

Labor Safety and Health Act

- Promulgated by the President on April 16, 1974, by the Order of President (63)Tai- Taun-(1)-No. 1604
- Amended Once and promulgated by the President on May 17, 1991 by the Order of President (63) Ha-Zaun-(1)-No. 2433.
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Chapter 1 General Provisions

- Article 1 This Act is enacted for the purpose of preventing occupational accidents and protecting labor safety and health. Any such matters not covered by this Act shall be governed by other relevant laws.
- Article 2 The term "labor" as used in this Act shall mean a person employed to undertake work in exchange for wages.
The term "employer" as used in this Act shall mean the owner of an enterprise, or the person in a position of managerial responsibility for such an enterprise.
The term "enterprise" as used in this Act shall mean an institution, falling within the scope of this Act, which employs labors to perform work.
The term "occupational accident" as used in this Act shall mean any disease, injury, disability, or death caused by buildings, equipment, raw materials, materials, chemicals, gases, vapors, dusts, etc., in the place of employment, or as a result of the performing on duty, or because of other occupational causes.
- Article 3 The term "competent authority" as used in this Act shall mean the Council of Labor Affairs of the Executive Yuan at the central government level, the metropolitan areas under direct jurisdiction of the Executive Yuan government at the metropolitan areas under direct jurisdiction of the Executive Yuan level, or the hsien (city) government at the hsien (city) level.
For health matters pertaining to this Act, the competent authority of the central government shall coordinate with health authorities of the central government.

- Article 4 This Act shall apply to the following industries:
- 1.The agricultural, forestry, fishing and livestock industries
 - 2.The mining and quarry industries;
 - 3.The manufacturing industry;
 - 4.The construction industry;
 - 5.The water, electricity, and fuel gas industries;
 - 6.The transportation, warehousing and communications industries;
 - 7.The restaurant and hotel industries;
 - 8.The machinery and equipment rental services;
 - 9.The environmental sanitation services;
 - 10.The mass communication industry;
 - 11.The medical and health care services;
 - 12.The repair services;
 - 13.The laundering and dyeing industries;
 - 14.The national defense industry; and
 - 15.All other industries specified by the competent authority of the central government.

For those industries, which fall under the category of Item 15, the competent authority of the central government may designate a part of the workplace, or special machinery and equipment to be governed by this Act.

Chapter 2 Safety and Health Installations

- Article 5 It is the liability of the employer to provide necessary safety and health installations in conformity with established standards for the following purposes:
- 1.To prevent the risk of injury posed by machinery, tools, equipment, etc.;
 - 2.To prevent the risk of injury posed by materials of an explosive or flammable nature;
 - 3.To prevent the risk of injury posed by electricity, heat, and other energy sources;
 - 4.To prevent the risk of injury encountered in the course of quarrying, excavating, loading and unloading, transportation, stockpiling, collecting and logging;
 - 5.To prevent the risk of injury posed by falling and collapsing at the job site;
 - 6.To prevent the risk of injury posed by high-pressure gas;

7.To prevent the risk of injury posed by raw materials, materials, gases, vapors, dusts, solvents, chemicals, toxic substances, oxygen-deficient air, biological agents, etc.;

8.To prevent the risk of injury posed by radiation, unusually high temperature, unusually low temperature, ultrasonic waves, noise, vibration, abnormal atmospheric pressure, etc.;

9.To prevent the risk of injury posed by monitoring instruments, and high precision operations;

10.To prevent the risk of injury posed by waste gases, waste liquids and solid wastes; and

11.To prevent the risk of injury posed by flooding and fire.

It is the liability of the employer to plan for and take the necessary measures to provide the labor with a safe and healthy place of employment, including acceptable passages, floors, stairways, ventilation, lighting, illumination, temperature control and humidity control, as well as facilities for rest, evacuation, first aid, medical treatment, and other equipment to protect the safety and health of labor. Standards for the necessary equipment and measures in the preceding two paragraphs shall be established by the competent authority of the central government.

Article 6 Employers shall not install machinery or tools that do not conform to the safety standards established by the competent authority of the central government, to be used by labors.

Prior utilization of machinery or tools, regulated by the safety standards established by the competent authority of the central government, the competent authority of the central government may contract appropriate agencies to perform type approve for such machinery or tools.

Required qualification, administration and other mandatory matters of such contracted inspection agencies as well as the processes of conducting type approve shall be established by the competent authority of the central government.

Article 7 Employer shall conduct exposure monitoring in those job sites designated by the competent authority of the central government, and shall also label dangerous substances and hazardous substances with necessary precautionary safety and health warnings.

Standards for exposure monitoring, qualifications of the monitoring

personnel, labeling of dangerous substances or hazardous substances, and necessary precautionary safety and health warnings set forth in the preceding paragraph shall be established by the competent authority of central government.

Article 8 Employers shall not be permitted to utilize machinery or equipment determined to be potentially dangerous by the competent authority of the central government, without first passing inspection by an inspection agency or designated inspection agencies appointed by the said authorities.

Employers shall not continue utilizing such machinery or equipment past specified expiration dates without re-inspection and further approval.

Inspection fees shall be collected for the inspection of potentially dangerous machinery or equipment described in the preceding paragraph.

Designated inspection agencies must perform their duties in accordance with this Law and all orders issued in accordance with this Law.

Inspection fees, qualifications and responsibilities of the designated inspection agencies shall be established by the competent authority of the central government.

Types, required capacities and processes of conducting inspection, items, standards and specific expiration dates of passing inspection of potentially dangerous machinery or equipment as said in the preceding paragraph shall be established by the competent authority of the central government.

Article 9 All workplace buildings must be designed by a legally registered practicing architect in accordance with the provision of the construction laws and the safety and health provisions of this Law.

Article 10 When a threat of imminent danger arises in the workplace, the employer or the person in charge of the workplace shall immediately issue orders for a suspension of operation, and evacuate labors to safe area.

Threats of imminent danger described in the preceding paragraph shall be established by the competent authority of the central government.

Article 11 Employers shall not subject labors to conditions of unusually high temperature for more than six hours daily. When labors work under

conditions of abnormal atmospheric pressure, at elevated operation, requiring high precision operation, requiring high physical exertion, or other specially dangerous tasks, employers shall, according to regulations, reduce work hours and be given adequate time for rest during working hours.

Standards for the preceding paragraph describing the reduction of working hours and adequate time for rest for working under unusually high temperature, abnormal atmospheric pressure, elevated operation, high precision operation, high physical exertion, and other specially dangerous works shall be established by the competent authority of the central government in coordinating with relevant institutions.

Article 12 Employers shall perform pre-employment physical examinations of labors at the time of employment, as well as periodic health examinations of current labors. Where labors are subject to conditions particularly dangerous to health, specific health examinations shall be performed on a regular basis. Health surveillance examination historical records shall be prepared and distributed to labors.

The health examinations described in the preceding paragraph shall be performed by a physician of a medical care establishment or the medical/health care unit attached to the enterprise. All examination records shall be maintained, and the employer is responsible for all related health examination expenses.

Examination items, examination period, record keeping, historical records of health surveillance examination, and qualifications for medical care establishment described in the preceding two paragraphs shall be established by the competent authority of the central government.

Labors are obliged to accept the examinations described in the first paragraph.

Article 13 Employers shall not hire persons who do not meet the physical examination criteria necessary to perform the intended work. Aside from providing medical assistance, employers shall modify the job site, change the job assignment, reduce working hours, and provide other appropriate measures to labors who, due to occupational factors, are not fit to perform current job after the health examination.

Chapter 3 Safety and Health Management

- Article 14 Employer shall, according to the scope and nature of its enterprise, put safety and health management, in place, and according to the specification of the competent authority of the central government, establish labor safety and health organization, and staffing. Employer shall establish self-inspection plans and carry out self-inspection for machinery and equipment, and its operation described in Article 5, Paragraph 1. The labor safety and health organization, staff, administration and self-inspection prescribed in the preceding two paragraphs shall be established by the competent authority of the central government.
- Article 15 Employers shall employ only those personnel who have passed training approved by the competent authority of the central government, or whose technical competence has been certified, to operate machinery or equipment determined to be potentially dangerous by the competent authority of the central government,
- Article 16 When an enterprise consigns work to a contractor, the contractor shall assume, to the extent of contracted proportion, of the stipulated employer liability in accordance with this Law. The original enterprise and the contractor still take joint liability for claims resulting from occupational accidents. The above also applies to sub-contractors.
- Article 17 It is the liability of an enterprise, before consigning all or part of work, to notify the contractor of the work environment, potential hazards , as well as safety, health and necessary measures required by this Law and other regulations related to this Act. It is likewise the liability of the contractor, before consigning all or part of a same work, to notify the sub-contractor in accordance with the above paragraph.
- Article 18 When an enterprise, contractor and sub-contractor individually hire labors to work together, the original enterprise shall institute the following measures to prevent occupational accidents:
- 1.To establish a consultative organization, and appoint the person in charge of the workplace to be responsible for supervision and coordination;

- 2.To regulate and integrate works;
 - 3.To conduct inspection tour;
 - 4.To direct and assist interrelated contractor safety, and health education;
and
 - 5.To take all other necessary measures to prevent occupational accidents.
- If an enterprise consigns two or more contractors to operate jointly, but the enterprise itself dose not participate in such work, one of such contractors shall be assigned to take the enterprise's liability set forth in the preceding paragraph.

Article 19 When two or more enterprises, by contributing funds, jointly contract a project, all parties shall nominate among, themselves one representative who is deemed the employer of such project and will assume the liability of employer to prevent occupational accidents as described in this Law.

Article 20 Employers shall not employ juveniles to perform any of the following potentially dangerous or hazardous work:

- 1.Work in a tunnel;
- 2.Work involving the handling of materials of an explosive or flammable nature;
- 3.Work in an environment contaminated by lead, mercury, chromium, arsenic, yellow phosphorous, chlorine gas, hydrogen cyanide, aniline or other potentially hazardous substances;
- 4.Work in an environment with harmful levels of radiation;
- 5.Work in an environment with harmful levels of dusts;
- 6.Work involving the cleaning, lubrication, inspection, repair or removing of belts or chains of the moving part of machinery, or dangerous part of machinery in transmission;
- 7.Work involving connecting of electric cables carrying greater than 220 voltages ;
- 8.Work involving the handling of smelted minerals or slag;
- 9.Firing or operating a boiler;
- 10.Operating a rock drill or other machinery involving excessive vibration;
- 11.Work involving the handling of objects above a specific weight;
- 12.Operating a crane, or derrick crank ;
- 13.Operating a powered hoist, powered lift or cableway ;
- 14.Operating rolling and grinding mills for rubber compounds, or

synthetic resins; and

15. Other works determined to be of a potentially dangerous or hazardous nature by the competent authority of the central government.

Standards for defining the potentially dangerous or hazardous work set forth in the preceding paragraph shall be prescribed by the competent authority of the central government.

Article 21 Employer shall not employ female labors to perform any of the following potentially dangerous or hazardous work:

1. Working in a tunnel;
2. Work in an environment contaminated by lead, mercury, chromium, arsenic, yellow phosphorous, chlorine gas, hydrogen cyanide, aniline or other potentially hazardous substances;
3. Operating a rock drill or other machinery involving excessive vibration;
4. Work involving the handling of objects above a specific weight;
5. Work in an environment with harmful levels of radiation; and
6. All other categories of work determined to be of a potentially dangerous or hazardous nature by the competent authority of the central government.

Item 5 of preceding paragraph does not apply to infertile female workers. Standards for the potentially dangerous or hazardous work set forth in the preceding paragraph shall be prescribed by the competent authority of the central government.

Standards for the item 5 of preceding paragraph does not apply to female workers for performing any of management, research or emergency rescues.

Article 22 Employer shall not employ pregnant female labors or those who have given birth in the previous twelve months for performing any of the following potentially dangerous or hazardous work:

1. Work involving the handling of smelted minerals or slag;
2. Operating a crane, or derrick crank;
3. Operating a powered hoist, powered lift or cableway;
4. Operating rolling and grinding mills for rubber compounds, or synthetic resins; and
5. All other categories of works determined by the competent authority of the central government to be of a potentially dangerous or hazardous nature; standards for defining the potentially dangerous or hazardous

work set forth in the preceding paragraph shall be prescribed by the competent authority of the central government.

Restrictions specified in the first paragraph may be waived for a female labor, six months after delivery, with documentation from a physician testifying no harm to the health of the labor, and a voluntarily requesting to be engaged in the work.

Article 23 It is the liability of the employer to provide labors with all safety and health education and training necessary to perform duties and to prevent accidents.

Standards for necessary education, training matters and management of training unit described in the preceding paragraph shall be prescribed by the competent authority of the central government.

Labors are obliged to participate in safety and health education and training as described in the first paragraph.

Article 24 It is the liability of the employer to disseminate the general contents of this Act and related safety and health regulations to all labors.

Article 25 The employers shall prepare, in consultation with labor representatives, appropriate safety and health work rules.

After sending to inspection agencies for record keeping the rules shall be posted and enforced.

The labors shall effectively obey the rules mentioned in the preceding paragraph.

Chapter 4 Supervision and Inspection

Article 26 Competent authorities shall invite representatives from related agencies, scholars and experts to form a Labor Safety and Health Consultation Committee, to study and recommend matters of improving labor safety and health.

Article 27 Competent authorities and inspection agencies shall carry out inspections of the workplaces of an enterprise. Those not conforming to existing regulation shall be informed of their breach of law, and be given a period of time in which to make improvement. Those failing to complete within the specified period of time, or who have had occupational accidents, or have the potential for occupational accidents

shall be ordered to partially or entirely cease operations. Employers are responsible for labor salaries during this cease period.

Article 28 If an enterprise experiences an occupational accident, the employer is not only responsible for providing necessary rescue and/or emergency treatment, but must also complete an investigation, an analysis of the accident, and make a record of such.

When a workplace of an enterprise experiences one of the following types of occupational accidents, it is the liability of the employer to report the accident within 24 hours to the appropriate inspection agency:

1. An accident involving death;
2. An accident causing injuries of three or more labors; and
3. All other categories of accidents as announced by the competent authority of the central government.

When an inspection agency receives an accident report as described in the previous paragraph, an investigator shall be dispatched immediately.

If an enterprise experiences an occupational accident listed in the second paragraph, unless in the circumstances of providing rescue and/or emergency treatment, the employer shall not disrupt or alter the accident scene without the permission of the appropriate judicial body or inspection agency.

Article 29 Any employer of an enterprise so designated by the competent authority of the central government shall complete monthly reports on the statistics of occupational accidents, and forward such reports to the appropriate inspection agencies for future reference.

Article 30 If a labor discovers that his enterprise is in violation of this Law or other related safety and health regulations, the labor may appeal this violation to the employer, the competent authority or the appropriate inspection agencies.

The employer may not, without adequate reason, fire, transfer, or take any other similarly non-beneficial action for six months against the labor who had filed appeal as described in the preceding paragraph.

Chapter 5 Penalties

Article 31 Anyone found to be in violation of Article 5, Paragraph 1 or Article 8, Paragraph 1, and whose actions led to an occupational accident as

described in Article 28, Paragraph 2, Item 1 shall be subject to no more than three years in prison or detention, or fines not in excess of NT\$150,000, or both.

When a legal entity violates any of the above-mentioned provision, in addition to punishing the person in charge, the legal entity will be penalized with the fines listed above.

- Article 32 Any act in violation of the following provisions may result in a prison term or detention of no more than one year, or fines not in excess of NT\$90,000 or both:
1. Article 5, Paragraph 1 or Article 8, Paragraph 1, leading to work-related accident as prescribed in the Article 28, Paragraph 2, Item 2; and
 2. Article 10, Paragraph 1, Article 20, Paragraph 1, Article 21, Paragraph 1, Article 22, Paragraph 1 or Article 28, Paragraph 2 or Paragraph 4.
 3. Notice of stop work order as issued in accordance with Article 27 by any authority or inspection agency.

When a legal entity violates any of the above-mentioned provision, in addition to punishing the person in charge, the legal entity will be penalized with the fines listed above.

- Article 33 Any act in violation of the following provisions may result in a fine of no less than NT\$30,000, and not in excess of NT\$150,000:
1. Article 5, Paragraph 1 or Article 6, and failure to comply within specified period of time;
 2. Article 8, Paragraph 1, Article 11, Paragraph 1, Article 15 or Article 28, Paragraph 1; and
 3. Refusal, obstruction, or hindrance of inspection as specified by this Act.

- Article 34 Any act in violation of the following provisions may result in a fine of no less than NT\$30,000 and not in excess of NT\$60,000:
1. Article 5, Paragraph 2, Article 7, Paragraph 1, Article 12, Paragraph 1 or Paragraph 2, Article 14, Paragraph 1 or Paragraph 2, Article 23, Paragraph 1, Article 25, Paragraph 1 or Article 29, and failure to correct within specified period of time;
 2. Article 9, Article 13, Article 17, Article 18, Article 19, Article 24 or Article 30, Paragraph 2; and
 3. Failure to provide wages in accordance with Article 27.

Article 35 Any act in violation of Article 12, Paragraph 4, and Article 23, Paragraph 3 or Article 25, Paragraph 2 shall be subject to a fine of not to exceed NT\$3, 000.

Article 36 Designated inspection agencies found to be in violation of this Act or orders issued in accordance with this Act in performance of their duty shall be subject to fine of no less than NT\$30, 000, and not to exceed NT\$150, 000. More serious offences may subject the offender to temporary suspension or revocation of designated inspection agencies status by the competent authority of the central government.

Article 36-1 Certified training unit found to be in violation of Article 23, Paragraph 2 in required facility, business operation, staffing, training fees and other mandatory matters shall be subject to either a warning or a fine of no less than NT\$30, 000, and not to exceed NT\$150, 000. The competent authority of the central government may order such training unit correcting all violations within a specific period of time. If such training unit does not meet the specific period of time, it shall be subjected to temporary suspension of its all or part of operation.

Article 37 Violators having been notified of imposed fines, who fail to pay within the specified period of time, shall have their cases forwarded to the proper judicial authorities for enforcement.

Chapter 6 Appendix

Article 38 To promote effective prevention of occupational accidents, increase labor awareness of safety and health, and promote safety and health education, the competent authority of the central government shall establish award and consultation programs to assist enterprise and other related groups in their implementation.

Article 39 Enforcement rules of this Act shall be determined by the competent authority of the central government.

Article 40 This Act is effective from its date of promulgation.