

勞保給付－傷病給付常見問答

Labor Insurance Benefits - Injury and Sickness Benefit FAQ

序號	問題	回答
1	<p>被保險人如果生病或受傷住院了，怎樣申請傷病給付？</p> <p>When the insured is hospitalized for sickness or injury, how can the injury and sickness benefit be applied for?</p>	<p>被保險人如果生病或受傷，住院 4 日以上，不能工作，以致未取得原有薪資（或請特休假、排休等假別，取得原有薪資）可以申請普通傷害或普通疾病傷病給付。又傷病給付係按日計算，傷病期間超過 15 日，可以 15 日為 1 期，於期末請領。如須長期治療者，得分次請領，亦得於恢復工作後（普通傷病為出院後）一次請領，惟務必於 5 年（101 年 12 月 21 日修正施行）請求權時效內辦理請領手續。</p> <p>When the insured is sick or injured, hospitalized for more than four days, unable to work, thus unable to receive the original wage (or still able to receive the original wage by taking annual paid leave, scheduled leave, etc.), the injury or sickness benefit for ordinary injury or ordinary sickness may be applied for. In addition, the injury and sickness benefit is calculated on a daily basis. For an injury or sickness period exceeding 15 days, 15 days can be regarded as one term, and the benefit can be claimed at the end of the term. For those in need of long-term treatment, interim benefits can be applied for at the end of each term, or one lump sum benefit can be applied for after returning to work (or after discharge from the hospital for ordinary injuries and sicknesses). However, such application for claim must be made within the 5-year (implementation of the amendment on December 21, 2012) time limit for the right to apply.</p>
2	<p>被保險人因普通傷病住院不滿 4 日或僅門診治療或出院後在家休養期間，可否請領傷病給付？</p> <p>When the insured is hospitalized for ordinary injuries and sicknesses for less than four days, or only receives outpatient treatment, or recuperates at home after being discharged from the hospital, can the injury and sickness benefit be applied for?</p>	<p>被保險人遭受普通傷害或罹患普通疾病，必須住院診療 4 日以上，住院之第 4 日起沒有領到原有之薪資者，可申請傷病給付至出院之日止。但住院未滿 4 日或僅門診治療或出院後在家休養期間不能請領。</p> <p>When the insured suffers from ordinary injury or disease, must be hospitalized for more than four days, is unable to receive their original wage from the 4th day of hospitalization, the injury and sickness benefit may be applied for, with the benefit covered until the date of being discharged from the hospital. However, those hospitalized for less than four days, or receiving outpatient treatment only, or recuperating at home after being discharged from the hospital, cannot apply to claim the injury and sickness benefit.</p>

序號	問題	回答
3	<p>被保險人發生傷病事故後即被退保可否請領傷病給付？</p> <p>When the insured is withdrawn from the insurance plan immediately after an injury or sickness incident, can the injury and sickness benefit be applied for?</p>	<p>被保險人在保險有效期間內所發生之傷病，於退保後1年內因該傷病無法工作，符合請領規定者，仍可享有請領傷病給付之權利。</p> <p>For injury and sickness suffered by the insured during the effective period of the insurance, when the insured is unable to work due to the injury or sickness within one year after withdrawing from the policy, the insured shall still be entitled to the right to apply to claim the injury and sickness benefit, provided other provisions for the claim application are met.</p>
4	<p>傷病給付為何規定已取得原有薪資者，不得請領？</p> <p>Why is it provided that the injury and sickness benefit shall not be applied for by an insured who is still paid their original wage?</p>	<p>傷病給付的目的，係為保障被保險人因傷病不能工作，未能取得原有薪資的生活安全。故實施社會保險的國家，都以未能取得原有薪資為請領傷病給付的要件。</p> <p>The purpose of the injury and sickness benefit is to safeguard the living security of the insured in case the insured fails to receive their original wage because of an inability to work due to injury or sickness. Therefore, countries that implement social insurance all regard the failure to receive the original wage as the requisite for an application to claim injury and sickness benefits.</p>
5	<p>傷病給付為何規定自不能工作的第4日起發給？</p> <p>Why is it provided that the injury and sickness benefit shall not be applied for by the insured until the 4th day the insured is unable to work?</p>	<p>查實施社會保險之世界各國，對傷病給付多設有一定等待期間，俾客觀認定被保險人有無工作能力，排除罹患傷病主觀不能工作之心理，避免給付支出不當與浮濫。又勞工保險係適當保障被保險人，給付標準尚須兼顧保險財務之負擔程度，故有一定之計算基礎及標準。是以參照多數國家勞工保險規定，此3日稱為等待期，其規定理由綜歸如下：</p> <p>減少輕傷（病）者的給付申請案件，使投保單位、醫療院所與本局間的行政作業簡化。</p> <p>3日的給付金額甚少，減除診斷書費後實得無幾，不影響被保險人的生活費用。</p> <p>被保險人少領3日傷病給付金額雖少，但保險基金則積少成多，俾支付重傷、重病者的大量傷病給付。</p> <p>With reference to those states in the world that implement social insurance, there is usually a waiting period for the payment of the injury and sickness benefit, to objectively determine whether the insured has the ability to work, eliminate the insured's subjective psychology of not being able to work due to injury or sickness, and avoid inappropriate and excessive claim payments. In addition, labor insurance is to properly safeguard the insured on the one hand,</p>

序號	問題	回答
		<p>and the payment standard also needs to consider the burden of the insurance finance on the other hand. Therefore, it is necessary to have a certain calculation basis and standard. Accordingly, in line with the labor insurance provisions of most countries, this 3-day period (the waiting period), and the reasons behind it, are summarized as follows:</p> <ul style="list-style-type: none"> - To reduce the number of claims for minor injuries (diseases) to simplify the administrative work among the insured unit, the medical institution, and the Bureau of Labor Insurance (BOLI). - The benefit payment for three days is not much, and the net of the benefit payment after deducting the diagnosis certificate fee is small, thus having little effect on the living expenses of the insured. <p>Although the 3-day injury and disease benefit payment is small, many tiny bits in the insurance fund can add up to a large amount, thus affecting the fund benefit payment for those insured with serious injury and sickness.</p>
6	<p>被裁減資遣被保險人於繼續參加勞工保險期間發生保險事故是否可申請傷病給付？ When an insured incident happens to the insured during the continuity of the insurance after the insured has been through personnel curtailment or laid-off, can the injury and sickness benefit be applied for?</p>	<p>查勞工保險傷病給付係為保障勞工因傷病事故無法從事工作，於未能領取原有薪資期間給予之生活補助。被裁減資遣續保之被保險人因無工作收入，自無因傷病致薪資短少之問題，故依照「被裁減資遣被保險人繼續參加勞工保險及保險給付辦法」第8條規定不給予傷病給付。</p> <p>The injury and sickness benefit of the labor insurance is designed to provide living allowance for workers who fail to receive the original wage because of an inability to work due to injury or sickness. Since the insured, during the continuity of the insurance after the insured has been through personnel curtailment or laid-off, has no income from work, naturally, there is no wage shortage due to injury or sickness. Therefore, the insured, who continues to participate in labor insurance after having been through personnel curtailment or laid-off, is not eligible for the injury and sickness benefit according to provisions of Article 8 of “<i>The Insured Continues to Participate in Labor Insurance after Having been through Personnel Curtailment or Laid-off, and Insurance Benefit Measures</i>”.</p>

序號	問題	回答
7	<p>因普通傷病住院治療，住院期間請特別休假，沒有扣薪水(照領原薪)，可否申領傷病給付？</p> <p>When the insured is hospitalized for ordinary injuries and sicknesses, and continues to receive salary, without wage deduction, by taking annual paid leave, can the injury and sickness benefit be applied for?</p>	<p>查勞動基準法第 38 條及其施行細則第 24 條規定之特別休假，係屬勞工之權利，雇主應發給工資。被保險人於遭遇普通傷病期間，如係請特別休假者，依據行政院勞工委員會中華民國 93 年 2 月 3 日勞保 2 字第 0920070929 函釋規定，仍得請領普通傷病給付。至請「彈性假」、「輪休假」或「排休」等，致未能領取勞動基準法施行細則第 24 條第 3 項所規定之應休而未休日數之工資，依上開函示精神，應屬損失原有薪資性質，得依規定請領傷病給付。另請「加班補休」等假別，依勞委會 96 年 10 月 9 日勞保 2 字第 0960140390 號函示，加班費係勞工因延長工時工作所獲取之報酬，自應屬工資之範圍。是以，其未取得加班費，應視為「未取得原有薪資」，仍得依規定請領傷病給付。</p> <p>According to the provisions in Article 38 of the <i>Labor Standards Act</i> and Article 24 of the <i>Enforcement Rules of the Labor Standards Act</i>, annual paid leaves are the rights of workers, and wages must be paid by the employer for annual paid leave. During the period of ordinary injury or sickness, if the insured takes “annual paid leave”, then the insured shall be still entitled to apply for the injury and sickness benefit in accordance with the provisions of the Letter No. Lao-Bao-2-zi-0920070929 dated February 3, 2004 from Council of Labor Affairs (COLA) of the Executive Yuan.</p> <p>If the insured takes "flexible leave", "leave by turns", or "scheduled leave", etc., thus failing to receive wages for those days where the insured shall have taken days off in accordance with the provisions of in Paragraph 3 of Article 24 of the <i>Enforcement Rules of the Labor Standards Act</i>, then the insured shall be entitled to apply for the injury and sickness benefit based on the nature of loss of original wage, in accordance with the provisions and spirit of the abovementioned letter.</p> <p>If the insured takes the “compensation leave for overtime”, etc., the insured fails to receive overtime pay which falls in the scope of wages because overtime pay is the remuneration for work during extended hours; that is, the insured shall be regarded as failing to receive the “original wage”, then the insured shall be entitled to</p>

序號	問題	回答
		apply for the injury and sickness benefit in accordance with the provisions of the Letter No. Lao-Bao-2-zi-0960140390 dated October 9, 2007 from Council of Labor Affairs (COLA) of the Executive Yuan.
8	<p>請領失能給付後，是否仍可請領傷病給付？</p> <p>After the disability benefit is claimed, can the injury and sickness benefit still be applied for?</p>	<p>被保險人因傷病治療終止，領取「終身不能從事工作」之失能給付後，自不能再請領傷病給付，惟如被保險人領取失能給付後，「尚在加保中者」，其因該傷病仍須再治療（普通傷病限住院診療、職災傷病限住院或門診診療），不能工作，未能取得原有薪資，則得繼續申請傷病給付。</p> <p>Upon the termination of the treatment for injury or sickness, if the insured receives the disability benefit for "being unable to work for the rest of the life"; naturally, the insured can no longer apply for the injury and sickness benefit. However, after receiving the disability benefit, if the insured "is still covered in the effective labor insurance", still requires further treatment (limited to inpatient treatment for ordinary injuries and sickness; and limited to inpatient or outpatient treatment for the injury and sickness benefit for occupational accident) due to the said injury and sickness, is unable to work, unable to receive the original wage, then the insured shall be entitled to apply for the injury and sickness benefit.</p>
9	<p>被保險人因普通傷病申請留職停薪期間且繼續參加勞保，如因傷病住院診療，可否請領傷病給付？</p> <p>During the leave of absence period due to injury or sickness, if the insured continues to participate in the labor insurance, and is hospitalized for injury or sickness, can the injury and sickness benefit be applied for?</p>	<p>勞保傷病給付功能旨在提供被保險人因傷病導致薪資短少之補償，以維持其生活安定。依據行政院勞工委員會 95 年 6 月 29 日勞保 2 字第 0950057148 函釋規定，被保險人因普通傷病留職停薪期間繼續參加勞保，如因傷病住院診療，仍得依勞工保險條例第 33 條規定請領傷病給付。</p> <p>The injury and sickness benefit of the labor insurance is designed to provide compensation of wage shortage due to injury or sickness for the insured for the maintenance of a stable life. In accordance with the provisions of the Letter No. Lao-Bao-2-zi-0950057148 dated June 29, 2006 from the Council of Labor Affairs (COLA) of the Executive Yuan, during the leave of absence period due to injury or sickness, if the insured continues to participate in the labor insurance, and is hospitalized for injury or sickness, the insured shall be still entitled to apply for the injury and sickness benefit in accordance with the provisions of Article 33 of <i>Labor Insurance Act</i>.</p>
10	<p>被保險人育嬰留職停薪期間罹患普通傷病住院治療，可否請領勞保普通傷病給付？</p> <p>If the insured is hospitalized for treatment due to ordinary</p>	<p>被保險人因育嬰留職停薪期間無薪資所得且繼續參加勞保，於保險有效期間如因傷病住院診療，符合勞保條例第 33 條規定，得請領普通傷病給付。另依照行政院勞工委員會 98 年 8 月 17 日勞保 1 字第</p>

序號	問題	回答
	<p>injuries and sicknesses during a period of “unpaid parental leave”, can the ordinary injury and sickness benefit be applied for?</p>	<p>0980140398 號函釋略以，育嬰留職停薪津貼與勞保傷病給付同屬薪資補償性質，基於社會保險不重複保障原則，不得同時請領。是以，被保險人如已請領育嬰留職停薪津貼，而於請領該津貼期間內住院診療，則不得再同時請領傷病給付。</p> <p>If the insured continues to participate in the labor insurance during a period of unpaid parental leave and is hospitalized for treatment of ordinary injuries or sicknesses, the insured shall be entitled to apply for the ordinary injury and sickness benefit in accordance with the provisions of Article 33 of <i>Labor Insurance Act</i>. However, in accordance with the provisions of the Letter No. Lao-Bao-2-zi-0980140398 dated August 17, 2009 from the Council of Labor Affairs (COLA) of the Executive Yuan, if the unpaid parental leave as well as the injury and sickness benefit of the labor insurance are both of the nature of wage compensation, then the two benefits cannot be applied for simultaneously, based on the principle of no double protection of social insurance. Therefore, if the insured has already applied for the benefit for unpaid parental leave, then the insured shall not be entitled to apply for the injury and sickness benefit if the insured is hospitalized during the period of receiving the benefit for unpaid parental leave.</p>
1 1	<p>已依勞動基準法第 59 條規定，按原領工資數額取得補償費用者，是否得請領傷病給付？</p> <p>When the insured has received compensation according to the original wage amount in accordance with Article 59 of the <i>Labor Standards Act</i>, can the injury and sickness benefit be applied for?</p>	<p>雇主業依勞動基準法第 59 條規定給予原領工資數額之補償，惟該項給予係屬補償金之性質，與工資不同，故非屬勞工保險條例第 34 條之「原有薪資」，被保險人仍得依該條例之相關規定請領職災傷病給付。至雇主已先行支付之補償費用，仍得依照勞動基準法第 59 條但書規定，向該被保險人要求予以抵充，雙方如有爭議，因涉及勞動基準法問題，建請向公司所在地之縣(市)政府之勞工行政機關申請調解處理。</p> <p>When the employer provides compensation for the amount of original wage in accordance with the provisions of Article 59 of the <i>Labor Standards Act</i>, such payment is of a nature of compensations, which is different from wage, thus not the "original wage" as</p>

序號	問題	回答
		<p>specified in Article 34 of the <i>Labor Insurance Act</i>. The insured may still apply for the injury and sickness benefit for an occupational accident in accordance with the related provisions of the <i>Labor Insurance Act</i>. For any compensations the employer has already paid in advance, the employer may deduct the already paid compensation therefrom, in accordance with the proviso of Article 59 of the <i>Labor Standards Act</i>. If there is dispute between the employer and the insured, because the <i>Labor Standards Act</i> is involved, it is advised to apply to the Labor Administrative Authority of the local county (city) government for mediation.</p>
1 2	<p>被保險人發生職業傷害後，半天工作、半天到醫院復健，取得部分薪資，能不能申請職災傷病給付？ After suffering an occupational injury, the insured works one half day and receives rehabilitation at a hospital for the other half day, thus getting paid part of the wage, can the injury and sickness benefit for occupational accident be applied for?</p>	<p>勞保職業傷害傷病給付係以因傷病全日不能工作 4 日以上為給付要件，故被保險人雖發生職災事故，但每日仍有工作之事實者，無論工作時間長短，均不得申請傷病給付。 The injury and sickness benefit of the labor insurance for an occupational accident is based on the requisite that the insured cannot work for more than four full days due to injury or sickness. Therefore, although the insured encounters an occupational accident, the insured shall not apply for the injury and sickness benefit if the insured still works every day, regardless of the length of the work time.</p>
1 3	<p>被保險人罹患重大疾病並領有重大傷病卡，是否可申請傷病給付？ When the insured suffers from a critical sickness and is qualified to receive a critical injury and sickness card, can the injury and sickness benefit be applied for?</p>	<p>按勞保被保險人如於保險生效期間罹患普通疾病住院診療，未能取得原有薪資，依照勞工保險條例第 33 條規定得自住院不能工作之第 4 日起，請領普通疾病傷病給付。上項給付僅限住院期間始得請領，門診及在家療養期間均不在給付範圍。 When the insured is hospitalized for treatment of ordinary sickness during the effective period of the labor insurance and fails to receive the original wage, the insured may apply for the sickness and injury benefit for ordinary sickness from the 4th day of hospitalization and bring unable to work, in accordance with the provisions of Article 33 of the <i>Labor Insurance Act</i>. The aforesaid benefit can only be claimed for the hospitalization period, but not for outpatient visit and recuperation at home.</p>
1 4	<p>投保單位欠繳保險費，所屬被保險人因傷病住院可否申請傷病給付？ When the insured unit owes the insurance premium, and the insured of the insured unit is hospitalized due to illness or</p>	<p>投保單位因積欠保險費經勞保局暫行拒絕給付，若被保險人本人應負擔部分之保險費已扣繳或繳納於投保單位者，於該段已繳交或扣繳期間如符合傷病給付請領要件者，被保險人仍可依照規定申請傷病給付。</p>

序號	問題	回答
	sickness, can the injury and sickness benefit be applied for?	When Bureau of Labor Insurance (BOLI) temporarily refuses to pay the benefits due to the insurance premium of the insured unit being in arrears, if the portion of the insurance premium the insured is responsible for has been deducted or paid to the insured unit, then during the period when such insurance premium has been deducted or paid to the insured unit, the insured shall still be entitled to the right to apply for the injury and sickness benefit, provided the requisites for claiming the injury and sickness benefit are met.
1 5	<p>勞保普通傷病給付部分改以簡訊通知取代書面寄送核定函 Q&A</p> <p>Scenarios Q &A –</p> <p>For the ordinary injury and sickness benefit under the labor insurance, is the insured now informed of the approval result by SMS notifications, instead of by mail notifications.</p>	<p>1. 是否所有傷病給付的案件都會以簡訊通知？</p> <p>1. Are approval results of all cases of the injury and sickness benefit sent by SMS notifications?</p> <p>答：不是。被保險人因普通傷害或普通疾病住院治療期間致未取得原有薪資申請勞保傷病給付案，經本局審查後逕依所請期間核發給付者，因案情明確且未有爭議，始以簡訊通知核定結果。如涉及請領起訖期間疑義、職業傷害事故經過再確認、疾病成因再釐清抑或申請書件不完備者，本局仍以書面寄發核定通知。</p> <p>A: No. When the insured fails to receive the original wage during hospitalization for treatment due to ordinary injury or ordinary disease, and applies for the injury and sickness benefit of the labor insurance, the approval result is sent to the insured by SMS notifications, only if the case circumstances are clear without dispute, and the Bureau of Labor Insurance (BOLI) has approved the injury and sickness benefit after case review according to the period of claim application.</p> <p>Where there is any doubt about the start date and end date of the period of claim application, if there is a need to re-confirm details of an occupational injury accident, or clarify causes of the sickness, or, if there is incomplete documentation, the case review result is sent to the insured by mail notification.</p> <p>2. 如何收到簡訊通知？自何時起實施？如傷病給付申請書未填寫手機號碼，會以何種方式通知？</p>

序號	問題	回答
		<p>2.How to receive SMS notifications? When is the date for the implementation of the SMS notifications? If the mobile phone number is not filled in the application form for the injury and sickness benefit, what notification method is adopted?</p> <p>答：勞保普通傷病給付核付案件，自 108 年 6 月 23 日起實施以簡訊通知取代書面寄送核定函，如被保險人所送申請書有填寫行動電話，且勾選同意普通傷病給付以簡訊通知者，本局會在傷病給付核付的次日以簡訊通知。如所送申請書未填寫手機號碼或有填寫號碼卻未勾選同意以簡訊通知，本局仍會以書面寄發核定函。</p> <p>A: As of June 23, 2019, approval results of cases of the ordinary injury and sickness benefit of the labor insurance are sent by SMS notifications instead of by mail notifications. Where the application form submitted by the insured shows a mobile phone number, and the SMS notification option is checked as the means for receiving the approval result of the ordinary injury and sickness benefit, the Bureau of Labor Insurance (BOLI) is to send out the approval result of the injury and sickness benefit the next day after the case review. Where the application form submitted by the insured does not show a mobile phone number, or the mobile phone number is available, but the SMS notification option is not checked as the means for sending the approval result of the ordinary injury and sickness benefit, the Bureau of Labor Insurance (BOLI) will send out the approval letter by mail notification.</p> <p>3.勞保傷病給付核付案件簡訊通知的內容為何？</p> <p>3.What is the content of the SMS notification for the injury and sickness benefit of the labor insurance?</p> <p>答：簡訊通知內容：「○○○您好，您所請普通傷病給付，已於 ○○○ 年 ○○ 月 ○○ 日核付，將於 3 至 5 個工作日匯入您指定之帳戶。勞保局關心您！」。</p> <p>A: The content of the SMS notification is as follows: "Hello ○○○, your application for claim of the ordinary injury and sickness benefit has been approved on the date of ○○/○○/○○, and the fund will be credited to the</p>

序號	問題	回答
		<p>bank account designated within 3 to 5 working days. The Bureau of Labor Insurance cares about you!"</p> <p>4. 為什麼簡訊內容沒有告知可以領取傷病給付的金額？ 4. Why doesn't the SMS notifications inform the insured of the amount of the injury and sickness benefit? 答：因簡訊通知之功能在於快速通知本局處理情形，然而核定之內容(如個人身分證號、出生年月、疾病內容及給付金額等)涉及個人資料，簡訊內容不會告知，請於收到簡訊後約 3 至 5 個工作日至申請給付時所指定之金融機構帳戶查詢金額。 A: The function of SMS notification is to quickly notify the insured of the BOLI's handling situation of the case. The approved contents (such as personal ID number, date of birth, disease details, and benefit amount, etc.) involve personal data; therefore, the contents of the SMS notifications do not contain such data. Please check the amount credited into the bank account designated about three to five working days after receiving the SMS notifications.</p> <p>5. 如需要書面核定函，應如何索取？ 5. Where a written approval letter is required, how could the written approval letter be requested? 答：被保險人如需要書面核定函，在填寫傷病給付申請書時，請「不要」勾選「<input type="checkbox"/>普通傷病核付後，同意以簡訊通知，不寄送紙本核定函」；如果經本局核付已收到簡訊後需補發書面核定函，請另向本局普通事故給付組保險收支科索取，電話(02)23961266 轉分機 2212。 A: Where the insured needs a written approval letter, when filling out the application form for the injury and sickness benefit, please "DO NOT" check the box "<input type="checkbox"/> Regarding the ordinary injury and sickness benefit, once approved, the undersigned hereby agrees to the option of SMS notification; and please do not send the written approval letter". After receiving the SMS notification, if a written approval letter is still needed, please contact the Insurance Revenue and Expenditure Section of the Ordinary Incident Benefit Group of the Bureau of Labor Insurance, at (02) 23961266 ext. 2212.</p>