

勞動部職業安全衛生署常見問答

FAQ of Occupational Safety and Health Administration, Ministry of Labor

序號	問題	回答
1	<p>老闆沒幫勞工加保，勞工發生職業災害失能或死亡，有沒有補助？</p> <p>The employer did not help the workers to add insurance, and the workers were disabled or died due to occupational accidents. Is there any subsidy?</p>	<p>沒加勞保的勞工，如因職業災害失能或死亡，在職業災害勞工保護法中，有職業疾病生活津貼、失能生活津貼、職業訓練生活津貼、看護補助、器具補助及家屬補助等不同的補助可申請。</p> <p>For workers without labor insurance, if they become disabled or die due to occupational accidents, in the Occupational Accident Labor Protection Law, there are occupational disease living allowances, disability living allowances, vocational training living allowances, nursing allowances, equipment allowances and family allowances. Grants can be applied for.</p> <p>如果是受僱勞工，而雇主未依勞動基準法規定給予足額補償，還有死亡補助和失能補助可申請。</p> <p>If it is a hired worker and the employer has not paid full compensation in accordance with the Labor Standards Act, there are also death benefits and disability benefits that can be applied for.</p>
2	<p>申請職業疾病生活津貼，可以發給多少錢？</p> <p>How much money can be paid to apply for occupational sickness living allowance?</p>	<p>依不同的失能等級，每月發給新臺幣一千九百元至八千七百元不等的職業疾病生活津貼。</p> <p>Depending on the level of disability, a monthly occupational disease living allowance ranging from NT\$1,900 to NT\$8,700 is issued.</p>
3	<p>申請失能生活津貼，可以發給多少錢？</p> <p>How much can I pay for disability living allowance?</p>	<p>依不同的失能等級，每月發給新臺幣六千二百元或八千七百元的失能生活津貼。</p> <p>Depending on the level of disability, a monthly occupational disease living allowance ranging from NT\$1,900 to NT\$8,700 is issued.</p>
4	<p>申請職業訓練生活津貼需要什麼資格？可以發給多少錢？</p> <p>What qualifications do I need to apply for the Vocational Training Living Allowance? How much can I give?</p>	<p>勞工遭遇職業災害導致失能程度達到第 2 至第 15 等級，參加政府機關主辦、委託或政府立案之訓練機構之職業訓練課程，每月總訓練時數超過 100 小時以上，可以申請職業訓練生活津貼。受訓期間，每月補助新臺幣一萬四千八百元。</p> <p>Workers who suffer from occupational accidents resulting in disability reaching the 2nd to 15th grades, who participate in vocational training courses sponsored, commissioned or registered by government agencies, and whose total training hours per month exceed 100 hours, can apply for vocational training living allowances. During the training period, the monthly subsidy is NT\$14,800.</p>

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5	申請看護補助需要有什麼條件？可以領多少錢？ What are the requirements to apply for the Care Grant? How much can I get?	勞工發生職業災害，經醫師診斷終身不能從事工作，符合勞工保險失能給付標準所定精神失能種類、神經失能種類、胸腹部臟器失能種類及皮膚失能種類第 1 等級及第 2 等級的人可申請。每月發給新臺幣一萬二千四百元。 A worker suffers an occupational accident and is unable to work for life after being diagnosed by a doctor, and meets the types of mental disability, neurological disability, chest and abdominal organ disability, and skin disability as defined in the labor insurance disability payment standards. Class 1 and Class 2 can apply. NT\$12,400 per month.
6	申請家屬補助有什麼資格限制？可以領多少錢？ What are the eligibility restrictions for applying for Dependent Assistance? How much can I get?	勞工遭遇職業災害死亡，如遺有配偶、子女或父母，可以申請家屬補助。一次發給新臺幣 10 萬元。 A worker who has died from an occupational accident and left a spouse, children or parents can apply for family allowances. A one-time payment of NT\$100,000.
7	什麼時候發生的職業災害，才可以申請職業災害勞工保護法的補助？有沒有請求權時效的規定？ When does an occupational accident occur, can I apply for the subsidy of the Occupational Accident Labor Protection Law? Is there a statute of limitations for the right to claim?	職業災害勞工保護法是在 91 年 4 月 28 日開始施行，在該法實施後所發生的職業災害，才可申請補助。每項補助的請求權時效都是 10 年(行政程序法第 131 條規定)。 The Occupational Accident Labor Protection Law came into effect on April 28, 1991, and only occupational accidents that occurred after the implementation of the law can apply for subsidies. The statute of limitations for each grant is 10 years (Article 131 of the Administrative Procedure Law).
8	我是職災勞工，受傷住院治療以及出院在家療養期間都需要請看護，有沒有補助？ I am a worker with an occupational accident, and I need to be nursed during the hospitalization treatment for the injury and the home recuperation period. Is there any subsidy?	住院治療及出院療養期間，因仍在醫療期間還無法確定是否會達到終身不能工作的程度，所以還不可以申請看護補助。 During the period of hospitalization and discharge from the hospital, it is not yet possible to determine whether the person will be unable to work for life during the medical treatment period. Therefore, you cannot apply for nursing allowance.
9	申請死亡補助需要什麼資格？可以領多少錢？ What qualifications does an employee need to apply for death benefit? How much can he/she get?	未加勞保的受僱勞工發生職業災害死亡，如雇主未依勞動基準法規定發給死亡補償或補償不足額時，可以申請死亡補助。補助金額是以勞保最低投保薪資，一次發給 45 個月，但是必須扣除雇主發給的死亡補償金。 If an employed worker without labor insurance dies from an occupational accident, if the employer fails to

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		<p>pay death compensation or if the compensation is insufficient in accordance with the Labor Standards Act, he may apply for death benefit. The subsidy amount is based on the minimum insured salary of labor insurance, and is paid for 45 months at a time, but the death compensation paid by the employer must be deducted.</p>
10	<p>外籍勞工如果發生職業災害，職業災害勞工保護法有沒有補助？如果是死亡事故，遺屬如果無法來台申請補助時，該怎麼辦？</p> <p>If a migrant worker has an occupational accident, is there any subsidy under the Occupational Accident Labor Protection Law? If it is a fatal accident, what should the survivors do if they cannot come to Taiwan to apply for subsidies?</p>	<p>如果是合法來台工作的外籍勞工，可比照我國勞工申請補助。至於未經許可或已廢止其聘僱許可的非法外勞，工作中如發生職業災害，則不予補助。如果是死亡事故，遺屬無法來台申請補助，可以委託在台的單位或個人代為提出申請。受委託人應檢附委託書、申請書、死亡證明、死者之居留證及護照影本、受益人與死者之親屬關係證明文件，以及受委託人或受益人的帳戶影本(如為國外帳戶，須自行負擔匯款手續費，並自補助金額中扣除)。</p> <p>If it is a migrant worker who legally comes to work in Taiwan, you can apply for subsidies in the same way as Chinese workers. As for illegal foreign workers whose employment permit has not been approved or whose employment permit has been revoked, no subsidy will be granted in the event of an occupational accident at work. In the event of a fatal accident, the bereaved family cannot come to Taiwan to apply for subsidies, and can entrust a unit or individual in Taiwan to apply on their behalf. The entrusted person should attach the power of attorney, the application form, the death certificate, the photocopy of the residence permit and passport of the deceased, the documents proving the relationship between the beneficiary and the deceased, and the photocopy of the account of the entrusted or beneficiary (if it is an overseas account, The remittance fee must be borne by oneself and deducted from the subsidy amount).</p> <p>上述證明文件或文書為國外出具者，應包含中譯本，送我國駐外機構驗證。中譯本未經驗證者，應由我國法院或民間公證人公證；大陸地區出具之證明文件或文書，須大陸公證與我國海基會驗證。</p> <p>If the above-mentioned certification documents or documents are issued by foreign countries, they should include Chinese translations and send them to Chinese institutions abroad for verification. If the Chinese translation has not been verified, it should be notarized by a Chinese court or a private notary public; the certification documents or documents issued by the mainland region must be notarized by the mainland and</p>

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		verified by the SEF in my country.
1 1	<p>各類生活津貼及看護補助可以領多久？如何辦理續領？</p> <p>How long can I receive various living allowances and nursing allowances? How to apply for renewal?</p>	<p>職業疾病生活津貼、失能生活津貼以及看護補助，每年申請一次，自本署受理當月起分 12 個月發給，每屆滿一年之日前 3 個月內須洽全民健保特約醫院重新開具勞工保險失能診斷書，連同申請書向本署重新提出申請。有加勞保者最長發給 5 年，沒加勞保者最長發給 3 年。</p> <p>Occupational disease living allowance, disability living allowance and nursing allowance are applied for once a year, and are distributed in 12 months from the month when the agency accepts them. The labor insurance must be re-issued by contacting the National Health Insurance Special Hospital within 3 months before the expiration of each year. The certificate of disability diagnosis, together with the application form, should be re-applied to this department. Those with labor insurance will be issued a maximum of 5 years, and those without labor insurance will be issued a maximum of 3 years.</p>
1 2	<p>有加勞保的勞工發生職業災害，除了勞保給付外，還有什麼補助可以申請？</p> <p>In the event of an occupational accident for a worker with labor insurance, besides the labor insurance payment, what subsidy can I apply for?</p>	<p>在職業災害勞工保護法中有職業疾病生活津貼、失能生活津貼、職業訓練生活津貼、看護補助、器具補助及家屬補助等不同的補助，職災勞工可按實際需求及補助標準提出申請。</p> <p>The Occupational Accident Labor Protection Law includes occupational disease living allowances, disability living allowances, vocational training living allowances, nursing allowances, equipment allowances and family allowances and other subsidies. Workers with occupational accidents can apply according to their actual needs and allowance standards.</p>
1 3	<p>我沒加勞保，因為工作罹患職業病，可不可以申請職業疾病生活津貼？</p> <p>I did not add labor insurance, because I suffer from occupational disease at work, can I apply for occupational disease living allowance?</p>	<p>勞工罹患職業疾病，經醫師診斷喪失部分或全部工作能力，可以依職業災害勞工保護法補助標準申請職業疾病生活津貼。</p> <p>If a worker suffers from an occupational disease and loses part or all of his working ability as diagnosed by a doctor, he may apply for occupational disease living allowance in accordance with the subsidy standard of the Occupational Accident Labor Protection Law.</p>
1 4	<p>我有加勞保，因為工作罹患職業病，可不可以申請職業疾病生活津貼？</p> <p>I have labor insurance, but I suffer from occupational disease at work, can I apply for occupational disease living allowance?</p>	<p>勞工因為加保期間的工作導致罹患職業疾病，在請領勞工保險職業病傷病給付期滿或失能給付後，可以申請職業疾病生活津貼。</p> <p>Workers who suffer from occupational diseases due to work during the insurance period can apply for occupational disease living allowances after the expiration of the labor insurance occupational disease, injury and disease payment period or disability</p>

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		payment.
1 5	我沒加勞保，發生職業災害受傷，可不可以申請失能生活津貼？ I did not add labor insurance and was injured in an occupational accident. Can I apply for disability living allowance?	沒加勞保的勞工發生職業傷害受傷，如果失能程度達到第 1 至第 7 等級，可以依職業災害勞工保護法補助標準申請失能生活津貼。 If a worker without labor insurance is injured due to occupational injury, if the degree of disability reaches the 1st to 7th level, he can apply for disability living allowance according to the subsidy standard of the Occupational Accident Labor Protection Law.
1 6	我有加勞保，發生職業災害受傷，可不可以申請失能生活津貼？ I have added labor insurance and am injured in an occupational accident. Can I apply for disability living allowance?	有加勞保的勞工發生職業傷害導致失能，在領過勞工保險職業災害傷病給付期滿以及失能給付後，如果失能程度達到勞工保險失能給付標準第 1 至第 7 等級，可以申請失能生活津貼。 A worker who has added labor insurance suffers an occupational injury and is disabled. After receiving the labor insurance occupational accident injury and illness payment period and the disability payment, if the degree of disability reaches the first to seventh level of the labor insurance disability payment standard, he can apply for disability. living allowance.
1 7	職災勞工可不可以同時申請職業訓練生活津貼以及職業災害勞工保護法其他補助？ Can an occupational accident worker apply for the vocational training living allowance and other subsidies under the Occupational Accident Labor Protection Law at the same time?	不可以，請領職業訓練生活津貼期間，不可同時領取失能生活津貼、職業疾病生活津貼以及其他單位發給的職業訓練生活津貼。 No, during the period of claiming vocational training living allowance, you cannot simultaneously receive disability living allowance, occupational disease living allowance and vocational training living allowance issued by other units.
1 8	為什麼我申請勞工保險給付檢送的診斷證明書，不可以用來申請器具補助？ Why can't I apply for a medical certificate for labor insurance benefits when I apply for equipment subsidies?	申請器具補助應檢附的診斷證明書規定，必須為身心障礙鑑定醫療機構開具，如該醫院非屬身心障礙鑑定醫療機構，則該診斷證明書即不適用。 The certificate of diagnosis that should be attached to the application for equipment subsidy stipulates that it must be issued by a medical institution for the identification of physical and mental disabilities.
1 9	如果購買器具的統一發票或收據正本遺失或供其他用途，要如何申請器具補助？ If the original uniform invoice or receipt for the purchase of the appliance is lost or used for other purposes, how can I apply	分下列 2 種方式辦理： It can be done in the following 2 ways: 遺失者，填具切結書並檢附原商家出具之統一發票存根聯或收據影本，該影本應有統一發票專用章或免用統一發票專用章、負責人章及與正本相符章。 If it is lost, fill in the closing letter and attach the unified

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	for appliance subsidy?	<p>invoice stub page or the photocopy of the receipt issued by the original merchant.</p> <p>供其他用途者，如為申請保險理賠，填具切結書並檢附理賠之保險公司出具之證明書，及該統一發票收執聯或收據影本。</p> <p>For other purposes, such as applying for insurance claims, fill in the closing letter and attach the certificate issued by the insurance company for the claim, and the receipt and receipt of the unified invoice or a copy of the receipt.</p>
20	<p>申請器具補助規定，應備妥 6 個月內購買器具之統一發票或收據正本，6 個月內的期限要如何計算？</p> <p>To apply for equipment subsidy, the original unified invoice or receipt for purchasing equipment within 6 months should be prepared. How to calculate the period within 6 months?</p>	<p>有兩種情形分述如下： There are two situations as follows:</p> <p>醫師出具需使用輔助器具的診斷證明書後，自診斷證明書之開立日起 6 個月內的統一發票或收據。 A unified invoice or receipt within 6 months from the date of issuance of the diagnosis certificate after the doctor issues the diagnosis certificate requiring the use of assistive devices.</p> <p>若已先行購買輔助器具，則以診斷證明書上醫師註明需用輔具之日起 6 個月內的統一發票或收據。 If the assistive device has been purchased in advance, a unified invoice or receipt within 6 months from the date when the physician indicates that the assistive device is required on the diagnosis certificate shall be used.</p>
21	<p>發生職業災害勞工需要買輔助器具，有沒有補助？是不是全額補助？用壞了再買新的，還可以再申請補助嗎？</p> <p>In the event of an occupational accident, workers need to buy assistive devices. Is there any subsidy? Is it fully subsidized? Can I still apply for a subsidy if I buy a new one after it is worn out?</p>	<p>如未依其他法令規定領取該項器具補助，可以依規定向本署申請補助。補助項目及補助標準，請參考「職業災害勞工輔助器具補助標準表」。</p> <p>If you do not receive the equipment subsidy in accordance with other laws and regulations, you can apply to this agency for subsidy according to the regulations. For subsidy items and subsidy standards, please refer to the "subsidy standard table for labor aids in occupational accidents".</p> <p>「職業災害勞工輔助器具補助標準表」對於每項輔具都有最高補助金額及最低使用年限的限制，如果購買金額未超過最高補助金額，以實際購買金額補助。每年最多補助 4 項輔具，補助總金額每年以新臺幣 6 萬元為限。如超過年限且經醫生診斷仍有繼續使用的必要時，可再申請補助。</p> <p>The "Standard Table of Subsidy for Assistive Devices for Occupational Accident Laborers" has a maximum subsidy amount and a minimum service life limit for</p>

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		<p>each assistive device. If the purchase amount does not exceed the maximum subsidy amount, the actual purchase amount will be subsidized. Up to 4 assistive devices can be subsidized each year, and the total amount of subsidy is limited to NT\$60,000 per year. If it exceeds the age and it is still necessary to continue to use it after being diagnosed by a doctor, you can apply for a subsidy again.</p>
2 2	<p>申請失能補助需要什麼資格？可以領多少錢？ What qualifications do I need to apply for disability benefits? How much can I get?</p>	<p>未加勞保的受僱勞工發生職業災害，如果失能程度達到第 1 至第 10 等級，並且雇主未依照勞動基準法規定發給失能補償或補償不足額時，可以申請失能補助。補助金額比照勞保失能給付的標準，以最低投保薪資一次發給，但是必須扣除雇主發給的失能補償金。</p> <p>If an employed worker without labor insurance suffers an occupational accident, if the degree of disability reaches the 1st to 10th level, and the employer fails to provide disability compensation or the compensation is insufficient in accordance with the Labor Standards Act, he or she can apply for disability allowance. The amount of the subsidy is paid in one go at the minimum insured salary according to the standard of disability payment by labor insurance, but the disability compensation paid by the employer must be deducted.</p>
2 3	<p>我們公司沒幫員工加勞保，員工發生職業災害，老闆會不會被罰？ Our company did not provide labor insurance for employees. If an employee has an occupational accident, will the boss be punished?</p>	<p>雇主如果依法應該為勞工申報加保而未加保，勞工發生職業災害，會被處以應繳納保險費 4 倍至 10 倍金額的罰鍰。</p> <p>If the employer should declare and add insurance for the worker according to law but fails to add the insurance, and the worker suffers an occupational accident, he will be fined 4 times to 10 times the amount of the insurance premium he should pay.</p> <p>但是勞工如果因職業災害死亡或失能，而且雇主未依勞動基準法規定補償或補償不足額時，會被處以死亡補助或失能補助相同金額的罰鍰。</p> <p>However, if a worker dies or becomes people with disabilities due to an occupational accident, and the employer fails to compensate or the compensation is insufficient in accordance with the Labor Standards Act, a fine equal to the death benefit or disability benefit will be imposed.</p>