

Suspension of changing employers or jobs and assignment procedure when COVID-19 alert is higher than Level III

Q & A

2021.06.17

The Central Epidemic Command Center (CEC) announced that when COVID-19 alert is higher than Level III, changing of employers or jobs and assignment procedure for the employers and the migratory workers shall be suspended in accordance with the Employment Service Act (hereinafter referred to as “This Law”) and other applicable legal rules. Related questions and answers are specified as follows:

One. Suspension of changing employers or jobs

I. Application for changing employers or jobs

Question 1: Why suspension of changing employers or jobs? What are the rules for the suspension? When will it be effective?

Answer: In light of the announcement of Level III alert of the COVID-19, changing employers or jobs were suspended on 2021.06.06.

- (I) Application for changing employers or jobs shall be regulated by the “application day”. Applications filed after 2021.06.06 cannot be processed for changing employers or jobs. For application filed before 2021.06.06, approved by the Ministry for changing, and within the validity period of changing pending on the renewal of employment by new employers, the duration pending for change will not be counted.
- (II) The effective date of suspension for application of employment renewal shall be regulated by the “agreement day”. If the agreement day of employment renewal falls beyond 2021.06.06, the application will be suspended. If application has been made, the Ministry will not approve for the change and will not issue permit for subsequent employment

renewal. If an agreement on employment renewal has been made on or before 2021.06.05 (which means the agreement day was on or before 2021.06.05), this indicated the migratory workers concerned have already reported to the new employer for service, the Ministry will permit the new employer to continue the employment of migratory workers.

- (III) Application for changing at the expiration of previous application shall be suspended with effect on 2021.06.06. Any application submitted will not be approved. For applications permitted for change at expiration by the Ministry before 2021.06.05, changing employers or jobs could still be permitted. In addition, the employers shall seek agreement with the migratory workers prior to the expiration of the previous employment for renewal of employment at expiration of the previous employment period.

Question 2: What kinds of migratory workers can still be changed in the period of suspension for changing employers or employment period?

Answer:

- (I) If any of the following applies to migratory workers, the suspension of changing employers could be exempted. Yet, they still have to petition for changing employers or jobs in accordance with the Employment Service Act (hereinafter referred to as “This Law”) and foreign nationals employed to perform works pursuant to Subparagraphs 8~11 of Paragraph 1 under Article 36 of the Employment Service Act and the procedure for changing

employers or jobs under the standard procedures (hereinafter referred to as the “standard for changing”) to proceed to changing of employers or jobs.

1. The decease of the employer or person under care taking, the seizure, sinking or repair of shipping vessel to the extent that operation cannot be continued and the shutdown or discontinuation of operation of the employers pursuant to Subparagraphs 1~3 of Paragraph1 under Article 59 of This Law.
2. The employer acts in defiance of This Law or other rules and regulations, or foreign nationals fell victims to sexual abuse, sexual harassment, and physical violence by the employer, or the migratory worker is a proven victim of human trafficking with the employment permit for the employer revoked by the Ministry in whole or in part.
3. Migratory workers permitted to change employers or jobs by the Ministry under Article 59 of This Law, Article 28-4 of the Regulations Governing the Employment and Management of Foreign Nationals by Employers (hereinafter referred to as “the Regulations”) and the Standard for Changing.

(II) Employers and migratory workers approved for changing by the Ministry shall follow the rules and regulations of CEC and the “Guidelines for Employers in the Employment of Migratory Workers at the time of COVID-19 infection: important notice of work performance, living, and outward bound of migratory workers” thereby arranged 1 room for the accommodation of 1

worker, separation of work site and accommodation, bolstering the management of daily lives of foreign nationals, assurance of social distancing, and assistance to educate foreign nationals to make frequent hand washing, personal hygiene as a habit and do not go out unless it is necessary, and paying attention to the health status of the foreign nationals. If signs of symptoms of the epidemic were detected or contact with the victims of the epidemic has been made, provide assistance for medical attention or COVID-19 test for fortifying the prevention of the epidemic and make the community safe for the pandemic.

Question 3: The employer has applied for the revocation of the previous permit for the employment of migratory workers and the changing of employer or jobs before 2021.06.05, but was turned down by the Ministry. The employer applied again on or beyond 2021.06.06, will the Ministry agree to issue the revocation of the permit of employment and the changing of employer or jobs? Who should be responsible for the living of the migratory workers?

Answer: The Ministry agrees to revoke the previous permit of employment as of the day the employer and migratory workers agreed to terminate the employment relation at common consent. The Ministry will suspend the processing of changing employer or job except under Subparagraphs 1~3 of Paragraph 1 under Article 59 of This Law as construed in the Interpretation Letter that the Ministry agrees the processing of changing employer or job for the migratory worker. Yet, the employer shall still be responsible for the living of the migratory worker before the approval of the

Ministry for changing employer or job, and the migratory worker is still in Taiwan.

Question 4: Labor-management disputes that both sides agreed to change employer in coordination meetings, what should be done following the suspension of changing employer for the time being?

Answer: The processing of application for changing employers or jobs was suspended with effect on 2021.06.06. Applications filed beyond this date will not be approved. For applications permitted for change at expiration by the Ministry before 2021.06.05, changing employers or jobs could still be permitted. In addition, the employers shall seek agreement with the migratory workers prior to the expiration of the previous employment for renewal of employment at expiration of the previous employment period.

Question 5: Migratory workers under labor-management dispute with the employers and who have been determined by the authorities to arrange for settlement, could this group of migratory workers change employers? If the letter of revocation of employment was received in the period of settlement, could it be possible to change employer?

Answer:

- (I) It depends on if the criteria for exclusion in change is applicable. If the employer and the migratory worker reached agreement on or beyond 2021.06.06 for renewal of employment, the application will be suspended for processing and application has been filed will not be approved. If the employer and the migratory worker reached agreement on or before 2021.06.05 for renewal of employment, it will be excluded

from the suspension for changing. If the new employer is not qualified for employment, the application will not be approved. If the reasons fall within the following, migratory workers can continue to change employers without restriction:

1. The decease of the employer or person under care taking, the seizure, sinking or repair of shipping vessel to the extent that operation cannot be continued and the shutdown or discontinuation of operation of the employers pursuant to Subparagraphs 1~3 of Paragraph1 under Article 59 of This Law.
 2. The employer acts in defiance of This Law or other rules and regulations, or foreign nationals fell victims to sexual abuse, sexual harassment, and physical violence by the employer, or the migratory worker is a proven victim of human trafficking with the employment permit for the employer revoked by the Ministry in whole or in part.
 3. Migratory workers permitted to change employers or jobs by the Ministry under Article 59 of This Law, Article 28-4 of the Regulations Governing the Employment and Management of Foreign Nationals by Employers (hereinafter referred to as “the Regulations”) and the Standard for Changing.
- (II) If settlement has been arranged by local governments and the migratory workers fit into the category for exclusion for suspension of changing, the restriction of suspension for changing shall not be applicable.

Question 6: The person under the home care of migratory worker was admitted to the home for long-term care that the employer has no need to hire the migratory worker any more, could this migratory worker change another employer?

Answer: Yes. The service of home care is no longer in need for the person concerned after admitting to the home for long-term care. Accordingly, the migratory worker is no longer employed for performing the service of home care that the exclusion specified in the Interpretation Letter of the Ministry of Labor dated 2021.06.07 shall be applicable that the Ministry agrees the migratory worker to change employer or jobs. However, the original employer shall provide certification documents for proof of the admission of the person under home care to the home for long-term care.

II. Application for Employment Renewal in Agreement

Question 1: Could migratory workers who have received the letter of permission for employment renewal in agreement go to work with the new employer?

Answer: Yes. If the agreement binding the employer and the migratory worker for employment renewal was made prior to 2021.06.05, it fall beyond the scope for suspension of changing and may go to work with the new employer.

Question 2: The new employer has reached a tripartite agreement for the employment renewal with the migratory worker prior to 2021.06.05, and applied with the Ministry for employment renewal, but the new employer not qualified and not approved, could the migratory worker be approved for changing employer or jobs?

Answer:

- (I) If the new employer and the migratory worker have entered into an agreement on employment renewal on or before 2021.06.05, and applied with the Ministry for employment renewal, but the new employer was found not qualified for the employment, and

was also found violation of This Law of other rules and regulations in the review procedure, the migratory worker may proceed to changing employer or jobs as exclusion under the Letter of Interpenetration of the Ministry of Labor dated 2021.06.07.

- (II) Employers and migratory workers approved for changing by the Ministry shall follow the rules and regulations of CEC and the “Guidelines for Employers in the Employment of Migratory Workers at the time of COVID-19 infection: important notice of work performance, living, and outward bound of migratory workers” thereby arranged 1 room for the accommodation of 1 worker, separation of work site and accommodation, bolstering the management of daily lives of foreign nationals, assurance of social distancing, and assistance to educate foreign nationals to make frequent hand washing, personal hygiene as a habit and do not go out unless it is necessary, and paying attention to the health status of the foreign nationals. If signs of symptoms of the epidemic were detected or contact with the victims of the epidemic has been made, provide assistance for medical attention or COVID-19 test for fortifying the prevention of the epidemic and make the community safe for the pandemic.

Question 3: If the new employer agrees to accept the employment not until 2021.06.06 and beyond, and the migratory worker concerned does not fall into the scope of exclusion as stated in the Interpretation Letter dated 2021.06.07, the Ministry will not approve. Should the original employer or the new employer be held responsible for the living of the migratory

worker in the afterward? Will the migratory worker agree to process the changing of employer or job if being rejected?

Answer: If the migratory worker falls beyond the scope of the exclusion under Interpretation Letter of the Ministry of Labor dated 2021.06.07, the Ministry will not approve the application of the new employer for the renewal of employment, and the new employer shall assume the responsibility of employer over the migratory worker. If the application is not approved for employment renewal in agreement, the Ministry will not agree on the change of employer or job in principle under the Interpretation Letter dated 2021.06.07.

Question 4: If the original employer is dead and the person under care service and the work place remained unchanged, could the migratory worker in home care service proceed to employment renewal?

Answer: Yes. Pursuant to Subparagraphs 1~3 of Paragraph 1 under Article 59 of This Law, the decease of the employer or the person under home care service is exempted from the restriction of suspension for application.

Question 5: If the migratory worker and the original employer agreed to change new employer or job, and the migratory worker is waiting to transfer to the new employer or job, but they did not apply with the Ministry for changing employer or job in agreement, how to handle this situation?

Answer: Application for changing employer or jobs was suspended for processing with effect on 2021.06.06. Applications already submitted will not be approved. Migratory workers and employers failed to apply with the Ministry for changing employer or jobs and the previous

permit for employment has not yet been revoked by the Ministry, the previous employment is still valid that the migratory workers can continue to work with the previous employer. If there is an exception meeting the criteria as cited in the Interpretation Letter of the Ministry dated 2021.06.07, they may apply with the Ministry for changing employer or jobs.

Question 6: If the migratory worker and the new employer agreed to renew the employment on or beyond 2021.06.06 with no specific condition attached, will the Ministry approve to issue the permit? Will the be subject to the investigation and action of the local government due to the renewal of employment before approval? Will the migratory worker agree to change?

Answer: If the employer and the migratory worker did not enter into agreement on employment renewal until 2021.06.06 and beyond and then apply for processing, the Ministry will not approve the change. If the new employer still agrees to renew the employment on or beyond 2021.06.06, the Ministry will not permit the renewal of employment and the new employer shall assume the responsibility of the employer except the migratory worker falls into the scope of exclusion as stated in the Interpretation Letter dated 2021.06.07. On rejection of the the application of the new employer for employment renewal, changing of employer will be suspended except the migratory worker falls into the scope of exclusion as stated in the Interpretation Letter dated 2021.06.07.

Question 7: In the event of labor-management dispute between the migratory and the original employer and the original employer

agreed the transfer of the migratory worker under the coordination of the local government, will the Ministry agree to issue the permit for employment renewal if the new employer does not agree on the renewal of employment until 2021.06.06 and beyond? If not, should the original employer or the new employer be responsible for the living of the migratory worker?

Answer: If the employer and the migratory worker did not agree to renew the employment until 2021.06.06 and beyond, and there was labor-management dispute between the migratory worker and the original employer, the application of the new employer will be suspended for processing. The Ministry will not approve for the change if application has already been made and no permit for employment renewal will be issued. If the new employer still agrees to renew the employment on or beyond 2021.06.06, the Ministry will not permit the renewal of employment and the new employer shall assume the responsibility of the employer except the migratory worker falls into the scope of exclusion as stated in the Interpretation Letter dated 2021.06.07. On rejection of the the application of the new employer for employment renewal, changing of employer will be suspended except the migratory worker falls into the scope of exclusion as stated in the Interpretation Letter dated 2021.06.07.

III. Application for renewal at expiration

Question 1: The employment of the migratory worker is expected to expire at the beginning of 2021.07 and is bound to renew, and the local government has issued the certificate for employment renewal, could this migratory worker apply with the Ministry

for an approval letter? If so, will suspension of changing employer still effective? What kind of procedure could the original employer adopt to process for employment renewal at expiration of the previous term of employment?

Answer: If application for change is submitted to the Ministry from 2021.06.06 onward, the processing will be suspended. Application has been submitted will not be approved. The original employer shall enter into agreement with the migratory worker prior to the expiration of the employment term applied by the original employer as soon as possible for the renewal of the employment at expiration. Migratory workers who have been approved by the Ministry to change employer or jobs at expiration on or before 2021.06.05 may continue to proceed at expiration of the previous term. The original employer may entered into agreement with the migratory worker prior to the expiration of the original employment term for applying employment renewal at expiration.

Question 2: The new employer applied with the Ministry for renewal of employment at expiration on or beyond 2021.06.06, or has never applied with the Ministry and the expiration of the employment for renewal falls beyond 2021.06.06 where an agreement on renewal at the expiration of the employment has been signed, could the change or acceptance be continued to proceed?

Answer: Application for changing at expiration is suspended with effect on 2021.06.06. Those who have applied will not be permitted.

Question 3: The effective date of suspension for change at expiration refers to the renewal day? Signing day? Or notification day by mailing? (For example, if the renewal day is 6/18, the signing day

is 6/4, the notification day by mailing is 6/7, and the application day is 6/10)

Answer: The effective day of suspension for change at expiration is the “application day” on which an application sent to the Ministry for change at expiration. With effect on 2021.06.06, the effective day of suspension for change will stop accepting application for change. Applications made before that date will not be permitted. Migratory workers may continue to process for change at expiration at the approval of the Ministry for change at expiration on or before 2021.06.05.

Question 4: The intermediary reported to the local government on changing employer or job at the expiration of employment in mid May 2021, and the day of change at expiration of employment was later than 2021.06.06, but the intermediary did not apply with the Ministry for employment renewal at expiration, could be renewal of employment at expiration be continued to proceed?

Answer: No. Application for employment renewal at expiration will be suspended for processing from 2021.06.06 onward. Applications already made will not be permitted. Employers are asked to enter into agreement with foreign nationals on renewal at expiration of employment prior to the expiration of the previous term of employment of the migratory workers.

Question 5: The new employer has applied for the renewal of employment of the migratory worker prior to the expiration of the previous term of employment of the migratory worker, and the new term of employment for the migratory worker started on or beyond

2021.06.06, but the permit for employment renewal for the new employer has not been issued on or before 2021.06.05 for some reasons, could the permit for the renewal of employment by the new employer be approved? If not, will the original employer or the new employer assume the responsibility of employer? Or will the change for new employer or job of the migratory worker be approved?

Answer:

(I) If the new employer has applied with the Ministry for renewal of employment on or before 2021.06.05 and the new employer is qualified for the renewal of employment, the Ministry will issue the permit for renewal of employment at expiration.

Further to the preceding paragraph, if the new employer is not qualified, the Ministry will not approve. The new employer shall assume the responsibility as employer. As a matter of principle, the changing of new employer or job of the migratory worker will be suspended as stated in the Interpretation Letter of the Ministry of Labor dated 2021.06.07.

Question 6: If the new employer applied for the renewal of employment at expiration on or beyond 2021.06.06, and the new term of employment started on or beyond 2021.06.06 with the migratory worker has started working with the new employer, but no rejection has been made prior to the renewal of employment at the expiration of the previous term for some reasons, could the permit for the new employer on renewal of employment at expiration be approved? Should the original employer or the new employer be responsible for the living of the migratory worker? Will the Ministry agree to permit the migratory worker to change employer or job?

Answer: Not permitted but the new employer will be issued for a partial permit

for renewal of employment at expiration. The new employer shall be responsible for the living of the migratory worker. As a matter of principle, the changing of new employer or job of the migratory worker will be suspended as stated in the Interpretation Letter of the Ministry of Labor dated 2021.06.07.

IV. Others

Question 1: The employer has entered into a tripartite agreement for consent of renewal of employment at expiration of the previous term on or before 2021.06.05, and sent to the local government for notification of employment renewal at expiration by mail after 2021.06.06, will the mail be suspended for receiving.

Answer: Suspension for employment renewal in agreement is based on the “agreement day”. Agreement made for employment renewal at expiration on or before 2021.06.05 falls beyond the scope of suspension for employment renewal. Accordingly, the local government will continue to answer to the notification of employment renewal at expiration.

Question 2: Application for changing employer or jobs was suspended on 2021.06.06, will public placement service institutions continue to process the application of migratory worker or employer for transfer registration and subsequent coordination?

Answer: Application for changing employer or jobs was suspended on 2021.06.06. If any of the following applies to migratory workers, public placement service institutions will still process transfer registration and subsequent coordination as required.

(I) The decease of the employer or person under care taking, the

seizure, sinking or repair of shipping vessel to the extent that operation cannot be continued and the shutdown or discontinuation of operation of the employers pursuant to Subparagraphs 1~3 of Paragraph 1 under Article 59 of This Law.

(II) The employer acts in defiance of This Law or other rules and regulations, or foreign nationals fell victims to sexual abuse, sexual harassment, and physical violence by the employer, or the migratory worker is a proven victim of human trafficking with the employment permit for the employer revoked by the Ministry in whole or in part.

Question 3: In the duration of suspension of application for changing employer or jobs, and the employer or migratory workers failed to make registration with the public placement service institutions within 14 days after the delivery of the letter of consent for changing, will penalty be imposed?

Answer: Changing for new employer or jobs was suspended with effect on 2021.06.06, public service placement institutions will suspend the processing of transfer registration as required except under the exclusion of the requirement. Since the changing procedure is suspended that the migratory worker or the employer cannot make registration with the public placement service institutions except the exclusions. No penalty will be imposed.

Question 4: If the suspension of changing employer or jobs is removed, how could public placement service institutions resume the processing or calculate the registration date for transfer?

Answer: The period for suspension of changing employers or jobs will be

ended after Level III or higher alert of COVID-19 was lifted and the procedure of employment renewal will be resumed upon notice.

- (I) Those who did not announce for registration of the change with public placement service institutions within 14 days after receiving the approval letter of the Ministry for transfer shall make registration with public placement service institutions by the deadline the Ministry set for resuming the changing of employers or jobs.
- (一) Those who have registered with public placement service institutions for changing employer or jobs and have made announcement on the change shall make announcement of the change within 60 days after the automatic resumption of changing. If the migratory worker intends to stop the announcement of the change, proceed to the withdrawal of the announcement of the change with the public placement service institution processing the registration of changing employer or jobs.

Question 5: Could migratory workers continue to work with the original employers in the duration of suspension of changing employers or jobs?

Answer: Suspension of changing employers or jobs became effective on 2021.06.06. For revocation of the employment for the transfer of migratory workers, the migratory workers cannot continue to work with the original employers or privately. Migratory workers without the revocation of employment may continue to work with the original employers.

Question 6: If the employment between the migratory workers and the employers is still valid, and changing of employers or jobs

has not been processed, could the employers terminate the employment agreement with the migratory workers in the duration of suspension of processing the changing of employers or jobs?

Answer: Employers and migratory workers may contact the local government to verify the termination of the employment agreement within the perpetuity of the employment term in agreement. Employers shall send the migratory workers back to their home countries by the deadline before the verification of the termination of the employment agreement. In case of the decease of the employer or person under care taking, the seizure, sinking or repair of shipping vessel to the extent that operation cannot be continued and the shutdown or discontinuation of operation of the employers pursuant to Subparagraphs 1~3 of Paragraph1 under Article 59 of This Law, or the exclusion specified in the Interpretation Letter of the Ministry dated 2021.06.07, application for changing employers or jobs procedure is permitted. Anything beyond the above scope shall be deemed within the scope of suspension for changing (including the application for the revocation of the employment permit in agreement, changing employers or jobs).

Question 7: If the migratory insisted on stop working in the duration of suspension of changing employers or jobs where the employers cannot be held responsible, could the employers terminate the employment agreement? How should the employers respond?

Answer: The employers may terminate the the employment relation with the migratory workers under the Civil Code as there is no fault on the side of the employers. If the employers have the need to employ migratory workers, they may present related proving documents to apply with the

Ministry. If the migratory workers act in defiance of the content of the employment agreement binding both sides that the controversy of claim for the damage caused by the breach of contract, the employers and the migratory workers may seek coordination from local competent authority governing labor affairs. If coordination failed, the parties may appeal to legal action.

Question 8: Should the original employers manage the living of the migratory workers in the duration of suspension of processing change of employers or jobs? Could the employers then charge a fee from the migratory workers?

Answer:

- (I) According to Article 28-1 and Article 30 of the standard for change, employers shall be responsible for the living of the migratory workers from the day of arrival, expiration for employment renewal, renewed employment, changing employment at the expiration of the previous employment. If the employer and migratory workers agreed to change employers pending on the continued employment of the new employer, the original employer shall still be responsible for the living of the migratory worker or appoint the intermediary to take care of the living of the migratory worker.
- (II) Since the employment relation is terminated and the changing of employer or jobs is delayed due to the influence of the pandemic where no side should be held responsible, the employer and the migratory worker shall consult each other on the burden of expenses incurred from food and accommodation in this period at reasonable level.

Question 9: The migratory worker has processed the verification of termination of employment and the employment agreement with the local government, and planned to depart on June 30, but the migratory changed his/her mind and intend to stay in Taiwan for work. Yet, the person under home care provided by the migratory worker deceased, how to handle this migratory worker?

Answer: If the migratory worker and the employer have contacted the local government for verification of the employment agreement, the employer shall arrange the migratory worker to return to his/her home country before the day the employment agreement is terminated if no application for the withdrawal of the verification of termination of the employment agreement has been made. If both sides have withdrawn the original verification of the termination of the employment agreement, the employment relation is still valid. Accordingly, the migratory worker needs to change a new employer due to the person of home care deceased. This falls within the scope of exclusion for processing change of employer or jobs as specified in the Interpretation Letter of the Ministry dated 2021.06.07. At this point, the employer or the migratory worker should apply for changing employer or job.

Two. Suspension of assignment of migratory workers to other workplaces

Question 1: What will be the scope of suspension of assignment of works to migratory workers and the works to be assigned as announced by CEC? How long would the suspension last?

Answer: According to the announcement of the CEC, “assignment of

foreign nationals employed to perform works under Subparagraphs 8~10 of Paragraph 1 under Article 46 of the Employment Service Act to other workplaces as determined by the standard” and the requirements specified in Letter Lao-Dong-Fa-Guan-Zi No. 1040512600 dated 2016.02.15 (extension of work) shall be suspended when COVID-19 alert is escalated to higher than Level III for reducing the flows of labor force.

- (I) Effective 2021.06.06, no assignment of migratory workers to other workplace except under the permission of the Ministry for assignment before 2021.06.05.
- (II) In consideration of humanism and those who need home care, foreign maids and nurses could still be assigned to other workplaces.

Question 2: The assignment of which type of migratory to other workplaces should be suspended? It there any exclusion?

Answer: All types of migratory workers except maids and nurses shall be stopped to assign to other workplaces in the duration of COVID-19 alert higher than Level III.

Question 3: If the employer has assigned migratory workers to other workplaces before 2021.06.05, is it necessary to reassign the migratory workers back to their original workplace?

Answer: Employers are recommended to make migratory workers stay at the present workplace to avoid the escalation of the risk of infection by the pandemic due to the mobility of the workers.

Question 4: If the assignment of migratory workers was suspended with

effect on 2021.06.05, does it include the assignment of foreign nationals to engage in the extension of work?

Answer:

- (I) Yes. The Ministry of Labor suspended the assignment of migratory workers by employers in accordance with the assignment standard when the alert of COVID-19 is escalated to higher than Level III and Letter Lao-Dong-Fa-Guan-Zi No. 1040512600 of the Ministry dated 2016.02.15 in the assignment of migratory workers to reduce the mobility of personnel in response to the instruction of the CEC.
- (II) If the employers in the manufacturing sector have entered into buy-sell agreements with the buyers on or before 2021.06.05, with the contract amount, quantity of the purchase of merchandises, the locations of the migratory workers, the content of the works stated in the agreements, and it is necessary under the common practice of the industry with the accompanying of domestic workers, and migratory workers have already been assigned to the aforementioned locations on or before that date for work, the suspension will not affect, however, the employers shall still observe the requirement of the “Guidelines for Employers in the Employment of Migratory Workers at the time of COVID-19 infection: important notice of work performance, living, and outward bound of migratory workers” to properly pursue the rules at the workplaces and accommodation in the prevention of the spread of the pandemic in the assignment of duties.
- (III) The employers of the manufacturing sector adopt the scale of 5 matching ratio with the allocation of migratory workers in

proportion to domestic workers in the manufacturing plants of the employers. In the period of suspension of assignment of migratory workers, employers should still appropriately allocate work force consisting domestic workers and migratory workers in proper ratio for performing the buy-sell agreements.

Question 5: If the employer failed to assign migratory workers to other workplaces after 2021.06.06, what will be the penalty?

Answer: If the employer illegally assigned migratory workers to other workplaces, it is a violation of Subparagraph 4 under Article 57 of This Law thereby subject to punishment of a fine ranging from NT\$30,000 to NT\$150,000 pursuant to Paragraph 1 under Article 28 and Subparagraph 3 under Article 72 of This Law. Employer who failed to rectify the mistake by designated deadline will have the quota for employment of migratory workers revoked.

Question 6: Will the assignment of migratory workers dispatched for agricultural duties by employers to the place of service under the employment agreements be included for suspension for this time?

Answer:

(I) No. Migratory workers employed for performing agricultural duties shall report to the place of service under the employment agreements, which falls beyond the scope under the standard of assignment and therefore not included for suspension for this time. The Executive Yuan Agricultural Commission have already requested workplaces hiring a larger number of migratory workers for performing agricultural duties to

try not to assign this category of migratory workers to other workplaces as far as possible and all workplaces to duly observe the rules for the prevention of the infection of epidemic.

For protecting the right and privileges of the migratory workers, employers of migratory workers for performing agricultural duties and the places for performing service under the employment agreements to duly observe the rules of “Guidelines for Employers in the Employment of Migratory Workers at the time of COVID-19 infection: important notice of work performance, living, and outward bound of migratory workers” to properly pursue the policies for preventing the infection of COVID-19 at the workplaces and the accommodation for the migratory workers.