competent authority for education may, based on whether the labor involved affect the workers' rights to compulsory education, evaluate and follow-up with guidance. The competent authority for social administration may, based on whether the work involved violates the Protection of Children and Youths Welfare and Rights Act, provide guidance and consultation.

Article 14

The format of all forms in these Regulations are set by the central competent authority.

Article 15

Those who have obtained verification in accordance with Article 45 of the Act prior to the enactment of these Regulations shall apply with the regional competent authority for permit within one year from the date of enactment of these Regulations.

Article 16

These Regulations go into effect from the date of promulgation.