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Article Content

Title: [Regulations Governing the Management and Employment of Foreign National Seafarers](#) (2012.08.13 Amended) [Ch](#)

- Article 1 This set of regulations is prescribed in accordance with the provisions of Article 25 Paragraph 1of the Seafarer Act.
- Article 2 (Deleted)
- Article 3 The foreign national seafarers specified in this set of regulations refer to non-ROC seafarers employed by vessel owners or operators.
For any affairs of foreign national seafarer's qualifications, responsibilities, management and incentives other than prescribed herein, the relevant domestic seafarer laws shall apply.
- Article 4 The vessel operators specified in this set of regulations refers to the following:
1. The operators of R.O.C. vessel carriers, salvage industry or marine engineering industry that operate R.O.C. flag vessels as bareboat charters or under commission.
2. The operators of R.O.C. vessel carriers, salvage industry or marine engineering industry that operate non-R.O.C. flag vessels as bareboat charters.
- Article 5 (Deleted)
- Article 6 For the management and reinforcement of service of foreign national seafarer employment, the Ministry of Transportation and Communications shall approve the establishment of a Foreign National Seafarers Employment Affairs Commission, R.O.C. to assist in handling matters of approval of translocations, disputes and coordination.
The establishment plan and standard fees of the Foreign National Seafarers Employment Affairs Commission, R.O.C. shall be submitted to the Ministry of Transportation and Communications for approval.
The required funds for the Foreign National Seafarers Employment Affairs Commission, R.O.C. shall be handled by vessel owners, vessel operator groups and their members who employ foreign national seafarers.
- Article 7 The Foreign National Seafarers Employment Affairs Commission, R.O.C. consists of seven to fifteen members, of whom one chairman and one vice chairman are to be selected from among members of Commission; both positions are without remuneration, for a term of three years. Commission Meetings will be held once every three months, and extraordinary meetings may convene when necessary. Members described in the preceding paragraph shall be vessel owners or representatives of ship operator group, seafarer group, shipping group and relevant authorities.
- Article 8 Vessels owner or operator shall firstly consider domestic qualified seafarers prior to employing foreign national seafarers.
Vessels owner or operator employing foreign national seafarers shall comply with the following provisions:
1. Officer: the deck department and engine department is able to hire one officer separately under the positions of first class deck officer and first class engineer officer or second class chief mate and second class second engineer officer on each vessel; no master's or chief engineer officer's position shall be offered.
2. Rating: the number of foreign national ratings shall not exceed half of the total number of ratings on each vessel.
Where foreign flag vessels registered under R.O.C. national are not able to employ a domestic first class chief mate and first class second engineer officer or have insufficient R.O.C. national ratings, the proportion of positions and personnel numbers specified in the preceding paragraph can be adjusted in accordance with following methods:
1. Officer: the deck department and engine department may hire one officer separately under the positions of first chief officer and first class second engineer office on each vessel; no master's or chief engineer officer's position shall be offered.
2. Rating: the number of foreign national ratings shall not exceed two thirds of the total number of ratings on each vessel.
The implementation deadline of the adjustment method for foreign national seafarer positions and quantities specified in the preceding paragraph is December 31st, 2013; during on board serving period, the foreign national seafarers shall not be transferred to other R.O.C. flag vessels owned by the vessel

owners.

- Article 9 The employers of foreign national seafarers shall be limited to R.O.C. flag vessel owners or vessel operators specified in Article 4.
The employer of foreign national seafarers shall submit the following documents to the Foreign National Seafarers Employment Affairs Commission, R.O.C. for transferral to the Ministry of Transportation and Communications:
1. Application form.
 2. Employee roster, position, required certificates of valid qualification and training, and relevant supporting documents.
 3. Certificate of physical examination.
 4. Copy of seafarer employment contract.
 5. Roster of seafarers currently serving on the vessel.
- The audit standards for the aforementioned valid certificates of practice and training are to be separately prescribed by the Ministry of Transportation and Communications.
- Article 10 Besides the qualifications specified in the preceding Article Paragraph 3, the foreign national seafarers employed by vessel owners or operators shall be at least twenty years old and of good behavior. Vessel owners or operators shall not employ foreign seafarers as trainees or apprentices.
- Article 11 The employment period of foreign national seafarers is limited to one year, but application may be made for a one year extension due to continuation of employment or change of employer.
- Article 12 The working conditions, compensation and benefits of foreign national seafarers shall be coordinated and arranged between owners or operators and the foreign national seafarer's Union, and a copy should be sent to the National Chinese Seamen's Union.
- Article 13 Foreign national seafarers whose employments being approved by the Ministry of Transportation and Communications, whether on board domestically or abroad, may only perform their on board services after completing the following procedures according to regulations:
1. R.O.C. seafarer service manual and completed on-duty visa.
 2. Membership card of National Chinese Seamen's Union and pay the membership dues.
 3. Join the labor insurance program.
- If a foreign national seafarer embarks abroad due to continuation of employment, or change of serving vessel or employer, the vessel owner or operator shall report such seafarer's service status to the port of registry or shipping administration authority of other domestic ports within seven days, and apply for the re-issuance of a service visa when the vessel is returned or the seafarer is discharged. If the employed foreign national seafarers need to enter R.O.C., they shall submit the approval documents issued by the Ministry of Transportation and Communications to the Ministry of Foreign Affairs or R.O.C. Foreign Embassies and Institutes authorized by the Ministry of Foreign Affairs to apply for the appropriate entrance visa.
- Article 14 If a foreign national seafarer is expired or dismissed, the vessel owner or operator shall report to the port of registry or shipping administration authority of other domestic ports and complete the resignation visa within seven days.
The vessel owner or operator shall assist the resigned foreign national seafarers specified in the preceding paragraph to complete the relevant required procedure to return to the place of employment.
- Article 15 During the period when foreign national seafarers are waiting for vessel dispatches, relevant formalities processes or returning to places of employment, the vessel owners or operators shall take care of them and be responsible for their travel or other necessary expenses.
- Article 16 Foreign national seafarers who have committed the following conditions during the employment period shall be deemed unauthorized disembarkation seafarers:
1. Absent from duty and disembarkation without justification.
 2. Over-staying leave without justification.
 3. Rejecting embarkation to provide services after the completion of relevant procedures.
 4. Fleeing during the period of waiting for vessels dispatch or returning to the place of employment.
- Seafarers who are absent from duty and disembarkation without justification as specified in the preceding Paragraph, shall have their employment approvals and service manuals revoked, and the vessel owners or operators shall arrange repatriation and bear the cost of repatriation.
If any employed foreign national seafarers is in any condition specified in Paragraph 1, the vessel owner or operator shall complete a report and submit it to the Foreign Nationality Seafarers Employment Affairs Commission, R.O.C. for their transference to the Ministry of Transportation and Communications to process, and a copy shall be sent to the National Chinese Seamen's Union, National Police Agency of the Ministry of the Interior, each port Authority and the port police agency.
- Article 17 If an accident or special incident is suffered by foreign national seafarers or vessels they serve on, the vessel owners or operators shall forthwith conduct the process and mail the process situation to Foreign Nationality Seafarers Employment Affairs Commission, R.O.C. for transferring the report to the Ministry of Transportation and Communications.
- Article 18 For the employment of foreign national seafarers, the vessel owner or operator shall submit monthly reports of the number of on board service personnel to the Foreign Nationality Seafarers Employment Affairs Commission, R.O.C. for compiling to the Ministry of Transportation and Communications for reference prior to the 10th of the following month, and a copy shall be sent to the relevant authorities.
- Article 19 Disputes about the rights and obligations of foreign national seafarers occur during the employment period should be coordinated among employers, seafarers and the relevant authorities at the request of

period should be coordinated among employers, seafarers and the relevant authorities at the request of the Foreign Nationality Seafarers Employment Affairs Commission, R.O.C.

- Article 20 Under unexpected or emergency conditions, the vessel owners or operator may temporarily employ qualified foreign national seafarers at their own discretion.
The compensation for employment application shall be processed within three (3) days after the next day after the foreign national seafarers specified in the preceding Paragraph started their services.
- Article 21 The employer's employment approvals and seafarer service manuals of foreign national seafarers who commit one of the behaviors specified in Article 89 to 91 of Seafarer Duty Regulations shall be revoked; if the aforementioned seafarers are sailing domestically/abroad with vessels or park at domestic ports, the vessel owners or operators shall assist them to complete the relevant procedures and send them back to the place of employment.
- Article 22 Vessel owners or operators who violate the requirements of this set of regulations or relevant laws shall be punished by the suspension of their foreign national seafarers employment applications from three months to two years; if cases involve serious circumstances their foreign national seafarer applications will be permanently inadmissible.
- Article 23 The date of enforcing the regulation shall become effective as of the date of promulgation, whereas the enforcement date of Article 8, Paragraphs 3 and 4 amended and publicized on October 22nd, 2009 is to be determined by the competent authority.

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