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Title: [Regulations for the Mediation of Labor-Management Disputes](#) (2011.04.28 Announced) [Ch](#)

Article Content

Chapter I General Provision

[Article 1](#) The Regulations are prescribed in accordance with Paragraph 4 to Article 11 of the Settlement of Labor-Management Disputes Act (here-in-after referred to as the Act).

Chapter II Processing of Application

[Article 2](#) The parties to the labor-management dispute shall prepare a written application for mediation and submit it to the municipal or county/city competent authority (here-in-after referred to as the local competent authority).
When the local competent authority receives the application for mediation referred to in the preceding paragraph, it shall explain to the applicants the following matters:

1. They may choose either the way of using a mediator assigned by the local competent authority or organizing a mediation committee to mediate.
2. In case of choosing the way by using a mediator assigned by the local competent authority, the authority may commission a civil organization to designate a mediator to mediate.
3. They may request the local competent authority to provide the name lists of mediators or commissioned civil organizations for them to review.
4. They may request the mediator to state his/her identity and qualification.

The mediation application forms provided by the local competent authority shall include contents prescribed in the preceding paragraph.

[Article 3](#) The application forms referred to in the preceding paragraph shall list the items prescribed in Article 10 of the Act, in case that the applicants fail to list, the local competent authority may order them to correct within a given period.

Chapter III Appointment and Obligations of Members of Mediation Committee

[Article 4](#) A member of mediation committee appointed by the local competent authority shall have one of the following qualifications:

1. Person who has practicing experience in mediating or conciliating labor-management disputes for no less than two years.
2. Person who has served or is currently servicing a labor administrative position at all level of government for no less than two years.
3. Person who has served or is currently serving at all level of government in charge of legal matters for no less than two years.
4. Person who has served or is currently servicing as a member of board of directors or supervisors of a labor union or employer organization or as a full-time personnel in charge of union or organization affairs for no less than five years.
5. Person who has served or is currently servicing a managerial position in a business entity for no less than five years.
6. Person who is consistent with the qualifications of a mediator as prescribed in Article 13 of the Regulations.
7. Person who is consistent with the qualifications of a member of arbitration committee for labor-management disputes.

[Article 5](#) A person with one of the following situations is not qualified to be appointed as a member of mediation committee:

1. Person who has been declared as suspending civic rights which have not yet being restored.
2. Person who has been declared as bankruptcy which has not yet being restored.
3. Person who has started to undergo liquidation procedures in accordance with the statute for Consumers' Debt Clearance and his/her property rights have not yet being restored.
4. Person who has been declared under guardianship or supervision and the declaration has not yet being revoked.
5. Person who is a minor.

[Article 6](#) The local competent authority shall prepare a name list of members of mediation committees including the following items:

1. Name, age and gender.
2. Educational attainment and experience.

3. Current position and job.
4. Expertise.
5. Experience of handling labor-management relations.
6. Date of appointment.

The local competent authority shall publicly announce the name list of members of mediation committees before the end of May each year.

[Article 7](#)

The term of service of members of mediation committee appointed by the local competent authority shall be three years each term.

During the term of service of a member of mediation committee, the local competent authority may appoint a new member if necessary, his/her term of service shall be until the term of service of other incumbent members referred to in the preceding paragraph is expired.

[Article 8](#)

When the local competent authority assigns or designates a member of mediation committee in accordance with Article 13 or 14 of the Act respectively and it shall make the assignment or designation from the name list of members of mediation committee prepared in accordance with Article 6 of the Regulations.

In case that the parties to the dispute choose a member of mediation committee in accordance with Article 14 of the Act, the member cannot be a person currently servicing a labor administrative position at all level of government.

[Article 9](#)

In case that a member of mediation committee has the situations as prescribed in Article 32 of the Administrative Procedures Act, the local competent authority shall not assign him/her.

In case that the assigned member of mediation committee has the situations as prescribed in the preceding paragraph, he/she shall proactively report the situations and the local competent authority shall make other assignments.

If the parties to the dispute regard that the assigned member of mediation committee has one of the situations as prescribed in Paragraph 1 to Article 33 of the Administrative Procedures Act, they may request the member to recuse.

The request referred to in the preceding paragraph shall be submitted in writing and with reasons attached to the local competent authority before the mediation plan being proposed. The local competent authority shall make a decision regarding the request within five days after it has received it.

[Article 10](#)

A member of mediation committee shall proactively state his/her relationship with the parties to the labor-management dispute before the commencement of mediation procedures. In case that a member of mediation committee has a property interest with the matters of mediation that the parties to the dispute have applied, the same action shall also be taken.

[Article 11](#)

In case that a member of mediation committee has one of the following situations, the local competent authority shall dismiss him/her after examination and confirmation of the facts:

1. Having one of the qualifications prescribed in Article 4 of the Regulations.
2. Having one of the situations prescribed in Article 5 of the Regulations.
3. In violation of Paragraph 2 to Article 9 of the Regulations.
4. In violation of Paragraph 1 or 2 to Article 24 of the Regulations.

In case that a member of mediation committee has one of the situations prescribed in Item 3 or 4 of the preceding paragraph, the local competent authority shall not appoint him/her, and he/she is no longer qualified to be a member of mediation committee or a mediator.

[Article 12](#)

The local competent authority may pay members of mediation committee the related fees for their attendance, transportation and fact-finding.

Chapter IV Qualifications, Certification and Obligations of Mediators

[Article 13](#)

A mediator shall have one of the following qualifications:

1. A practicing attorney-at-law who has handled labor-management dispute cases in recent three years.
2. Person who has served or is currently servicing as a lecturer or above at universities or colleges certified by the Ministry of Education for no less than three years and teaching labor-management relations or law related courses and with practicing experience.
3. Person who has served a labor administrative position at all level of government and with experience in handling labor-management disputes or in charge of legal matters for no less than three years.
4. Person who has the qualification prescribed in Item 1 of Article 4 of the Regulations and obtained a

certificate as a mediator of labor-management disputes issued by the Central Competent Authority in accordance with Article 14 of the Regulations.

The local competent authority shall prepare the name list for persons who are qualified as mediators as prescribed in the preceding paragraph.

The local competent authority may appoint persons who have qualifications as prescribed in Paragraph 1 to the Article to be full-time mediators.

[Article 14](#)

After persons who have qualification as prescribed in Item 1 of Article 4 of the Regulations and recommended by the local competent authority have completed the training courses that are designated by the Central Competent Authority and passed the required test, the Central Competent Authority shall issue them certificates of mediator.

The training courses referred to in the preceding paragraph shall not be less than thirty-hour in-class lecturing and ten-hour case study.

The training plan concerning the training courses, test and number of persons participating in training

The training plan concerning the training courses, test and number of persons participating in training referred to in Paragraph 1 shall be designed and implemented by the Central Competent Authority. The Central Competent Authority may commission civil organizations or domestic universities and colleges certified by the Ministry of Education to implement the training plan referred to in the preceding paragraph.

[Article 15](#) Mediators referred to in Paragraph 1 to Article 13 of the Regulations shall participate in at least ten-hour training courses related to mediation business that are approved by the competent authority every two years.

[Article 16](#) The local competent authority shall evaluate mediators annually and the items for evaluation are as following:

1. They have participated in the training courses prescribed in Article 15 of the Regulations and received certificates.
2. They have fulfilled the obligation to make statement prescribed in Article 18 of the Regulations.
3. They have complied with the requirements applicable to mediators prescribed in Article 19 of the Regulations.
4. They have complied with the mediation procedures prescribed in Article 23 of the Regulation.
5. They have complied with the requirements as prescribed in Paragraph 1 to Article 25 of the Regulations to make mediation records.

In case that a mediator who is unable to pass the evaluation, the local competent authority or the commissioned civil organizations no longer appoint him/her as a mediator.

[Article 17](#) For those persons who have obtained mediator certificates, attended the training courses prescribed in Article 15 of the Regulations every two years and passed the evaluation prescribed in Article 16 of the Regulation, they can be reappointed as mediators after signing in the certificates by the local competent authority.

[Article 18](#) Mediators shall proactively states their status and qualifications to the parties to the labor-management dispute before the commencement of mediation procedure.

[Article 19](#) The requirements prescribed in Articles 5, 9-11 of the Regulations shall be applicable to mediators.

Chapter V Civil Organizations Commissioned to Mediate

[Article 20](#) Civil organizations that are commissioned by the local competent authority in accordance with Paragraph 3 to Article 11 of the Act shall comply with the following qualifications and requirements:

1. Being an incorporated association or foundation with a juristic person status, its charter is for the purpose of promoting labor-management relations and assisting the settlement of labor-management disputes.
2. Hiring no less than one full-time person in charge of business affairs.
3. With no less than four mediators who have the qualifications prescribed in Article 13 of the Regulations and passed the evaluation prescribed in Article 17 of the same Regulations.

The commissioned civil organizations referred to in the preceding paragraph shall not be a labor or employer organization.

[Article 21](#) The local competent authority shall prepare the name list of commissioned civil organizations and record the following items:

1. The names, addresses and telephone numbers.
2. The persons in charge.
3. The date of establishment.
4. The names, educational attainment, experiences, current positions and jobs of mediators, and their qualifications prescribed in Article 13 of the Regulations.

The name list of the commissioned civil organizations referred to in the preceding paragraph shall be reviewed by the public.

[Article 22](#) The local competent authority shall audit and review commissioned civil organizations annually, and the items for auditing and reviewing are as following:

1. The payments of subsidies prescribed in Paragraph 5 to Article 11 of the Act.
2. The qualifications and requirements of commissioned civil organizations prescribed in Article 20 of the Regulations.
3. The handling of mediation records prescribed in Paragraph 2 to Article 25 of the Regulations.

The result of auditing and reviewing commissioned civil organizations undertaken by the local competent authority shall be publicly announced.

For those commissioned civil organizations which fail to pass the auditing and reviewing, the local competent authority shall not commission mediation business to them within two years.

Chapter VI Other Matters of Compliance

[Article 23](#) When a mediator or a member of mediation committee deems it as necessary that the parties to the dispute, a person concerned or business entity shall make statements for the purpose of finding the fact, the local competent authority shall in advance notify them in writing.

In case that a mediator or an assigned member of mediation committee deems it as necessary to interview a related business entity for the purpose of finding the fact, he/she shall obtain a written permission from the local competent authority in advance, and proactively display the permission when engaging in the interview.

In case that a member of mediation committee who is chosen by the parties to labor-management dispute or is designated by the local competent authority in accordance with Paragraph 1 to Article 14 of the Act has the reasons to refuse prescribed in Paragraph 1 to Article 9 of the Regulations, he/she

of the Act has the reasons to refuse prescribed in Paragraph 1 to Article 9 of the Regulations, he/she shall not be assigned to conduct the fact-finding.

[Article 24](#)

When a member of mediation committee and a mediator conducting mediation business shall comply with the related provisions concerning mediation as prescribed in Chapter II of the Act.

A member of mediation committee or a mediator shall not commit the following conducts:

1. Receiving improper interests while processing mediation business.
2. Using violence and threat while processing mediation business.
3. Ordering the parties to the dispute, a person concerned or a business entity to make statements without the notification issued by the local competent authority as prescribed in Paragraph 1 to the preceding article.
4. Entering into the related business entity for interview without permission given by the local competent authority in advance as prescribed in Paragraph 2 to the preceding article.

In case the a member of mediation committee or a mediator commits one of the conducts prescribed in the preceding paragraph and is verified by the local competent authority, he/she can no longer be a member of mediation committee or a mediator. If he/she has already appointed by the local competent authority as a member of mediation committee, he/she shall be dismissed immediately. If he/she has obtained a certificate of mediator to labor-management dispute, the local competent authority shall notify the Central Competent Authority to revoke the certificate.

[Article 25](#)

The mediation committee and a mediator are required to make a mediation record which shall include the following matters:

1. Matters prescribed in Article 10 of the Act.
2. Date that the application for a mediation of labor-management dispute is filed.
3. Date and duration of the mediation meeting held; in case that more meetings are held, they shall be recorded in order separately.
4. Place where the mediation meeting is held.
5. Assertions and statements made by the parties to the dispute.
6. Result of the fact-finding.
7. Contents of the mediation plan.
8. Result of the mediation.
9. Attendance or absence of the parties to the dispute.
10. Name(s) and signature(s) of members of mediation committee or the mediator.

The mediation committees, mediator or commissioned civil organization to mediate shall submit the mediation record and related documents and files to the local competent authority within three days after the closing of mediation procedures.

The local competent authority shall send the mediation record to the parties to labor-management dispute within seven days after receiving the record referred to in the preceding paragraph.

Mediation records and related documents and files shall be stored for fifteen years.

[Article 26](#)

The local competent authority may pay the expenses for the mediation or other expenses derived from the mediation to the mediator who is assigned in accordance with Paragraph 1 to Article 11 of the Act. The local competent authority may pay commission fees to the civil organizations that are commissioned in accordance with Paragraph 3 to Article 11 of the Act.

[Article 27](#)

Formats of related documents and forms referred to in the Regulations shall be prescribed by the Central Competent Authority.

[Article 28](#)

The Regulations shall become effective on May 1, 2011.