



INTRODUCTION TO LAWS, REGULATIONS AND LEAVE OF ABSENCE

FOR INDUSTRIAL WORKERS AND
NURSING HOME CAREGIVERS



Simple
Guide



IN TAIWAN, WHAT LAWS AND REGULATIONS CAN PROTECT THE EMPLOYMENT RIGHTS OF PREGNANT WOMEN?

1

The Act of Gender Equality in Employment:
to protect gender equality in right-to-work, implement thoroughly the constitutional mandate of eliminating gender discrimination, and promote the spirit of substantial gender equality

2

The Employment Services Act:
to promote employment of nationals to enhance social and economic development

3

The Labor Standards Act:
to provide minimum standards for working conditions and protect worker's rights and interests
※ Only applies to factory workers and nursing home caregivers

CAN I GIVE BIRTH IN TAIWAN?

Taiwan government does not prohibit migrant workers from being pregnant.

The Act of Gender Equality in Employment applies to all employees no matter what their nationalities or industries are. Even though the domestic caregivers and helpers are excluded from The Labor Standards Act, the pregnant migrant women can still enjoy certain rights that give them protection during their pregnancy period in Taiwan.

MEASURES TO PROMOTE EQUALITY AT WORK

- 7 days paid leave for pregnancy check-ups
- 7 days paid leave for pregnancy checkup accompaniment and paternity
- Maternity Leave
- Tocolysis Leave
- Unpaid Parental Leave
- Family Care Leave

Know more details here



7 DAYS PAID LEAVE FOR PREGNANCY CHECK-UPS

1

Take leave for prenatal health checks during pregnancy

2

Leave can be granted on a "day", "half-day" or "hourly" basis (if on an hourly basis, the total hours of leave are 56 hours)

3

The unit of leave cannot be changed after chosen

4

Regular wages shall be paid for the periods of leaves

7 DAYS PAID LEAVE FOR PREGNANCY CHECKUP ACCOMPANIMENT AND PATERNITY

A total of 7 days leave for pregnancy checkup accompaniment leave and paternity leave, the employee has their own entitlement to the leave.

1 Pregnancy checkup accompaniment leave: during spouse's pregnancy
Paternity Leave: can be taken before and after the date of spouse's delivery, with no more than 15 days in total

2 Leave can be granted on a "day", "half-day" or "hourly" basis
(if on an hourly basis, the total hours of leave are 56 hours)

3 The unit of leave cannot be changed after chosen

4 Regular wages shall be paid for the periods of leaves

※ Marital status has to be authenticated by the Taiwan Government Agency

MATERNITY LEAVE

REQUIREMENT:

the gestational weeks of more than 20 weeks

PERIOD: 8 WEEKS

WAGES:

If employed for more than six months, regular wages will be paid;

If employed less than 6 months, wages will be paid at half of the regular payment

MISCARRIAGE LEAVE

Requirement:

- Miscarriage after being pregnant for more than 3 months → 4 weeks
- Miscarriage after being pregnant for over 2 months and less than 3 months → 1 week
- Miscarriage after being pregnant for less than 2 months → 5 days

Period: shall be calculated every seven calendar days of the week

Wages:

For miscarriage after being pregnant for more than 3 months:

If employed for more than six months, regular wages will be paid;

If employed less than 6 months, wages will be paid at half of the regular payment

TOCOLYSIS LEAVE

Types of Leave:

Workers who are applicable to the Standard Labor Act, the total of hospitalized sick leave

- For the non-hospitalized, a total of less than thirty days in one year
- For hospitalized, not exceeding one year
- The total of hospitalized and non-hospitalized sick leave cannot exceed 1 year in 2 consecutive years

Requirement:

Diagnosed by a physician as needing to recuperate

※ The diagnosis certificate must state the length of the leave-taking period

Wages:

Up to 30 days of sick leave per year, shall be paid 50% of salary. Sick leave over 30 days will be unpaid for up to 1 year

PARENTAL LEAVE WITHOUT PAY

Requirement and period:

- After being employed for six months, before the child is 3 years old
- Maximum for 2 years. When raising 2 or more children at the same time, the period of Parental Leave shall be accumulated and the maximum period shall be limited to 2 years when the leave for the youngest child expires

Time of Application:

- If the leave is less than 6 months but more than 30 days, the employee is allowed to apply for the leave with a maximum of 2 times; if the employee raises 2 or more children under the age of 3 years old at the same period, the times of their parental leave shall be computed aggregately and shall be limited to a maximum of 2 times counted on the youngest child.
- If the leave is 6 months or above, there is no limit on the number of times of applications. The leave shall comply with applicable laws and regulations.

Application Procedure:

Employee shall submit an application in writing to the employer 10 days in advance

FAMILY CARE LEAVE

Requirement:

For the purpose of taking personal care for family members who are in the following situations:

- Immunization
- Suffer serious illness
- Other major accidents

Days of Leave:

- 7 days in a year
- The number of the leave is counted as personal leave

Wages:

According to the Regulations of Leave-Taking of Workers, wages are unpaid during personal leave

* Spouse and marital status must be authenticated by the Taiwan Government Agency

FOR DETAILED LAWS AND REGULATIONS, PLEASE REFER TO:

The Act of Gender Equality in Employment

<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0030014>

The Employment Services Act

<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0090001>

The Labor Standards Act

<https://law.moj.gov.tw/ENG/LawClass/LawAll.aspx?pcode=N0030001>



THE NEXT SIMPLE GUIDE WILL BE ABOUT
《PREGNANCY》
WILL TALK ABOUT SITUATIONS THAT
WOULD BE FACED DURING PREGNANCY

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