

積欠工資墊償基金 — 墊償業務常見問答

Wage Arrears Payment Fund – Advanced Payment related FAQ

序號	問題	回答
1	<p>我的老闆欠我薪水，可以申請積欠工資墊償基金？</p> <p>Can I apply for compensation at Wage Arrears Payment Fund if my boss owed me salary?</p>	<p>申請墊償必需公司歇業、清算或宣告破產有積欠工資、勞動基準法之退休金、資遣費或勞工退休金條例之資遣費的事實，經勞工向雇主請求不能獲得清償時，才符合申請墊償的條件。您的公司若仍營業中，或處於停工狀態尚有復工的可能時，都不屬於歇業、清算或宣告破產情況，勞工此時不可以申請墊償，但是勞工可向當地勞工行政主管機關申請協調，要求老闆給付積欠的工資、退休金或資遣費。</p> <p>Workers are eligible to apply for advanced payments of unpaid wages if encountering true circumstances like employer's company closed, liquidated or declared bankruptcy with outstanding overdue wages, Labor standard Act pensions, severance pay or unsettled Labor Retirement Pension Act severance, and have difficulty acquiring wages from employers. But take note that if company is still under operation or temporarily shut down and may have possibility of resuming operation after, then it cannot be considered closed, liquidated nor bankruptcy, so workers are not eligible to apply in this case. However, worker can apply at local labor administrative authorities for help of coordination, and ask employer to settle the unpaid/overdue wages, retirement pension or severance pay.</p>
2	<p>我要申請積欠工資墊償基金，要如何辦理？</p> <p>I would like to apply for</p>	<p>請檢具下列資料郵寄至勞保局(或各地辦事處)辦理：</p>

序號	問題	回答
	advanced payment at Wage Arrears Payment Fund, how shall I get started?	<p>Applicant need prepare below documents and mail to (BLI) Bureau of Labor Insurance or respective branch offices for application:</p> <p>1. 債權證明：雇主必須出面簽章證明積欠的事實，或者勞工循法律途徑取得支付命令或民事判決暨確定證明書正本。</p> <p>1.Proof of Debt: Employer must show up to personally sign, and certify the truth of overdue/unpaid wages, or the worker must obtain formal payment order or civil judgment/determination certificate through legal channels (need original version).</p> <p>2. 事業單位之歇業證明。</p> <p>2.Certificate of company closure</p> <p>3. 積欠工資墊償基金墊償申請及切結書與申請墊償說明及應備書件1份。</p> <p>3.Wage Arrears Payment Fund Compensation Application form & Affidavit with description & required documents (1 set)</p> <p>4. 積欠工資墊償基金墊償名冊1份。</p> <p>4.Wage Arrears Payment Fund Compensation name list (1 set)</p> <p>5. 積欠工資墊償基金墊償收據及勞工代表委託書(每位申請人1張)。</p> <p>5.Wage Arrears Payment Fund Compensation receipt & Labor representative authorization (one</p>

序號	問題	回答
		<p>authorization per applicant)</p> <p>6. 積欠工資前3個月以上及積欠工資期間之薪資帳冊（薪資明細表、薪資總冊、薪資條）、勞工個人銀行或郵局薪資轉帳存款簿封面及內頁影本、薪資現金收訖證明或公司薪資轉帳明細表等。</p> <p>6. Payroll records for the unpaid months and three months or more prior to the wage arrears (like payroll salary details, summary, pay slips), photo copies of the worker's bank or post office account cover and inner pages showing deposit details of payroll transfer, proof of salary cash receipt or company payroll transfer, etc..</p> <p>7. 如申請退休金或資遣費，尚須檢附符合勞基法退休或資遣規定之證明文件。</p> <p>7. If applying for Retirement pension or severance pay, need attach supporting documents or proof with compliance to related rules of Labor Standard.</p>
3	<p>積欠工資墊償基金可以墊付的範圍？</p> <p>What is the compensation coverage of Wage Arrears Payment Fund?</p>	<p>積欠工資墊償基金墊償範圍為雇主歇業、清算或宣告破產時，所積欠之下列債權：</p> <p>Coverage of Wage Arrears Payment Fund Compensation includes debts owed by the employer due to company closure, business liquidated or declared bankruptcy:</p> <p>1. 雇主歇業、清算或宣告破產前6個月內本於勞動契約所積欠之工資。</p> <p>1. Unpaid wages within 6 months prior to employer's company closure, liquidation or declaration of bankruptcy under period of employment contract.</p>

序號	問題	回答
		<p>2. 僱主未依勞動基準法給付之退休金、資遣費或未依勞工退休金條例給付之資遣費，合計數額以 6 個月平均工資為限。</p> <p>2. Employers did not pay pension, severance following the rules of Labor Standard Act, or did not give severance following the Labor Retirement provisions, and total amount will be limited to 6 months average salary maximum.</p>
4	<p>積欠工資墊償基金墊付金額是以實際工資或勞保投保薪資計算？</p> <p>What is salary basis for calculation of Wage Arrears Payment compensation, actual salary or insured salary?</p>	<p>墊償工資金額是按實際工資金額墊償。</p> <p>Basis of calculation for advanced payment compensation is the actual salary.</p>
5	<p>我申請墊償要多久的時間才會核發？</p> <p>When can I possibly receive the advanced payment after application?</p>	<p>勞保局會在收件日起 30 日內核定，惟案件如需向有關主管機關查調其他證明文件時得延長 20 日。</p> <p>BLI will review and approve in 30 days after case submission in regular circumstances, yet may prolong processing time to an extra of 20 days, if need further investigation and evidence from other related authorities.</p>
6	<p>如何領取墊償金額？</p> <p>How can I receive the compensated or advanced amount?</p>	<p>勞保局直接轉帳匯款到申請人指定之金融帳戶。</p> <p>BLI will remit compensated amount directly to the designated bank account of applicant.</p>
7	<p>申請墊償要不要繳納手續費？</p> <p>Is there any handling charge for application of payment compensation?</p>	<p>勞保局或僱主或勞工代表為勞工辦理墊償手續，都不得收取任何費用。</p> <p>BLI, employer or labor representative must not collect any service charge from the worker when handling the application.</p>
8	<p>墊償金額要扣所得稅嗎？</p>	<p>勞保局於墊付勞工時，須依法代為扣繳所得</p>

序號	問題	回答
	Is there any tax to be deducted from the advanced payment?	<p>稅。</p> <p>BLI will be responsible to withhold and deduct income tax from the payable compensated amount in accordance to stipulated law.</p>
9	<p>對於勞保局核定墊償案件不服時，是否有行政救濟管道？</p> <p>In case that I cannot agree with the assessed payment, is there any administrative remedies or authorities to help?</p>	<p>申請人如果對於勞保局的核定不服，可以在收到核定通知文件之日起 30 日內，填具訴願書，並檢附原核定通知文件影本及其他相關證明文件，經由勞保局向勞動部提起訴願。</p> <p>In case of dissatisfaction with the assessment of BLI, applicant can file an appeal to the BLI within 30 days upon receipt of the official letter, and need attach copies of the letter and other related supporting documents, if there's any. BLI will then forward request to (MOL) Ministry of Labor.</p>