

# Guide to Taiwanese workplace laws and regulations

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# Taiwanese workplace laws and regulations



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## 1. Employment is freely chosen

- Every national is free to choose his/her occupation unless otherwise prohibited or restricted by the law.
- No employer shall, by force, coercion, detention, or other illegal means, compel a worker to perform work.
- An employer shall not compel a worker to accept work beyond regular working hours if the worker is unable to do so on account of poor health or other proper reasons.
- No individual shall interfere with the labour contract of another person or derive unlawful benefits from such interference.
- An employer shall not take advance deduction of wages as penalty for breach of contract or as indemnity.
- When recruiting or employing employee(s), employer shall not engage in any of the following acts:
  1. Making false advertising or disclosure;
  2. Withholding any job applicant or employee's identification card, work certificate, or any other certifying document, nor requesting the job seekers or employees (them) to surrender any other personal documents unrelated to the employment concerned against his/her free will;
  3. Withholding job applicant's belongings or collecting bond from job applicant or employee;
  4. Assigning any job applicant or employee to engage in any work that is in violation of the public orders or the decent morals;
  5. Submitting false information or fake

health examination samples when applying for permits to employ foreign workers, or when handling their recruitment, import, or management.

- The contract should be provided within one month of the commencement date of employment.
- If an employer has a necessity to ask the employees to perform overtime (outside regular working hours). The employer must get the consent of the labour union (if no labour union exists) they must seek approval of a labour management conference to extend the working hours.
- An employee may terminate the labour contract in accordance with the provisions of the Labour Standards Act.

## 2. Freedom of association and the right to collective bargaining

- All workers shall have the right to organise and join labour unions.
- A business entity shall hold meetings to coordinate worker-employer relationships and promote worker-employer cooperation and increase work efficiency.
- A business entity shall convene a labour-management meeting in accordance with the Regulations. For branch offices that have more than 30 people it is also required for them to conduct their own labour management meeting. The procedures and election of labour-management meeting representatives for branch offices shall also be subject to stipulations set forth in the Regulations.

- In case that a business entity with no more than three employees, the employees and the employer automatically become representatives of the labour-management meetings.
- The labour-management meeting shall consist of an equal number of representatives from both labour and management, with each side having between 2 and 15 representatives, depending on the size of the business entity. However, if the business entity employs more than 100 people, each side must have no fewer than 5 representatives. Labour representatives shall be allocated based on the number of employees in each branch office, department, or job category, and shall be elected separately.
- Representatives from the management side in the labour-management meeting shall be designated by the business entity from among individuals familiar with business operations or labour affairs. This designation must be completed at least thirty days prior to the expiration of the current representatives' term.
- A business entity with a corporate union at the same business entity level, or a branch office with a corporate union at the same factory or workplace level, the representatives from the labour side in the labour-management meeting shall be elected through its general meeting of union members or member representatives respectively.
- A business entity without a labour union as referred to in the preceding paragraph, labour representatives shall be elected in accordance with one of the following methods:
  1. If the business entity conducts its own election, the representatives shall be elected directly by all employees.
  2. If the business entity conducts its own election and its branch office has established a labour-management meeting, the allocated number of labour representatives at the business entity level shall be elected from among the labour representatives at the branch office level by employees of the respective branch office. If the branch office has not established a labour-management meeting, the allocated number of labour representatives at the business entity level shall be directly elected by employees of the branch office.
- If employees organise or join a labour union not in the branch office or business entity, either the labour union in the business entity or enterprises with controlling and subordinate relationship between each other in accordance with the Company Act, or of a financial holding company and its subsidiaries in accordance with the Financial Holding Company Act shall conduct the election respectively, and representatives from the labour side shall be elected directly by all employees.
- An employer or employee supervisor who represent the employer in exercising the managerial authority shall not have the following practices:
  1. Refusing to hire, dismiss, demote, reduce the wage of, or render other unfair treatment to an employee who organises or joins a labour union, participates in activities held by a labour union, or assumes the office of a labour union;
  2. Requiring an employee or job applicant not to join a labour union or assume a union office as a condition of employment;
  3. Refusing to hire, dismiss, demote, reduce the wage of, or render other unfair treatment to an employee who requests collective bargaining or participates in related activities concerning collective bargaining;

4. Dismiss, demote, reduce the wage of, or render other unfair treatment to an employee who participates in or supports industrial action, and
  5. Improperly influence, impede or restrict the establishment, organisation or activities of labour union.
- Any dismissal, demotion, reduction of wage made by the employer or supervisory employees who represent the employer in exercising the managerial authority as prescribed in the preceding paragraph shall be null and void.
  - An employee of the age of 15 years old shall have the right to elect representatives for the labour side and also the right to be elected as a representative for the labour side.
  - High-ranking executives who represent the employer to exercise management authority may not be elected representatives for the labour side.
  - The voting date, time, location and method concerning the election held in accordance with law shall be publicly announced 10 days before the election.
  - All labour-management meeting representatives shall serve a 4-year term. The representatives for the labour side may serve a following term if re-elected and the representatives for the management side may serve a following term if reappointed.
  - The labour-management meeting shall be convened at least once every 3 months, if necessary an ad hoc meeting may be held.
  - The business entity shall distribute the labour-management meeting resolutions to the labour union and departments concerned for implementation
  - Organising and joining a trade union is not mandatory in Taiwan, but employees have the right to organise and join a trade union.

### 3. Health and Safety

#### Management and training

- The factory must have a health and safety management system appropriate to its size and characteristics, which utilises management functions such as planning, implementation, evaluation, and improvement measures.
- Workers must receive appropriate health and safety training including fire training, production safety, the correct use of protective equipment and first aid for workers exposed to danger. Employers are required to provide general safety and health education and training to new or existing employees before they undertake new tasks. However, this requirement does not apply if their work environment and nature of work remain substantially similar to those before the change. Workers should be retrained at least 3 hours per three years or if there are any new techniques, materials or equipment introduced. The training hours must adhere to the regulations outlined in the Occupational Safety and Health Education and Training Rules.
- Employers are required to establish occupational safety and health management plans based on the scale and nature of their business operations. These plans should mandate the implementation by relevant supervisors and responsible personnel at all levels. For enterprises with a workforce of fewer than thirty employees, occupational safety and health management execution records or documents may be used as a substitute for the formal occupational safety and health management plan.
- A factory with more than 100 employees must establish health and safety committee and hold meetings every three months. The factory should establish an Occupational safety and health management entity and appoint



Safety and Health personnel according to its size.

- The employers shall conduct pre-employment physical examinations for labourers at the time of employment; for currently employed labourers, the following health examinations shall be conducted:
  1. General health examinations.
  2. Special health examinations for those involved in tasks with special health hazards.
  3. Health examinations of specific items for specific workers as designated by the central competent authority.
- Enterprises with more than 50 workers shall hire or contract medical personnel to handle worker health protection matters such as health management, occupational disease prevention, and health promotion.
- The enterprise should refer to the size, distribution, dangerous conditions and number of workers in the workplace, prepare enough first aid drugs and equipment, and arrange first aid personnel to handle first aid matters. The first aid kit should be placed in a suitable fixed place, and a regular check should be conducted at least every six months.
- Employers shall not allow people under the age of 18 and pregnant female labourers to perform any potentially dangerous or harmful work.
- The employer must pay employment injury insurance premiums according to the law.
- In order to prevent occupational disasters, the original enterprise shall take the following necessary measures when the original enterprise, contractor, and the subcontractor separately hire workers to work together:
  1. Establish a consultative organisation, and appoint a person responsible for supervision and coordination of the workplace.
  2. Regulate and integrate work.
  3. Conduct inspections of the workplaces.
  4. Direct and assist in safety and health education related to the contracted work.
  5. Other measures necessary to prevent occupational accidents.
- If the business entities contract two or more contractors for joint operation, but the business entities themselves do not participate in such work, one of the contractors shall be designated to assume the business entities responsibilities set forth in the preceding paragraph.
- When there is an immediate danger in the workplace, the employer or the person in charge of the workplace should immediately stop the operation and evacuate the workers to a safe place. When a worker discovers that there is an immediate danger in performing their duties, they must stop the operation and retreat to a safe place on their own without endangering the safety of other workers, and immediately report to the direct supervisor.
- Employers shall not dismiss the workers mentioned in the preceding paragraph, transfer their jobs, fail to pay wages during the period of suspension of work, or other disadvantages.

### **Fire precautions**

- The employer should provide and maintain proper fire safety equipment.
- The administrator of any building for public use with a certain scale shall appoint a fire prevention manager to develop a fire protection plan, report the plan to the fire department for approval, and carry out according to the plan any and all activities required in fire management.
- The emergency exit and stair should not be locked during working hours, and their passage shall not be stacked with objects.

- Employers shall comply with the following regulations for places prone to fire and explosion hazards:
  1. Do not install machinery, appliances, or equipment that have sparks, electric arcs, or use high temperatures as sources of ignition.
  2. Prohibiting fireworks and the entry of irrelevant personnel and stipulating that workers shall not use flames.
- There should be warning signs posted in non-smoking areas, flammable, combustible and explosive chemical storage areas.
- Publicly accessible buildings should undergo regular inspections and endorsements by professional institutions or individuals approved by the central competent authority for architecture, appointed by the building's owner or user. The results of these inspections should be reported to the local competent authority for architecture.

### **Safe use of machinery and chemicals**

- Work assigned to labourers by the employer shall be within a reasonable and feasible scope, with necessary preventative equipment or measures taken to prevent labourers from being involved in occupational accidents.
- Those involved in the design, manufacture, or importation of items such as machinery, equipment, tools, raw materials, and materials, as well as those engaged in the design and construction of engineering projects shall carry out risk assessments during the design, manufacturing, importation, or construction planning phase, and endeavour to prevent the occurrence of occupational accidents during the usage of such items, or process of engineering and construction.
- Employers conducting self-inspections in accordance with the regulations of occupational safety and health management shall establish a self-inspection plan.
- The personal protective equipment or protective equipment provided by the employer to the workers shall be handled in accordance with the following regulations:
  1. Keep clean and disinfect if necessary.
  2. Check frequently to maintain its performance and store it properly when not in use.
  3. There should be enough protective gear or protective equipment available. The amount available should be the same or more as the number of workers. The protective gear or protective equipment should only be used for its intended use.
  4. When there is a risk of contracting a disease to a worker, personal protective equipment should be provided, or measures to prevent contracting diseases should be taken.
- The electrical equipment and wires used by the employer shall comply with the national standard specifications. Employers should ground the non-charged metal parts of the electrical equipment in accordance with the regulations of the user's electrical equipment installation rules.
- For the live parts of electrical equipment, if there is a risk of electric shock due to contact or proximity during operation or passage, the employer shall install protective enclosures or insulation coverings to prevent electric shock. However, this does not apply to electrical equipment located in segregated areas such as distribution rooms, control rooms, or substations, where access is restricted to authorised personnel involved in electrical work. Similarly, it does not apply to equipment installed on utility poles, towers, or other isolated locations where there is no risk of unauthorised personnel approaching.
- Clear safety warning signs should be displayed on relevant equipment.



- Employers should provide necessary facilities for ventilation, dust removal, and static electricity removal in workplaces that contain flammable liquid vapours, combustible gases or combustible dusts that may cause explosions or fires.
- Employers shall follow the following regulations for stacking materials:
  1. Do not exceed the maximum safe load for the stacking area.
  2. The lighting shall not be affected.
  3. The operation of mechanical equipment shall not be hindered.
  4. Do not obstruct traffic or entrances and exits.
  5. The effective functions of automatic sprinklers and fire alarms must not be reduced.
  6. The emergency use of firefighting appliances shall not be hindered.
  7. Do not lean against walls or structural pillars and do not exceed its safe load.
- Employers should confirm the hazards of the substances used and take necessary measures to prevent the hazards before using hazardous substances to perform operations.
- Hazardous substances should be stored in a separate area to the production site.
- Employers should properly store hazardous substances, biological pathogens, or articles contaminated by them, and add warning signs.
- Employers shall provide the workers with eye washing, bathing, mouth washing, dressing, washing, and other equipment when engaging in special operations in which their bodies or clothing may be contaminated. The equipment in the preceding paragraph shall be set up in accordance with the following regulations:
  1. For workplaces polluted by irritants, corrosive substances or toxic substances, one hot and cold-water shower facility shall be installed for every 15 people.

2. For workplaces polluted by irritants, corrosive substances or toxic substances, one hot and cold water washing facility shall be installed for every five people.

### **Hygiene and factory environment**

- Employers should always keep the workplace clean and prevent rodents, mosquitoes and other disease vectors from harming the health of workers.
- The employer shall adequately supply drinking water or other beverages required by labourers in appropriate places in accordance with the following regulations:
  1. Drinking water spaces and water containers should be kept clean, the containers should be covered, and appropriate preventive measures should be taken to prevent contamination by harmful substances and sewage.
  2. No shared cups or utensils are allowed.
  3. Drinking water should meet the sanitary standards for drinking water quality. Test one-eighth of the drinking water equipment every three months.
  4. Water sources that are not used as drinking water, such as industrial water and firefighting water, must be clearly marked for identification.
- Employer shall ensure that there are enough suitable bathrooms and toilets at the workplace.
- Employers shall install toilets and washing facilities in accordance with the following provisions:
  1. Male and female workers toilets shall be separated and clearly marked.
  2. The number of toilet bowls for men's toilets shall be based on the principle that there should be more than one for every 25 male workers working at the same time, and with a minimum requirement of one for every 60 male workers.

3. The number of urinals in men's toilets is based on the principle of one urinal for every 15 male workers on duty at the same time, and at least one urinal for every 30 male workers.
  4. The number of toilet bowls for female workers toilets should be based on the principle of at least one for every 15 female workers working at the same time, and at least one for every 20 female workers.
  5. Female workers toilets should be equipped with covered buckets.
  6. The urinal should have a structure that does not allow pollutants to penetrate the soil.
  7. Hand washing equipment with sufficient supply of clean water should be installed.
  8. Appropriate detergents should be provided in the bathroom, and organic solvents should not be provided for workers to clean their skin.
  9. Toilets and toilets should not be directly connected to the workplace, and the distance between the toilet and the kitchen and canteen should be more than 30 meters. Although sanitary flushing toilets are not limited to this.
  10. Toilets should be cleaned at least once a day and disinfected once a week.
  11. Toilets should be well ventilated.
  12. When employing people with physical or mental disabilities, special equipment for the physically and mentally disabled shall be provided and appropriately marked.
- isolated and clean at any time. There should be adequate lighting, ventilation, and facilities to prevent mosquitoes, flies, cockroaches, and mice.
- The dormitory area should be provided with spacious and unobstructed passages, and no objects should be piled up.
  - The passages and refuge facilities should be marked in words that foreigners can understand, and emergency plan should mark the direction of evacuation.
  - Dormitories are not allowed in the following workplaces:
    1. Places or storage places for explosive substances, pyrophoric substances, oxidizing substances, flammable substances, flammable gases or a large amount of flammable substances.
    2. Workplaces where kilns and boilers are used.
    3. Workplaces that emit harmful gas, steam or dust for safety and health.
    4. Places near machinery and equipment that produce strong vibration and noise.
  - The living area of foreigners should be more than 3.6 square meters per person. Each foreigner should have their own bed and provide lockers.
  - The bathroom should be equipped with cold and hot water supply facilities that comply with safety regulations.
  - Always maintain cleanliness, properly divide according to gender, and pay attention to their privacy.

#### 4. Age of workers

##### Accommodation

- Drinking water should be adequately supplied. If it is necessary to boil before drinking, water boiling equipment should be provided. Signs that foreigners can understand should be provided for identification. The dining room and kitchen should be

- A worker over fifteen years old, but less than sixteen years old, shall be considered as a child worker.
- No employer shall employ any person under the age of fifteen. This does not apply if the person has graduated from junior high school or the nature and environment of the work have been

determined by the competent authority that inflict no harm to the worker's mental and physical health.

- No child worker and no worker less than eighteen years old shall be permitted to do work that is potentially dangerous or hazardous in nature.
- Employers of workers who are less than eighteen years old shall keep the letters of consent from legal guardians and age certificates of such workers on file.

## 5. Wages and benefits

- A worker shall be paid such wages as determined through negotiations with the employer, provided, however, that such wage shall not fall below the basic wage.
- The basic wage refers to remuneration received by a worker for regular working hours, excluding overtime pay and additional payments for overtime work on rest days, holidays and public holidays.
- The basic wage of piece-work labour shall be calculated in accordance with the quantity of production in each eight-hour day, or the quantity of work performed.
- When a worker's working hour is less than eight hours per day, the basic wage may be calculated pro rata in accordance with the working time, unless otherwise stipulated in the work rules, the labour contract, or any relevant laws or regulations.
- 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 law, the worker shall be paid two times the regular hourly rate.
- 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 workers above 15 years and below 65 years of age shall be insured under this program as insured people, with their employers, or the organisations or institutes to which they belong as the insured units
  - People who have the nationality of the Republic of China and are employed by private enterprises and institutions shall participate in the national health insurance and be the insurance objects.
  - Labour insurance and health insurance costs, employers must bear part of the cost in accordance with the law.
  - Where an employer terminates a labour contract, the provisions set forth below shall govern the minimum period of advance notice:
    1. Where a worker has worked continuously for more than three months but less than one year, the notice shall be given ten days in advance.
    2. Where a worker has worked continuously for more than one year but less than three years, the notice shall be given twenty days in advance.
    3. Where a worker has worked continuously for more than three years, the notice shall be given thirty days in advance.

- Where an employer terminates an employment contract without providing advance notice within the period prescribed under the Labour Standards Act, the employer shall compensate the employee with wages equivalent to the duration of the required notice period.
- An employer terminating a labour contract pursuant to the preceding Article shall issue severance pay to the worker in accordance with the terms set forth below:
  1. If the worker continues to work for a business entity owned by the same employer, severance pay that is equal to one month's average wage for each year of service.
  2. The severance pay for the months remaining after calculation in accordance with the preceding subparagraph, or for workers who have been employed for less than one year shall be calculated proportionally; any period of employment less than a month shall be calculated as one month.
- Employers shall issue the severance pay of the preceding paragraph within 30 days after the labour contract is terminated.
- Except as otherwise agreed to by the parties in a labour 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 work.

## 6. Working hours

- When an employer has a necessity to have his/her employee to perform the work besides regular working hours, he/ she, with the consent of a labour union, or if there is no labour union exists in a business entity, with the approval of a labour-management

conference, may extend the working hours. The extension of working hours referred to in the preceding paragraph, combined with the regular working hours shall not exceed twelve hours a day. The total number of overtime shall not exceed forty-six hours a month however, the extension of working hours, with the consent of a labour union, or if no labour union exists in a business entity, with the approval of a labour-management conference, shall not exceed fifty-four hours a month and one hundred and thirty-eight hours every three months.

- When an employer having more than thirty employees needs to have his/her employee to perform work referred to in the preceding paragraph, he/she shall report it to the local competent authority for record.
- An employer shall not make a female worker perform her work between ten o'clock in the evening and six o'clock in the following morning. However, with the consent of a labour union, or if there is no labour union in a business entity, with the approval of a labour-management conference, and the following requirements in each subparagraph are met, the preceding restrictions are not applied:
  1. The necessary safety and health facilities are provided.
  2. When there are no public transportation facilities available, transportation facilities are provided or dormitories for female workers are arranged.

For the necessary safety and health facilities referred to in Subparagraph 1 of the preceding paragraph, their standards shall be determined by the Central Competent Authority. However, if the safety and health facilities set forth in an agreement between the employer and the female worker are better than requirements in the Act, the said agreement shall overrule the Act.

- When a female worker is unable to work between ten o'clock in the evening and six o'clock in the following morning due to health or other justifiable reasons, the employer shall not force her to work.
- Due to the occurrence of an act of God, an accident, or an unexpected event, and so the employer has a necessity to make his/her female workers perform work between ten o'clock in the evening and six o'clock in the following morning, the requirements in the Paragraph 1 shall not be applied.
- For those female workers who are pregnant or are feeding their babies, the proviso clause of Paragraph 1 and the preceding paragraph shall not be applied.
- Employees are entitled to two days off every seven days – one fixed day off and one flexible 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 law, 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 law, 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 law, 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 following the law 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 the law.
- Memorial days, festivals, Labour Day, and other holidays designated by the central competent authority shall be observed as mandatory days off.
- 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.
- A female worker shall be granted maternity leave before and after childbirth for a combined period of eight weeks. In the case of a miscarriage after the first three months of pregnancy, the female worker shall be permitted to discontinue her work and shall be granted maternity leave for a period of four weeks.
- Where a female worker is required to breastfeed her baby of less than one

year of age, the employer shall permit her to do so twice a day, each for thirty minutes, besides the break period set forth in law.

The breastfeeding time referred to in the preceding paragraph shall be deemed as working time.

- When a worker requires medical treatment or rest due to ordinary injury, illness, or physical condition, they are entitled to ordinary sickness leave under the following provisions:
  1. For the non-hospitalized, a total of less than thirty days in one year.
  2. For the hospitalized, not exceeding one year.
  3. The total of hospitalized and non-hospitalized sick leave shall not exceed one year.

When a worker diagnosed with cancer or pregnancy with threatened miscarriage by physician, out-patient treatment period shall be included to hospitalized sick leave.

Where accounted ordinary sick leave does not exceed thirty days in one year, fifty percent of salary shall be paid. In cases where Labour Insurance payments do not reach fifty percent of salary, the employer shall make up the difference.

- Regarding weddings, a worker shall be entitled to eight days of wedding leave with pay.
- Funeral leave of a worker shall be given according to the following stipulations:
  1. On the death of parent, foster-parent, step-parent, spouse, a worker shall be entitled to eight days of funeral leave with pay.
  2. On the death of grand-parent, son or daughter, parent of spouse, foster-parent or step-parent of spouse, a worker shall be entitled to six days of funeral leave with pay.
  3. On the death of great-grandparent, brother or sister, grand-parent of spouse, a worker shall be entitled to three days of funeral leave with pay.

- In the event that a worker must personally attend to private matters, they are entitled to unpaid personal leave not exceeding fourteen days in a calendar year.
- A worker shall be entitled to public leave with pay according to legal regulations, the time limit of which shall be determined by actual requirements.

## 7. Discrimination

- For the purpose of ensuring national's equal opportunity in employment, employer is prohibited from discriminating against any job applicant or employee on the basis of race, class, language, opinion, religion, political party, place of origin, place of birth, gender, gender orientation, age, marital status, appearance, facial features, disability, horoscope, blood type, or past membership in any labour union; matters stated clearly in other laws shall be followed in priority.
- Employers shall not discriminate against job applicants or employees on the basis of gender or sexual orientation during recruitment, screening, hiring, placement, assignment, evaluation, or promotion. However, if the nature of the work requires a specific gender, this restriction shall not apply.
- Employers shall not discriminate against employees because of their gender or sexual orientation in the case of holding or providing education, training or other related activities.
- Employers shall not discriminate against employees because of their gender or sexual orientation in the case of holding or providing various welfare measures.
- Employers shall not discriminate against employees because of their gender or sexual orientation in the case of paying wages. Employees shall receive equal pay for equal



work or equal value. However, if such differentials are the result of seniority systems, award and discipline systems, merit systems or other justifiable reasons of non-sexual or non-sexual-orientation factors, the above-mentioned restriction shall not apply.

- Employers shall not discriminate against employees because of their gender or sexual orientation in the case of retirement, discharge, severance and termination.
- Work rules, labour contracts and collective bargaining agreements shall not stipulate or arrange in advance that when employees marry, become pregnant, engages in childbirth or childcare activities, they have to sever or leave of absence without payment. Employers also shall not use the above-mentioned factors as excuses for termination.

## 8. Contract of employment

- Labour contracts may be divided into two categories: fixed term contracts and non-fixed term contracts. A contract in nature for temporary, short-term, seasonal or specific work may be made as a fixed term contract, but a contract for continuous work, should be a non-fixed term contract. The labour contract between a dispatching entity and a dispatched worker shall be a non-fixed term contract.

In any one of the following situations, a fixed term contract shall be deemed as to be a non-fixed term upon the expiration of the contract:

1. Where an employer raises no immediate objection when a worker continues his/her work.
2. Where, despite the execution of a new contract, the prior contract and the new one together covers a period of more than ninety days

and the period of time between expiration of the prior contract and execution of the new one does not exceed thirty days.

The preceding paragraph shall not apply in the case of a fixed term contract for specific or seasonal work.

- Where an employer terminates a labour contract, the provisions set forth below shall govern the minimum period of advance notice:
  1. Where a worker has worked continuously for more than three months but less than one year, the notice shall be given ten days in advance.
  2. Where a worker has worked continuously for more than one year but less than three years, the notice shall be given twenty days in advance.
  3. Where a worker has worked continuously for more than three years, the notice shall be given thirty days in advance.

- After receiving the advance notice referred to in the proceeding paragraph, a worker may, during hours of work, ask for leave of absence for the purpose of finding a new job. Such leave of absence may not exceed two work days per week. Wages shall be paid during such leave of absence.
- Where an employer terminates the contract without serving an advance notice within the time limit prescribed in the first paragraph of this article, he/she shall pay the worker wages for the advance notice period.
- An employer terminating a labour contract pursuant to the preceding Article shall issue severance pay to the worker in accordance with the terms set forth below.
- If the worker continues to work for a business entity owned by the same employer, severance pay that is equal to one month's average wage for each year of service.

- The severance pays for the months remaining after calculation in accordance with the preceding subparagraph, or for workers who have been employed for less than one year shall be calculated proportionally; any period of employment less than a month shall be calculated as one month. Employers shall issue the severance pay of the preceding Paragraph within 30 days after the labour contract is terminated.
- An employer shall not terminate a contract with a worker who is receiving medical treatment due to occupational injury.
- The employer shall be granted maternity leave before and after childbirth for a combined period of eight weeks. In the case of a miscarriage after the first three months of pregnancy, the female worker shall be permitted to discontinue her work and shall be granted maternity leave for a period of four weeks.
- If the female worker referred to in the preceding paragraph has been employed for more than six months, she shall be paid regular wages during the maternity leave, if her period of service is less than six months, she shall be paid wages at half of the regular payment.
- A labour contract shall, in accordance with the Act, make stipulations for the following matters relating to:
  1. the workplace and the work to be performed in the workplace,
  2. time of starting and finishing work, rest periods, holidays, public holidays, rest days, leave and shift changes in the rotation system,
  3. the determination, readjustment, calculation, final settlement, the dates and the methods of wage payment,
  4. the entering and termination of a labour contract, and retirement,
  5. severance pay, pension and other allowances, and bonuses,
  6. the expenses for boarding, lodging and tools which the worker should bear,
  7. safety and health,
  8. labour education and training,
  9. welfare,
  10. compensation and remedy for occupational accident and subsidy for ordinary injury or sickness,
  11. work discipline that shall be observed,
  12. award and discipline, and
  13. other matters relating to rights and obligations of the labour and management.

## 9. Disciplinary

- No employer shall, by force, coercion, detention, or other illegal means, compel a worker to perform work.
- An employer hiring more than thirty workers shall set up work rules in accordance with the nature of the business and shall publicly display the said rules after they have been submitted to the competent authorities for approval and record. The rules shall specify the following subject matters:
  1. working hours, recess, holidays, annual paid leave of absence and the rotation of shifts for continuous operations,
  2. standards, method of calculation and pay day of payable wages,
  3. length of overtime work,
  4. allowances and bonuses,
  5. disciplinary measures,
  6. rules for attendance, taking leave, awards and discipline, promotions and transfer,
  7. rules for recruitment, discharge, severance, termination and retirement,
  8. compensation and consolation payment for accident, injury or disease,
  9. welfare measures,
  10. safety and health regulations to be followed and observed both by the employer and the worker,

11. methods for communication of views and enhancement of cooperation between employer and worker, and
12. miscellaneous matters.

## 10. Supply Chain management

- The main production site must ensure that any subcontracting units have suitable conditions for safe production. A special agreement with the contractor or leaseholder must be agreed on and signed, specifying the duties and functions of each party in the administration of production safety.
- Contract management plans shall include provisions for evaluating the contractor's safety and health management capabilities, occupational incident reporting, hazardous operation controls, education and training, emergency response procedures, and performance assessments.
- Contractors and their workers must comply with all applicable occupational safety and health laws, as well as the safety management requirements established by the principal business entity.
- The execution record of the preceding paragraph shall be kept for three years.
- The production, storage and transportation of toxic chemicals must comply with provisions to prevent pollution.
- The handler shall mark toxicity and pollution control items in compliance with regulations on chemical substance containers, packaging, and handling premises and facilities, and shall keep safety data sheets for the toxic chemical substances in question on hand.
- An enterprise manufacturing, using, storing or transporting Class 1, Class 2, and Class 3 toxic chemical substances shall employ professional technical management personnel pursuant to regulations for the performance of toxic chemical substance pollution control and risk prevention.
- For the manufacture, use, storage, and transportation of Class 1 to Class 3 toxic chemicals, operators are required to appoint qualified technical management personnel as specified. These individuals will be responsible for pollution control and hazard prevention related to toxic chemicals.
- Operators of toxic chemicals must maintain records and regularly report on the operations and release quantities of toxic chemicals. These records should be properly kept for reference.

## 11. Environmental management

- All units must protect the environment; comply with national and local laws on environment quality and discharge of pollutants.
- Units that cause environmental pollution and other public hazards must establish a system for environmental protection and adopt effective measures to prevent and control pollution and harm to the environment.
- Operations related to toxic and hazardous chemicals must comply with the Toxic and Concerned Chemical Substances Control Act.

# Appendix

# Laws used for reference

## **Labour Law of the People's Republic of Employment is freely chosen**

- Labour Standards Act, articles 5, 6, 14, 26, 32 and 42.
- Employment Service Act, articles 3 and 5.

## **Freedom of association and the right to collective bargaining**

- Labour Union Act, articles 4 and 35.
- Labour Standards Act, article 83.
- Regulations for Implementing Labour-Management Meeting, articles 2, 3, 4, 5, 6, 7, 8, 9, 10, 18 and 22.

## **Health and Safety**

- Occupational Safety and Health Act, articles 6, 10, 18, 20, 22, 24, 25, 26, 27, 29 and 30.
- Occupational Safety and Health Management Measures, articles 2-1, 3, 10, 12, 12-1, 12-2, 12-3, 12-5 and 79.
- Occupational Safety and Health Education and Training Rules, articles 16 and 17.
- Labour Health Protection Rules, article 9.
- Labour Insurance Act, article 6.
- Occupational Safety and Health Facilities Rules, articles 27, 159, 171, 188, 239, 241, 277, 294, 297, 315, 318, 319 and 320.
- Fire Services Act, Article 6 and 13.
- Building Act, article 77.
- Standards for the determination of foreigners' living care service plans.
- Measures for the Use and Maintenance of Fixed Equipment for Continuous Water Supply of Drinking Water, article 8.

## **Age of workers**

- Labour Standards Act, articles 44 and 45.

## **Wage and benefits**

- Labour Standards Act, articles 2, 16, 17, 21, 22, 23 and 24.
- Enforcement Rules of the Labour Standards Act, articles 10, 11, 12 and 13.
- National Health Insurance Act: article 15.
- Labour Insurance Act, article 6.

## **Working hours**

- Labour Standards Act, articles 32, 36, 37, 38, 49, 50 and 52.
- Regulations of Leave-Taking of Workers: articles 2, 3, 4, 5, 6, 7, 8, 9 and 10.

## **Contract of employment**

- Labour Standards Act, articles 5, 9, 13, 16, 17, 50 and 59.
- Enforcement Rules of the Labour Standards Act, article 7.

## **Disciplinary**

- Labour Standards Act, articles 5 and 70.

## **Discrimination**

- Act of Gender Equality in Employment, articles 7, 8, 9, 10 and 11.
- Employment Service Act, article 5.
- Labour Standards Act, article 25.

## **Supply Chain management**

- Occupational Safety and Health Act, articles 26 and 27.
- Occupational Safety and Health Management Measures, article 12-5.

## **Environment management**

- Basic Environment Act, articles 4, 6, 13 and 32.
- Toxic and Concerned Chemical Substances Control Act, articles 9, 17 and 18.

# Contacts

## **Tony Bevan**

Sustainability Director

[tony.bevan@kingfisher.com](mailto:tony.bevan@kingfisher.com)

## **Samuel Shum**

Head of Responsible Sourcing (Far East)

+852 3913 9000

[samuel.shum@kingfishersourcing.com](mailto:samuel.shum@kingfishersourcing.com)

Kingfisher Asia Ltd

2/F, KOHO, 73-75 Hung To Road

Kwun Tong, Kowloon, Hong Kong

## **Frank Xie**

Responsible Sourcing Manager

+86 755 3336 0700

[frank.xie@kingfishersourcing.com](mailto:frank.xie@kingfishersourcing.com)

Kingfisher (Shanghai) Sourcing  
Consultancy Co., Ltd.

Shenzhen Branch

2/F, B&Q office, No. 255, Block 3,

Shahe Road East, Shenzhen

518055 P.R. China



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Kingfisher plc  
1 Paddington Square, London W2 1GG  
Telephone: +44 (0)20 7372 8008  
[www.kingfisher.com](http://www.kingfisher.com)



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