

Chapter 1 General Provisions

- Article 1 This Law is established to improve the ability of workers to find employment, promote employment, and guarantee worker job training and basic living requirements for workers for a certain period of unemployment. Matters not provided for herein shall be governed by regulations of other laws.
- Article 2 The competent authorities of Employment Insurance are: the Council of Labor Affairs, Executive Yuan Taiwan, ROC at the central government level, the municipal government at the centrally administered municipality level, and the county (city) government at the county (city) level.
- Article 3 Employment Insurance affairs are supervised by the Supervisory Commission of Labor Insurance.
If the insured person and the insured establishment dispute a case approved by the insurer, an application for review should be first made to the Supervisory Commission of Labor Insurance; if the result of the review is unsatisfactory, a legal appeal and administrative action may be filed.

Chapter 2 The Insurer, the Insured Party and the Insured Establishment

- Article 4 The Bureau of Labor Insurance is commissioned by the central competent authority to administer Employment Insurance, and to be the insurer.
- Article 5 An employed worker over 15 and under 65 years of age and with one of the following statuses is required to join this employment insurance program as an insured person through his employer or the organization to which he or she belongs.
1. An ROC national.
2. A foreign national, Mainland Chinese citizen, Hong Kong citizen or Macao citizen married to an ROC citizen and having acquired legal residency in ROC.
An employed worker as described in the preceding paragraph with one of the following statuses shall be ineligible for this insurance program:
1. A person who is required by law to join the civil servant and teacher insurance program or military personnel insurance.
2. A person who is already covered by labor insurance benefits for the elderly or old-age pensions for civil servants and teachers.
3. A person employed by an employer or organization legally exempt from business registration and business tax or legally exempt from business registration and not required to provide uniform invoices as proof of purchase.
People with two or more employers shall join this insurance program through one of the employers.
- Article 6 After this Law is enforced, a worker who should participate in the employment insurance program as an insured person pursuant to regulations of the preceding Article, upon the day the insured establishment declares his participation in the labor insurance program is effective, becomes an insured person in the employment insurance program . Upon the day the insured establishment declares his withdrawal from labor insurance coverage, insurance coverage immediately ceases.
A worker who already participates in the labor insurance program before this Law is enforced will become an insured person from when the Law is enforced. Pursuant to the Labor Insurance Act and regulations on labor insurance unemployment benefit implementation procedures, annual coverage of unemployment benefit insurance premium payments shall be cumulatively calculated with annual employment insurance coverage.
If a worker, who should participate in the employment insurance program as

an insured person pursuant to regulations of the preceding Article, is not declared as participating in the labor insurance program by his employer, or group or institution to which he belongs, the insured establishment should declare the worker as participating in the labor insurance program, either on the day Employment Insurance is enforced, or on the day the worker starts work. On the day a worker leaves work, the employer must inform the insurer in writing. The beginning or end of insurance coverage is calculated from the day of declaration or when the insurer is informed that the worker has left work. However, if the insured establishment does not, on the day this Law is enforced or on the day the worker starts work, declare his participation in the labor insurance program, apart from being fined pursuant to Article 28 regulations herein, insurance coverage will begin on the day after the declaration or notification.

- Article 7 In order for the competent authority, the insured person and the Public Employment Service Institution to investigate the workers' working conditions, salary, or reasons for leaving work at the insured establishment, when necessary, the employee roster, record of work attendance, annual salary bookkeeping, and other related information may be investigated, which the insured establishment has no right to evade, obstruct or refuse.

Chapter 3 Insurance Financial Affairs

- Article 8 The central competent authority will set employment insurance premium rates at one to two percent of the insured person's current monthly insurance salary, and report the situation to the Executive Yuan for approval.
- Article 9 Employment insurance premium rates are to be recalculated at least once every three years by the insurer, and the central competent authority is to appoint actuaries, insurance finance experts, relevant academics, and impartial observers to form an actuary review team of 9-15 people. Under one of the following circumstances, the central competent authority shall adjust the employment insurance premium rate within the limits defined in the regulations of the preceding Article:
1. There is a difference of more than a five percent margin of error between the average value of the recalculated insurance premium rate over the previous three years and the current year's insurance premium rate.
 2. The deposited insurance fund surplus is less than six times the average monthly sum of insurance benefit payments over the previous year, or higher than the nine times the average monthly sum of insurance benefit payments over the previous year.
 3. The financial situation of the employment insurance program is influenced by items of benefit increases and cuts, benefit contents, benefit standards or benefit limits.

Chapter 4 Insurance Benefits

- Article 10 The benefits from this employment insurance program are divided into the five following categories:
1. Unemployment benefits.
 2. Early reemployment incentives.
 3. Vocational training living allowances.
 4. Parental leave allowances.
 5. National Health Insurance premium subsidies for unemployed insured persons and dependants enrolled with the insured person.
- The regulations for the targets, conditions, criteria, and duration of subsidization prescribed in Item 5 of the preceding paragraph shall be defined by the central competent authority.
- Article 11 Application for the various benefits in accordance with this Act is subject to the following conditions:
1. Unemployment benefits: The insured person has accumulated at least one year of insurance enrollment within the three years previous to the insured person's involuntary separation from employment and withdrawal

from the insurance program while the public employment agency with which the insured person has registered for job placement has failed to find work or arrange vocational training for the insured person within 14 days in spite of the insured person's ability as well as willingness to work .

2. The early reemployment incentive: The insured person meets the criteria for claiming unemployment benefits, finds work before the stipulated period of unemployment benefit claim expires, and has been enrolled in the employment insurance program for at least three months.

3. The vocational training living allowance: The insured person has left work involuntarily, registered with a public employment agency for job placement, and accepted the arrangement of the public employment agency to participate in full-time vocational training.

4. The parental leave allowance: The insured person has accumulated at least one year of insurance enrollment, has children under three years of age, and is on parental leave without pay according to the regulation of the Gender Equality in Employment Act.

An insured person separated from employment at the termination of his or her fixed-term contract, unable to find employment for over one month, and having been under the said contract for at least six months within the year before employment separation is regarded as having left work involuntarily and the regulations in the preceding paragraph shall apply.

The so-called involuntarily separation from employment prescribed in this Act refers to separation from employment because the insured unit has closed down, relocated, suspended business, dissolved, or filed bankruptcy, or separation from employment due to one of the causes prescribed in Article 11, the proviso of Article 13, Article 14 and Article 20 of the Labor Standards Act.

Article 12 In order to help unemployed insured persons find work, public employment agencies shall offer employment counseling and make arrangements for job placement or vocational training.

The competent authority or public employment agencies may delegate or commission other agencies (organizations), schools, groups or incorporated institutions to conduct the operations referred to in the preceding paragraph. The central competent authority is required to appropriate up to ten percent of the total annual employment insurance premiums receivable and the budget balance from over the years to conduct the following:

1. On-job training for the insured.
2. Vocational training, business start-up assistance and other measures for helping unemployed insured persons find work.
3. Employment stability measures for the insured.
4. Incentives for employers hiring unemployed workers.

The targets, job types, qualifications, items, approaches, durations, benefit standards and limitations, budget management and use, as well as other related regulations for the particulars prescribed in the preceding paragraph shall be defined by the central competent authority.

The employment counseling described in Paragraph 1 refers to offering of information and services regarding choice of employment, career change or vocational training, workshops for employment promotion, or counseling from job adaptation specialists.

Article 13 An insured person who has not accepted job placement from a public employment agency due to one of the following reasons may still apply unemployment benefits:

1. The wages are lower than the unemployment benefits the said insured person may receive.
2. The workplace is over 30 kilometers from the said insured person's home.

Article 14 An applicant who does not accept career counseling or vocational training from a Public Employment Service Institution for any one of the following reasons may still claim unemployment benefit:

1. He is receiving medical treatment for injury or illness, and can prove he is

unfit to attend.

2.He satisfies the Public Employment Service Institution that in order to participate in vocational training, he must move from his current abode. Pursuant to regulations in any of the items of the preceding paragraph, if the applicant is unable to attend career counseling or vocational training organized by the Public Employment Service Institution, when he applies for unemployment benefit, the Public Employment Service Institution must still arrange a time for payment.

- Article 15 If an insured person commits any of the following, the Public Employment Service Institution shall refuse to accept application for unemployment benefit:
- 1.He refuses a job placement organized by the Public Employment Service Institution, in violation of regulations in Article 13.
 - 2.He refuses to participate in Public Employment Service Institution arranged career counseling or vocational training, in violation of the regulations in the preceding Article.
- Article 16 The unemployment benefits shall be 60% of an applicant's average insured monthly salary in the six-month period right before employment separation and withdrawal from this insurance program, paid for up to six months. In the event that the applicant is 45 years old or older when separated from employment and withdrawn from this insurance program or has proof of mental or physical impairment issued by the competent authority, payment of unemployment benefits may be extended to a maximum of nine months. Considering the unemployment rate and other circumstances in conjunction with the economic downturn or emergencies of various nature, the central competent authority may extend the benefit payment period prescribed in Paragraph 1 to a maximum of nine months, or longer if deemed necessary but no more than twelve months. The extension shall not apply to the regulations in Article 13 and Article 18.
- The criteria, targets, conditions, period of implementation, length of extension and other related regulations in regard to the unemployment benefit payment extension described in the preceding paragraph shall be defined by the central competent authority and presented to the Executive Yuan for approval.
- People rejoining this insurance program before the end of the unemployment benefit payment period as prescribed in the three preceding paragraphs and involuntarily leaving work again may still apply for unemployment benefits according to regulations. However, the combination of already claimed unemployment benefits as well as the early reemployment incentive received according to Article 18 shall be deducted from further unemployment benefit payments.
- The unemployment benefits for people reapplying within two years after receiving unemployment benefits throughout the period prescribed in the four preceding paragraphs shall be no more than half of the normal benefits. The length of insurance enrollment for people having received unemployment benefits throughout the period prescribed in the five preceding paragraphs shall be calculated anew.
- Article 17 An insured person who while unemployed has other work, which provides a monthly income exceeding the minimum wage, is ineligible for unemployment benefit. If the monthly income does not exceed the minimum wage, he may claim unemployment benefit in addition to the monthly income. If the combined total exceeds 80% of the average monthly insurance salary, the additional amount will be deducted from unemployment benefit. But if the combined amount is less than the minimum wage, no deduction will be made.
- A person claiming labor insurance injury and illness benefit, vocational training living allowance, temporary work allowance, or other related employment development awards, may not claim unemployment benefit while receiving the related award.

- Article 18 A person eligible to claim unemployment benefit who finds work before the maximum unemployment benefit claim period has expired, and according to the regulations has participated in the employment insurance program as an insured person for at least three months, should apply to the insurer to claim 50% of unpaid unemployment benefit as a lump sum early reemployment award .
- Article 19 An insured person who involuntarily leaves work, registers at a Public Employment Service Institution to seek employment, and participates in full-time vocational training arranged by the Public Employment Service Institution, may during the training period receive a monthly vocational training living allowance of 60% of the applicant's average monthly salary over the six-month period prior to leaving work and withdrawing from the labor insurance program, for a maximum of six months .
When the applicant receives training, the vocational training establishment should instruct the insurer to pay his vocational training living allowance.
- Article 19- 1 During the period when an insured person involuntarily separated from employment and withdrawn from employment insurance is receiving unemployment benefits or the vocational training living allowance, an extra 10% of the insured person's average insured monthly salary in the six months right before employment separation and withdrawal from this insurance program shall be added as the benefits or allowance for each one of the insured person's dependents. The said extra benefits or allowance shall be given for up to two dependents.
The "dependents" described in the preceding paragraph refers to the insured person's non-working spouse, minor children or children with mental or physical impairment.
- Article 19- 2 The parental leave allowance shall be 60% of the insured person's average insured monthly salary in the six months right before the parental leave without pay takes effect. An insured person on parental leave without pay shall be given an allowance for up to six months per child.
In the event that there are two or more children requiring care at the same time, the allowance prescribed in the preceding paragraph shall be granted for one child only.
When both parents are covered by the employment insurance, they shall apply for the parental leave allowance separately and not at the same time.
- Article 20 Unemployment benefit is calculated from the 15th day after registering to seek employment at a Public Employment Service Institution. Vocational training living allowance is calculated from the first day of training.
- Article 21 If the insured establishment deliberately carries out procedures for an ineligible person to join the labor insurance program, the recipient of insurance benefit shall be informed by the insurer to return the amount within a prescribed period of time. If the amount is not returned before the appointed time, the case may be referred to court for compulsory execution.
- Article 22 An insured person who claims any insurance benefit must not cede his rights to someone else, rescind, seize, or offer security.
- Article 23 If there is a labor-management dispute between the applicant and former employer due to the applicant leaving work, unemployment benefit may still be claimed.
If the ruling on the preceding paragraph finds the applicant ineligible to claim unemployment benefit, then the applicant must return already claimed unemployment benefit within 15 days of the judgment. If the amount has not been returned by the appointed time, the case may be referred to court for compulsory execution.
- Article 24 A person loses the right to claim an insurance benefit if no action has been taken two years after the day the claim is available.

Chapter 5 Application and Assessment

- Article 25 Within two years after employment separation and withdrawal from employment insurance, the insured person is required to submit proof of employment separation or fixed-term contract, national ID or other proof of identity to a public employment agency in person to register for job placement, apply for unemployment confirmation, accept employment counseling, as well as fill out the unemployment confirmation statement, unemployment benefit application form and benefit receipt. After accepting registration for job placement, the public employment agency shall conduct employment counseling and make arrangements for job placement or vocational training. When failing to make job placement or vocational training arrangements within 14 days, the public employment agency shall issue a letter of unemployment confirmation the next day and request the insurer to issue unemployment benefits. The proof of employment separation described in Paragraph 1 refers to a certificate issued by the insured unit or the competent authority of the direct city or county/city. In the event that acquisition of the said certificate proves difficult, at the consent of the public employment agency, a written statement may be accepted. The certificate or written statement described in the preceding paragraph shall carry the name of the applicant, the title of the insured unit, and the reason of employment separation. An applicant failing to produce the document prescribed in Paragraph 1 shall turn in the required document within seven days. Otherwise, the application shall be deemed invalid.
- Article 26 In order to meet the requirements of organizing job placement and vocational training, the Public Employment Service Institution requires the applicant to produce the following documentation:
1. Copies of the highest attained educational diploma and documented work experience.
2. Copies of specialist vocational or technical skill certificates.
3. Copies of certificates from previously completed vocational training programs.
- Article 27 Within seven days of the day the Public Employment Service Institution organizes a job placement, the applicant should submit the employment and non-return cards to the Public Employment Service Institution. If an applicant does not administer the above, the Public Employment Service Institution shall stop processing the current unemployment certificate. If the certificate has already been processed, it shall be cancelled.
- Article 28 In the event that a person receives no job placement after vocational training is completed, the vocational training institution shall request the public employment agency to issue a letter of unemployment confirmation. If the said person has not made the unemployment benefit claim or has not yet claimed unemployment benefits for the maximum period allowed, the vocational training institution shall also request the insurer to issue the remaining unemployment benefits the said person is entitled to according to the benefit payment period regulation of Article 16.
- Article 29 An individual reapplying for unemployment benefits is required to go to a public employment agency in person every month for reconfirmation of the unemployment status within the two years starting on the day after the end of the first unemployment benefit payment period. People currently under medical treatment and unable to attend in person may submit a certificate from a medical institution as well as a written statement and delegate someone else to process the above procedure. An individual without employment status confirmation by a public employment agency shall have his unemployment benefits revoked.
- Article 30 When a person claiming unemployment benefit applies for unemployment re-certification, he must produce at least two records of seeking work before

he can continue to claim. A person who cannot produce a record of seeking employment must produce complete and correct documents within seven days. If the documents are not properly revised before the prescribed period, his unemployment benefit will be stopped.

Article 31 If a person has other additional income while he is unemployed or claiming unemployment benefit, he should inform the Public Employment Service Institution when applying for an unemployment certificate or processing unemployment re-certification.

Article 32 A person claiming unemployment benefit should inform the Public Employment Service Institution within three days of becoming reemployed.

Chapter 6 Fund and Administrative Budget

Article 33 The Employment Insurance Fund comes from the following sources:

1. The special fund appropriated from the Labor Insurance Fund by the central competent authority.
2. Surplus of insurance premiums and interest after deduction of insurance benefit payments.
3. Insurance premium payment overdue fines.
4. Income from use of the Fund.
5. Other related revenue.

The special fund described in Item 1 shall be returned to the Labor Insurance Fund in one lump sum.

Article 34 With the approval of the Labor Insurance Supervisory Commission, the Employment Insurance Fund may be used in the following ways:

1. Investment in government bonds, treasury bills and corporate bonds.
2. Deposited with government-run banks, or deposited with financial institutions or invested in short-term stock trading specified by the central competent authority.
3. Other investments approved by the central competent authority as to the benefit of the Fund.

The "other investments" prescribed in Item 3 of the preceding paragraph as to the benefit of the Fund shall not be investment in equity securities or derivative financial products. In addition to the use and insurance benefit payment prescribed in Paragraph 1 and the appropriation defined in Paragraph 3 of Article 12, the Employment Insurance Fund shall never be used or transferred for other purposes. The insurer is required to present the use and balance of the Fund to the central competent authority on an annual basis for public announcement.

Article 35 The central competent authority shall determine and appropriate the funds needed for operating this insurance program, which shall be no more than 3.5% of the total projected annual premium revenue.

Chapter 7 Penal Provisions

Article 36 A person making fraudulent or other improper insurance benefit claims, or making false certification, reports, and representations, other than being fined a sum of double the claimed insurance benefits, will also be liable to the insurer for compensation and damages. If criminally liable, the case may be referred to court for compulsory execution.

Article 37 A worker in contravention of the provisions herein, who does not participate in the employment insurance program and administer employment insurance procedures, will be fined between NT\$1,500 to NT\$7,500.

Article 38 An insured unit failing to enroll its employees for employment insurance in accordance with this Act shall be subject to a fine ten times of the insurance premiums for the period from the date of hire to the date before the actual enrolment or the date of termination of employment. The loss that the employees incurred due to the employer's failure to enroll them for insurance shall be compensated by the insured unit according to the payment standard defined in this Act.

When an insured has paid insurance premiums as a result of an insured unit in violation of the regulation of this Act having failed to pay the premiums for the insured, the insured unit shall be subject to a fine two times the amount of the premiums that the insured has paid. The insured unit shall further refund such premiums to the insured.

An insured unit failing to pay the premiums of the insured in violation of the regulation of this Act by over-declaration or under-declaration of insured salaries shall be subject to a fine four times the amount over-declared or under-declared starting from the onset of the violation.

In the event that the excess benefits received due to the above violation is not returned to the insurer within the time period specified, the insurer shall transfer the case for compulsory execution to retrieve the amount thus claimed in excess. The insured unit shall compensate the employees for the loss thus incurred.

An insured unit in violation of the regulation of Article 7 shall be subject to a fine of more than NT\$ 10,000 but less than NT\$50,000. In the event that an overdue fine up to the maximum premiums payable has been imposed on an insured unit in accordance with relevant regulations but the insured unit has not paid the premiums payable to the insurer before the amendment to this article takes effect on March 31, 2009, and the insurer has not imposed a penalty or has imposed a penalty without enforcement, there shall be no further arbitration or execution.

- Article 39 If a fine imposed herein is not paid within the appointed time announced by the insurer, the case may be referred to court for compulsory execution.

Chapter 8 Supplementary Provisions

- Article 40 Matters not provided herein regarding the beginning and end of insurance coverage, monthly insurance salary, insurance salary adjustment, the burden of responsibility for insurance premium, insurance premium payment, administering the extension of time limits and collection of penalties on insurance premiums, and investing and managing the fund, may be governed by the Labor Insurance Act and other relevant provisions .
- Article 41 The regulations in Paragraph 1 of Article 2 regarding ordinary accident insurance unemployment benefits and Article 74 of the Labor Insurance Act shall no longer apply starting from the date this Act takes effect. Starting from the date this Act takes effect, the labor insurance ordinary accident insurance premium rate shall be reduced by 1% of the monthly insured salary of the month the accident takes place. The regulation of Paragraph 2 of Article 13 of the Labor Insurance Act shall not apply.
- Article 42 All account books, receipts and administrative balance herein are exempt from taxes and duties.
- Article 43 The enforcement rules hereof shall be determined by the central competent authority.
- Article 44 The Executive Yuan will decide the date on which this Law shall be enforced. The Executive Yuan shall determine the effective date of this Act. Article 35 of this Act amended on April 21 2009 takes effect on January 1 2010.