

**移工婦幼權益保障指引**  
**Guidelines to Protect the Rights of**  
**Female Foreign Workers and Their Children**

**勞動部**  
**Ministry of Labor**

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## 壹、前言 Preface

為落實性別平權，勞動部已於 90 年 11 月 7 日修正相關規定取消移工於受聘僱期間不得結婚之規定，並自 91 年 11 月 9 日起取消入國後每滿 6 個月健康檢查之「懷孕檢查」項目。另「受聘僱外國人健康檢查管理辦法」已分別於 93 年及 96 年取消女性移工入國後定期健檢與入國 3 日內健檢之妊娠檢查規定，並於 104 年再取消入國前之妊娠檢查規定。對於移工懷孕工作權益之維護，受《消除對婦女一切形式歧視公約第 26 號一般性建議》、《性別平等工作法(下稱性工法)》及《職業安全衛生法(下稱職安法)》第 30 條保障，另移工如受僱於適用《勞動基準法(下稱勞基法)》第 3 條及《職安法》第 31 條規定之行業，亦有該法母性保護相關規定之適用。

On November 7, 2001 the Ministry of Labor (MOL) revised related regulations and abolished a provision banning foreign workers from getting married during their period of employment in Taiwan, to implement gender equality. On November 9, 2002 the ministry also abolished the requirement that female workers take a “pregnancy test” as part of their regular six-month health check-ups after arriving in Taiwan. In addition, in 2004 and 2007, provisions dealing with pregnancy tests for female foreign workers as part of regular health check-ups and within three days of arriving in Taiwan in the “Regulation Governing Management of the Health Examination of Employed Aliens” were also abolished. In 2005, the requirement to take a pregnancy test before arriving in Taiwan was cancelled. Moreover, the right to work of foreign workers who fall pregnant is further protected in “General Recommendation No. 26 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),” the “General Equality in Employment Act” and Article 30 of the “Occupational Safety and Health Act” (OSHA). In addition, if foreign workers are employed in an industry detailed in Article 3 of the “Labor Standards Act” and Article 31 of the OSHA, related maternity protection provisions in those laws also apply.

鑑於監察院及立法院持續關注非本國籍兒童及少年，且考量女性移工年齡分布以 25 歲至 34 歲為主，屬育齡階段青壯年，移工在臺工作期間懷孕、生產及子女照顧等工作及健康需求，以及雇主僱用人力需求，均有可用協助資源，為保障勞雇雙方權益及促進和諧，特訂定「移工婦幼權益保障指引」。

Based on the continued concern of the Control Yuan and Legislature for the welfare of young children and adolescents who are not nationals of the Republic of China (Taiwan) and the fact that most female foreign workers are aged 25-34, which is childbearing age, those individuals have various work and health needs related to falling pregnant, giving birth or childcare while working in Taiwan and employers have their manpower needs, there are resources to which both have access. In addition, in order to protect the rights of both parties and promote harmonious labor relations the ministry drafted the “Guidelines to Protect the Rights of Female Foreign Workers and Their Children.”

貳、本指引用詞定義 Definitions of terminology used in the guidelines are as follows

一、移工：係指依就業服務法(下稱就服法)規定經許可，在臺從事「外國人從事就業服務法第 46 條第 1 項第 8 款至第 11 款工作資格及審查標準」(下稱藍領審查標準)規定產業類及家事類工作之外國人。

1.Foreign worker: refers to industry category and family category foreign workers who pursuant to the “Review Standards and Employment Qualifications for Foreign Workers Engaging in Work Specified in Subparagraphs 8 to 11, Paragraph 1, Article 46 of the Employment Service Act” (hereinafter The Review Standards) have a permit in accordance with the provisions of the Employment Service Act (hereinafter the Act).

二、雇主：聘僱持有工作簽證來臺工作移工之雇主。

2.Employers: Individuals who hire foreign workers with a work visa to come to Taiwan and work.

三、仲介：指接受雇主或移工委任且經勞動部核准設立之私立就業服務機構。

3.Labor brokerages: These are private employment services agencies approved by the Ministry of Labor and can be hired by employers or foreign workers.

四、政府機關或機構：勞動部、勞動部勞工保險局(下稱勞保局)、衛生福利部(下稱衛福部)、衛生福利部社會及家庭署(下稱社家署)、衛生福利部國民健康署(下稱國健署)、衛生福利部疾病管制署(下稱疾管署)、衛生福利部中央健康保險署(下

稱健保署)、內政部移民署(下稱移民署)、教育部、各縣市地方政府及外國駐臺辦事處。

4. Government agencies or institutions: Ministry of Labor, Bureau of Labor Insurance, Ministry of Labor (hereinafter BLI), Ministry of Health and Welfare (hereinafter MOHW), Social and Family Affairs Administration, Ministry of Health and Welfare (hereinafter SFAA), Health Promotion Administration, Ministry of Health and Welfare (hereinafter HPA), Taiwan Centers for Disease Control, Ministry of Health and Welfare (hereinafter TCDC), National Health Insurance Administration, Ministry of Health and Welfare (hereinafter NHIA), National Immigration Agency, Ministry of the Interior (hereinafter NIA), Ministry of Education, local country/city governments and the overseas representative offices of other countries in Taiwan.

參、移工懷孕可用資源 Resources available to pregnant foreign workers

一、懷孕前 Before pregnancy

(一) 無生育規劃(1) No plan to have a child

1. 移工 1. Foreign workers

移工無生育規劃，於個人自主權下，不因他人影響，可透過多元宣導管道(移工機場法令講習、家事類移工一站式服務中心、移工在臺工作須知手冊、外國人勞動權益網<sup>1</sup>、社群平臺(LINE@移點通)、北中南外籍婦幼諮詢服務中心及中外語廣播)提供國健署避孕衛教宣導文宣<sup>2</sup>資料：

When foreign workers do not plan to get pregnant, and choose of their own volition, and not under the influence of others, contraceptive health education materials from the HPA can be accessed from a wide range of channels (including foreign worker legal orientation workshops at airports, one-stop service centers for family category foreign workers, a foreign workers in Taiwan handbook, the Foreign

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<sup>1</sup>勞動力發展署外國人勞動權益網站：<https://gov.tw/CbU>(網址如有異動，以勞發署現行網址為準。)Health Promotion Administration Contraceptive Health Education Guidance website: <https://gov.tw/ZwP> (in the event of changes to the website address, go to the current URL of the HPA).

<sup>2</sup>國健署避孕衛教宣導網站：<https://gov.tw/ZwP> (網址如有異動，以國健署現行網址為準。)Foreign National Labor Rights Portal, Workforce Development Agency (WDA), Ministry of Labor: <https://gov.tw/CbU> (in the event of changes to the website address, go to the current URL of the WDA).

National Labor Rights Portal and social media platforms (like 1955E-LINE), Integrated Service Centers for Migrant Women and Children in northern, central, and southern Taiwan, as well as broadcasts in Chinese and foreign languages).

(1)可至醫療院所經醫師診斷後，遵循醫生用藥規定服用避孕藥。

(1)After seeing a doctor at a medical facility, take contraceptive medication as instructed.

(2)性行為時請全程正確使用保險套及水性潤滑液，可預防感染愛滋病毒及其他性病(如梅毒、淋病等)。保險套可至各大便利商店、大賣場、藥妝店及藥局等持有藥商許可執照之商店及保險套自動服務機購買；各縣市保險套自動服務機設置地點請參考疾管署網站<sup>3</sup>。

(2)When sexually active, the correct use of condoms and water-based lubricants can help avoid contracting Aids and other sexually transmitted diseases (including syphilis and gonorrhea). Condoms can be purchased at stores with a pharmacy license, such as major convenience stores, hypermarkets, drugstores and pharmacies as well as condom vending machines. For information on the location of condom vending machines in counties/cities across Taiwan go to the TCDC website.

2. 雇主：雇主應依就服法參加法定聘前講習，瞭解性別平等工作法對於移工懷孕權益保障及應負擔義務；另透過外國人勞動權益網、社群平臺(LINE@移點通)、北中南外籍婦幼諮詢服務中心及中外語廣播，協助移工瞭解避孕措施，並提供移工避孕衛教資訊與購買管道、懷孕後工作與健康權益及可用資源。

2.Employers: In accordance with the Employment Service Act, employers are required to attend pre-hiring orientation classes to better understand provisions that protect the rights of foreign workers who fall pregnant and outline employers related obligations as detailed in the Gender Equality in

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<sup>3</sup>疾管署網站：<https://gov.tw/XGP>(網址如有異動，以疾管署現行網址為準。)Taiwan Centers for Disease Control website: <https://gov.tw/XGP> (in the event of changes to the website address, go to the current URL of TCDC).

Employment Act. Moreover, the Foreign National Labor Rights Portal and social media platforms (like 1955 E-LINE), Integrated Service Center for Migrant Women and Children in northern, central, and southern Taiwan, as well as broadcasts in Chinese and other languages also help foreign workers better understand available contraceptive measures. These also provide information on contraceptive and health education, where contraception can be purchased, work and health rights when pregnant and available resources.

3. 仲介：提供移工、雇主避孕藥及保險套等避孕資訊。

3.Labor brokerages: Provides foreign workers and employers with contraception related information including on condoms and the birth control pill.

4. 政府資源：

4.Government resources:

(1)可透過勞動部移工在臺工作須知手冊、外國人勞動權益網、社群平臺(LINE@移點通)、中外語廣播及國健署避孕衛教宣導網站等多元管道瞭解避孕措施，或洽北中南外籍婦幼諮詢服務中心諮詢。

(1)Foreign workers can learn more about available contraceptive measures from the MOL foreign workers in Taiwan handbook, the Foreign National Labor Rights Portal, social media platforms (like 1955 E-LINE), broadcasts in Chinese and other languages and contraceptive and health education materials on the HPA website. Alternatively, they can seek advice from Integrated Service Centers for Migrant Women and Children in northern, central, and southern Taiwan.

(2)有關移工來臺如知悉自身感染愛滋病毒（HIV），後續各類處遇服務可參考疾管署製作之「移工來臺後知悉感染愛滋病毒（HIV）之處遇 Q&A」<sup>4</sup>

(2)Foreign workers who discover they have HIV after coming to Taiwan can refer to the “Q&A on Treatments for Foreign Workers who Learn of an HIV Infection After Arriving in Taiwan” produced by the Taiwan Centers for

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<sup>4</sup>疾管署移工來台後得知感染愛滋之處遇 Q&A：<https://gov.tw/Zrj>（網址如有異動，以疾管署現行網址為準。）“Q&A on Treatments for Foreign Workers who Learn of an HIV Infection After Arriving in Taiwan” published by the Taiwan Centers for Disease Control: <https://gov.tw/Zrjdd> (in the event of changes to the website address, go to the current URL of the TCDC).

Disease Control to learn more about the various treatments and services available to them.

## (二) 有生育規劃(2) Planned childbirth

### 1. 移工 1.Foreign workers

(1)可透過多元宣導管道(移工機場法令講習、家事類移工一站式服務中心、移工在臺工作須知手冊、外國人勞動權益網、社群平臺(LINE@移點通)、北中南外籍婦幼諮詢服務中心及中外語廣播)瞭解懷孕期間、生產後工作權益、相關規定及協助資源。

(1)Foreign workers can learn about their work rights, related regulations and available resources when pregnant and after childbirth, from a wide range of sources (including foreign worker legal orientation workshops at airports, one-stop service centers for family category foreign workers, a foreign workers in Taiwan handbook, the Foreign National Labor Rights Portal and social media platforms (like 1955 E-LINE), Integrated Service Centers for Migrant Women and Children in northern, central, and southern Taiwan, as well as broadcasts in Chinese and other languages).

(2)可至國健署健康手冊專區孕產婦健康網站<sup>5</sup>，查詢孕期、生產及產後保健衛教相關資源等訊息。

(2)Information on healthcare related resources relating to pre-natal, childbirth and postpartum care is available from the HPA Health Handbook section or Maternal Health website.

### 2. 雇主 2. Employers

(1)可透過雇主聘前講習、外國人勞動權益網、社群平臺(LINE@移點通)、北中南外籍婦幼諮詢服務中心及中外語廣播等管道，知悉移工懷孕期間、生產後相關規定及協助管道，並向移工宣導相關資訊及協助資源。

(1)Employers can learn about regulations and assistance available to pregnant and postpartum foreign workers from employer pre-hiring orientation classes, the Foreign

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<sup>5</sup>國健署健康手冊專區網站：<https://gov.tw/NwW> (網址如有異動，以國健署現行網址為準。) Health Promotion Administration Health Handbook website: <https://gov.tw/NwW> (in the event of changes to the website address, go to the current URL of the HPA).



National Labor Rights Portal and social media platforms (like 1955 E-LINE), Integrated Service Centers for Migrant Women and Children in northern, central, and southern Taiwan, as well as broadcasts in Chinese and other languages. Foreign workers can then be provided with related information and resources.

(2)工作規則、勞動契約或團體協約，不得規定或事先約定受僱者有結婚、懷孕、分娩或育兒之情事時，應行離職或留職停薪；亦不得以其為解僱之理由(性工法第 11 條)。

(2)Work regulations, labor contracts and group agreements are prohibited from containing provisions or prior agreements that if an employee gets married, falls pregnant, gives birth or has to raise a child she is required to resign or take unpaid leave. In addition, none of these conditions can be used as a reason to fire an employee. Anyone in violation of this provision can be fined NT\$300,000 to NT\$1,500,000 (Article 11, Article 38-1 of the Gender Equality in Employment Act).

3. 仲介：提供移工及雇主於移工懷孕期間、生產後工作健康權益及諮詢申訴管道資訊。

3.Labor brokerages: Provide foreign workers and employers with information on work and health rights for pregnant and postpartum foreign workers, including how to file an official complaint.

4. 政府資源：可透過勞動部移工在臺工作須知手冊、外國人勞動權益網、社群平臺(LINE@移點通)、中外語廣播及國健署健康手冊專區網站等多元管道，瞭解懷孕期間與生產後工作及健康權益資訊，或洽北中南外籍婦幼諮詢服務中心諮詢。

4.Government resources: Foreign workers can learn more about work and health rights when pregnant and postpartum from the MOL foreign workers in Taiwan handbook, the Foreign National Labor Rights Portal, social media platforms (like 1955 E-LINE), broadcasts in Chinese and other languages and the HPA health handbook website. Alternatively, they can seek advice from Integrated Service Centers for Migrant Women and Children in northern, central,

and southern Taiwan.

## 二、懷孕期間 Pregnancy

### (一) 工作權益保障(1)Protecting work rights

#### 1. 移工 1. Foreign workers

(1)聘僱許可期間懷孕移工可繼續在臺工作，雇主不得以其為解僱之理由，且雇主應提供合適工作環境，以確保其健康和 safety。

Foreign workers who fall pregnant during the period of their employment permit can continue to work in Taiwan and employers are not permitted to use their condition as an excuse to fire them. In addition, employers are also required to provide a suitable work environment to ensure the health and safety of pregnant employees.

(2)聘僱許可期間懷孕移工如有轉換雇主之需要，可與雇主合意終止聘僱關係並向勞動部申請轉換雇主，經勞動部核准轉換，並在資訊系統登錄必要資料，由公立就業服務機構在 60 日期間辦理轉換雇主作內業；如需暫緩轉換，可持醫生診斷證明或孕婦健康手冊向勞動部申請暫緩轉換雇主，最長可至妊娠結束日起 60 日，妊娠結束後，移工可繼續在臺工作，可申請辦理恢復轉換雇主，經勞動部核准者得再延長轉換作業期間 60 日。

(2) If a foreign worker who falls pregnant during the period of the employment permit needs to transfer employers, she is required to obtain the agreement of the original employer to terminate their employment relationship. An application is then filed with the Ministry of Labor to transfer employers and after approval the worker must register required information on the information system, with a private employment services agency processing the employer transfer within 60 days. If the transfer has to be suspended, submit an application for a pause in the employer transfer process together with a doctor's certificate of diagnosis or a Pregnancy Health Handbook. This pause can last for a maximum of 60 days after the day on which the pregnancy ends. After the pregnancy ends, the foreign worker can continue working in Taiwan and apply to restart the employer transfer process. With the approval of the MOL, the transfer process can be extended a further 60 days.

(3)聘僱許可期間懷孕移工可請安胎休養請假、產檢假、產假；移工陪伴配偶妊娠產檢或其配偶分娩時，雇主應給予陪產檢及陪產假(性工法第 15 條)。

(3)Foreign workers who fall pregnant during the period of the employment permit can apply for pregnancy-related bed rest leave, pre-natal check-up leave and maternity leave. In addition, employers are also required to give pre-natal checkup and paternity leave so foreign workers can accompany their spouse to pre-natal check-ups and be there at the birth (Article 15, Gender Equality in Employment Act).

A.安胎休養請假：懷孕移工於經醫師診斷需安胎休養者，可採安胎休養請假。產業類移工其安胎休養請假薪資以病假計算，家事類移工病假薪資則依雙方勞動契約辦理。另移工採安胎休養請假時，雇主不得拒絕或視為缺勤而影響其全勤獎金、考績或為其他不利之處分。

A.Pregnancy-related bed rest leave: If a doctor diagnoses a pregnant foreign worker as requiring bed rest, she can apply for pregnancy-related bed rest leave. For an industry category foreign worker, such leave is calculated as sick leave, whereas sick leave pay for family category foreign workers is determined by the labor contract agreed by both parties. Moreover, when a foreign worker files for pregnancy-related bed rest leave, the employer cannot refuse or treat is as being absent from work and therefore impacting the worker's perfect attendance bonus, performance appraisal or as a factor in any other penalty.

B.產檢假：移工懷孕期間，雇主應給予產檢假 7 日，期間薪資照給。另雇主依規定給付產檢假薪資後，就逾 5 日之部分得向勞保局申請補助。但依其他法令規定，應給予產檢假逾 5 日且薪資照給者，不適用之。

B.Pre-natal check-up leave: When a foreign worker is pregnant the employer is required to provide 7 days of pre-natal check-up leave during which time the worker receives full pay. However, after paying pre-natal check-up leave salary, employers can apply to the Ministry of Labor for reimbursement for any period over five days. This does not apply when other legal

provisions stipulate an employer is required to provide more than five days of pre-natal check-up leave salary.

C. 產假：僱主於移工分娩前後，應使其停止工作，給予產假 8 星期；妊娠 3 個月以上流產者，應使其停止工作，給予產假 4 星期；妊娠 2 個月以上未滿 3 個月流產者，應使其停止工作，給予產假 1 星期；妊娠未滿 2 個月流產者，應使其停止工作，給予產假 5 日。另產業類移工工作在 6 個月以上者，產假期間工資照給；未滿 6 個月者減半發給，另家事類移工因不適用勞動基準法，產假工資依雙方勞動契約辦理。

C. Maternity leave: In the period before and after a foreign worker gives birth, the employer should require her to stop working and provide 8 weeks of maternity leave. Those who have a miscarriage after 3 months or more of pregnancy can stop work and receive 4 weeks of maternity leave; individuals who have a miscarriage after more than 2 months but less than 3 months of pregnancy can stop work and receive 1 week of maternity leave; when a miscarriage occurs after less than 2 months of pregnancy the individual can stop work and receive 5 days of maternity leave. In addition, industry category foreign workers who have worked for 6 months or more should receive their salary in full for that period; those who have worked for less than 6 months receive half pay. In addition, because family category foreign workers do not fall under the provisions of the Labor Standards Act, the payment of maternity leave salary should be detailed in the labor contract signed by both parties.

D. 陪產檢及陪產假：移工陪伴配偶妊娠產檢或其配偶分娩時，僱主應給予陪產檢及陪產假 7 日，期間薪資照給。另僱主依規定給付陪產檢及陪產假薪資後，就其中逾 5 日之部分得向勞保局申請補助。但依其他法令規定，應給予陪產檢及陪產假逾 5 日且薪資照給者，不適用之。

D. Spousal pre-natal check-up and paternity leave: Employers are required to provide 7 days of spousal pre-natal check-up and paternity leave for foreign

workers who accompany their spouses to pre-natal check-ups and when they give birth, during which period their salary is paid in full. However, after employers pay spousal pre-natal check-up and paternity leave salary, they can apply to the Ministry of Labor for reimbursement for leave over five days. This does not apply when other legal provisions require an employer to provide more than five days of spousal pre-natal check-up and paternity leave.

- (4) 聘僱許可期間產業類懷孕移工如有較為輕易之工作，得申請改調，改調工作限同一工作型態，且雇主應予配合，並不得減少其工資(勞基法第 51 條)。

(4) An industry category foreign worker who falls pregnant during the period of the employment permit can apply to be transferred to less strenuous work if such work exists, though this is limited to the same type of work. The employer is required to cooperate with such a request and not reduce the employee's wages (Article 51, Labor Standards Act).

- (5) 雇主不得安排聘僱許可期間產業類懷孕移工，於午後 10 時至翌晨 6 時之時間內工作(勞基法第 49 條)，另家事類移工經勞雇雙方協商合意後，得比照前開規定辦理。

(5) An employer shall not make industry category female workers who fall pregnant during the period of the employment permit work between 10pm-6am the following morning (Article 49, Labor Standards Act). In addition, family category foreign workers can follow the aforementioned regulations after an agreement is reached between the employer and worker.

- (6) 聘僱許可期間懷孕之產業類移工不得從事一定重量以上之重物處理等危險性或有害性工作，如持續性作業不得超過 6 公斤；斷續性作業不得超過 10 公斤，並採取母性健康保護措施(職安法第 30 條及第 31 條)，另家事類移工經勞雇雙方協商合意後，得比照前開規定辦理。

(6) An industry category foreign worker who falls pregnant during the period of the employment permit is not permitted to engage in dangerous or hazardous work

involving objects above a fixed weight. The maximum weight for continuous operations is 6kg; if operations are intermittent the maximum weight is 10kg and maternal health protection measures must be in place (Article 30, Article 31 Occupational Safety and Health Act). In addition, family category foreign workers can follow the aforementioned regulations after an agreement is reached between the employer and worker.

- (7) 倘聘僱許可期間懷孕移工因法令爭議、檢舉雇主非法使用、遭受人身侵害或雇主違反契約任意遣返等情事有安置之必要，可至地方主管機關或撥打 1955 專線尋求協助安置。

(7) If a foreign worker who falls pregnant during the period of the employment permit requires placement after being subject to personal assault or repatriated by an employer in violation of the labor contract, as a result of a legal dispute or reporting the employer for illegal use of labor, the worker can seek the assistance of the local competent authority or call the 1955 Hotline for help with placement.

- (8) 聘僱許可期間懷孕移工，如有特殊情事無法自行安排生活，且未符合臨時安置要點規定，可至地方主管機關尋求協助，經地方主管機關核定有安置必要，提供 60 日緊急安置措施，另緊急安置結束後，等待返國或有繼續在臺生活必要者，得延長安置至妊娠結束日後 6 個月止。

(8) If a foreign worker who falls pregnant during the period of the employment permit encounters special circumstances and is unable to make life arrangements herself, but the situation does not meet provisional placement guidelines, she can seek assistance from the local competent authority and as long as the authority approves the need for placement 60-days of emergency settlement measures will be provided. After the emergency placement concludes and the worker is waiting to return to her country of origin or continue living in Taiwan, the settlement period can be extended until a maximum of 6 months after the end of the pregnancy.

- (9) 安置單位於接獲地方主管機關交付安置移工時，應依全

民健康保險法相關規定，協助移工投保全民健康保險。

(9) When a placement unit is instructed by the local competent authority to place a foreign worker, it is also required to help the worker enroll on the National Health Insurance program in accordance with the related provisions of the National Health Insurance Act.

(10)若聘僱許可期間懷孕移工決定提前解約返國，移工與雇主終止聘僱關係，需於返國前至地方主管機關辦理解約驗證，並依雙方合意預定出國日期出國。

(10)If a foreign worker who falls pregnant during the period of the employment permit decides to terminate the contract and return to her home country prior to the end of the contract, before leaving Taiwan the worker is required to meet with the local competent authority for purposes of contract termination verification and leave the country on a date agreed by the two sides.

## 2. 雇主 2. Employers

(1)聘僱許可期間懷孕移工可繼續在臺工作，不得以其為解僱之理由，如移工有轉換雇主之需要，可與移工合意終止聘僱關係。

(1)A foreign worker who falls pregnant during the period of the employment permit can continue working in Taiwan and the pregnancy cannot be used as a reason to terminate her employment. If the foreign worker wants to transfer employers the two sides are required to agree on the termination of their employment relationship.

(2)聘僱許可期間懷孕移工，雇主應給予安胎休養請假、產檢假、產假；移工陪伴配偶妊娠產檢或其配偶分娩時，應給予陪產檢及陪產假(性工法第 15 條)。

(2)Employers are required to provide foreign workers who fall pregnant during the period of the employment permit, with pregnancy-related bed rest leave, pre-natal check-up leave and maternity leave; In addition, employers must also give spousal pre-natal check-up and paternity leave to foreign workers so they can accompany their spouses to pre-natal check-ups and be there at the birth (Article 15, Gender Equality in Employment Act).

A. 安胎休養請假：懷孕移工於經醫師診斷需安胎休養者，可採安胎休養請假。產業類移工其安胎休養請假薪資以病假計算，家事類移工病假薪資則依雙方勞動契約辦理。另移工採安胎休養請假時，雇主不得拒絕或視為缺勤而影響其全勤獎金、考績或為其他不利之處分。

A. Pregnancy-related bed rest leave: If a doctor diagnoses a foreign worker as requiring bed rest, she can apply for pregnancy-related bed rest leave. For an industry category foreign worker such leave is calculated as sick leave, whereas sick leave pay for family category foreign workers is determined by the labor contract agreed by both sides. Moreover, when a foreign worker files for pregnancy-related bed rest leave, the employer cannot refuse or treat is as being absent from work and therefore impacting the worker's perfect attendance bonus, performance appraisal or as a factor in any other penalty.

B. 產檢假：移工懷孕期間，雇主應給予產檢假 7 日，期間薪資照給。另雇主依規定給付產檢假薪資後，就其中逾 5 日之部分得向勞保局申請補助。但依其他法令規定，應給予產檢假逾 5 日且薪資照給者，不適用之。

B. Pre-natal check-up leave: When a foreign worker is pregnant the employer is required to provide 7 days of leave for pre-natal check-ups during which time the worker receives full pay. In addition, after paying pre-natal check-up leave salary, employers can apply to the Ministry of Labor for reimbursement for any leave over five days. However, this does not apply when other legal provisions stipulate an employer is required to provide more than five days of pre-natal check-up leave paid at full salary.

C. 產假：雇主於移工分娩前後，應使其停止工作，給予產假 8 星期；妊娠 3 個月以上流產者，應使其停止工作，給予產假 4 星期；妊娠 2 個月以上未滿 3 個月流產者，應使其停止工作，給予產假 1 星期；妊娠未滿 2 個月流產者，應使其停止工作，給予產



假 5 日。另產業類移工工作在 6 個月以上者，產假期間工資照給，未滿 6 個月者減半發給；家事類移工因不適用勞動基準法，產假工資依雙方勞動契約辦理。

C. Maternity leave: In the period before and after a foreign worker gives birth, the employer should require her to stop working and provide 8 weeks of maternity leave. Those who have a miscarriage after 3 months or more of pregnancy can stop work and receive 4 weeks of maternity leave; individuals who have a miscarriage after more than 2 months but less than 3 months of pregnancy can stop work and receive 1 week of maternity leave; when a miscarriage occurs after less than 2 months of pregnancy the individual can stop work and receive 5 days of maternity leave. In addition, industry category foreign workers who have worked for 6 months or more should receive their salary in full for that period; those who have worked for less than 6 months receive half pay. In addition, because family category foreign workers do not fall under the provisions of the Labor Standards Act, the payment of maternity leave salary should be detailed in the labor contract signed by both parties.

D. 陪產檢及陪產假：移工陪伴配偶妊娠產檢或其配偶分娩時，雇主應給予陪產檢及陪產假 7 日，期間薪資照給。另雇主依規定給付陪產檢及陪產假薪資後，就其中逾 5 日之部分得向勞保局申請補助。但依其他法令規定，應給予陪產檢及陪產假逾 5 日且薪資照給者，不適用之。

D. Spousal pre-natal check-up and paternity leave: Employers are required to provide 7 days of spousal pre-natal check-up and paternity leave for foreign workers who accompany their spouses to pre-natal check-ups and when they give birth, during which period their salary is paid in full. However, after employers pay spousal pre-natal check-up and paternity leave salary, they can apply to the Ministry of Labor for reimbursement of leave over five days. This does not apply when other legal provisions require an employer to provide more than five days of spousal pre-natal

check-up and paternity leave paid at full salary.

(3)聘僱許可期間懷孕移工有請假及休假需要，外籍家庭看護工之雇主可申請使用「聘僱外籍看護工家庭短期替代照顧服務實施計畫」之短期替代照顧服務(下稱短照服務，被照顧者需核定為長期照顧需要等級為第2級以上者)，可聯繫當地長期照顧管理中心，服務方式包括日間照顧中心短照服務(全日)、日間照顧中心短照服務(半日)、機構住宿式短照服務、小規模多機能服務(夜間短照服務)、巷弄長照站短照服務及居家短照服務，低收入戶、中低收入戶及一般戶之雇主皆可申請補助使用，以協助分擔被看護者家庭照護需求。如聘僱外籍看護工之家庭照顧者因外籍看護工請假無法自行照顧可透過前述方式提出申請長照喘息服務(被照顧者需核定為長期照顧需要等級為第2級以上者)。

(3)If a foreign worker who falls pregnant during the period of the employment permit needs to take leave or time-off, employers of foreign live-in care workers can apply for short-term replacement care services (hereinafter short-term care services) under the “Program for the Provision of Short-Term Replacement Care Services to Families that Employ Live-in Foreign Care Workers” (the care recipient must be classified as long-term care needs category II or higher), or contact a local long-term care management center. Available services include daycare center short-term care services (all day), daycare center short-term care services (half day), institution-based residential short-term care services, small scale multifunctional services (nighttime short-term care services), community long-term care station short-term care services and short-term home care services. Low income, medium income and standard household employers can apply for subsidies to help cover the burden of the care recipients live-in care needs. If a family caregiver who employs a foreign care worker is unable to look after a care recipient when the foreign care worker takes leave, he or she can use the aforementioned method to apply for long-term care respite services (the cared for party must be classified as a category II or higher long-term care recipient).

(4)聘僱許可期間產業類懷孕移工如有較為輕易之工作，得申請改調，改調工作限同一工作型態，且雇主應予配

合，並不得減少其工資(勞基法第 51 條)。

(4)An industry category foreign worker who falls pregnant during the period of the employment permit can apply to be transferred to less strenuous work if such work exists, though this is limited to the same type of work. The employer is required to cooperate with such a request and not reduce the employee's wages, with those found to have violated this provision subject to a fine of NT\$90,000 to NT\$450,000 (Article 51, Article 78, Labor Standards Act).

(5)不得安排聘僱許可期間產業類懷孕移工，於午後 10 時至翌晨 6 時之時間內工作(勞基法第 49 條)，另雇主得與家事類移工雙方協商合意後，得比照前開規定辦理。

(5)An employer shall not make industry category female workers who fall pregnant during the period of the employment permit work between 10pm-6am the following morning, with those found to have violated this provision subject to a fine of NT\$90,000 to NT\$450,000 (Article 49, Article 79, Labor Standards Act). In addition, family category foreign workers can follow the aforementioned regulations after agreement is reached between the employer and worker.

(6)不得使聘僱許可期間懷孕之產業類移工從事一定重量以上之重物處理等危險性或有害性工作，如持續性作業不得超過 6 公斤；斷續性作業不得超過 10 公斤，並採取母性健康保護措施(職安法第 30 條及第 31 條)，另雇主得與家事類移工雙方協商合意後，得比照前開規定辦理。

(6)An industry category foreign worker who falls pregnant during the period of the employment permit is not permitted to engage in dangerous or hazardous work involving objects above a fixed weight. The maximum weight for continuous operations is 6kg; if operations are intermittent the maximum weight is 10kg and maternal health protection measures must be in place (Article 30, Article 31 Occupational Safety and Health Act). In addition, family category foreign workers can follow the aforementioned regulations after agreement is reached between the employer and worker.

(7)家庭看護工雇主與聘僱許可期間移工合意轉換雇主或工作，由新雇主接續聘僱，或經勞動部廢止聘僱許可逾 1 個月未由新雇主接續聘僱者，雇主可向勞動部申請遞補(就服法第 58 條)。

(7)If the employer of a live-in care worker agrees to a foreign worker transferring employer or work during the period of the employment contract, when a new employer continues the worker's employment or the Ministry of Labor revokes the employment permit but no new employer continues the worker's employment for a period of longer than one month, the employer can apply to the ministry for a replacement worker (in accordance with Article 58, Employment Service Act).

(8)雇主與聘僱許可期間移工合意轉換雇主或工作，經勞動部廢止聘僱許可，移工於轉換期間 60 日內，如因懷孕有身心不適之情事，向勞動部申請暫緩轉換，雇主得聘僱新移工。另家庭看護工雇主與聘僱許可期間移工合意轉換雇主或工作，雇主向勞動部申請轉出時，移工因懷孕無法繼續工作者，勞動部將同意移工暫緩轉換雇主，且雇主得聘僱新移工。

(8)If an employer agrees to a foreign worker transferring employers or work during the period of the employment contract, when the Ministry of Labor revokes the employment permit, if a worker experiences mental and physical health issues as a result of pregnancy within the 60-day transfer period, she can apply to the ministry for a temporary pause in the transfer process and the employer can hire a new foreign worker. In addition, if the employer of a live-in care worker agrees to the foreign worker transferring employers or work during the period of the employment contract and when the employer applies to the ministry for a transfer, the worker is unable to continue working as a result of being pregnant, the ministry will agree to a temporary pause in the employer transfer and the employer can employ a new foreign worker.

(9)如提前與聘僱許可期間移工終止聘僱關係，需於移工返國前至地方主管機關辦理解約驗證，並依雙方合意預定出國日期出國。

(9)If an employer terminates the employment relationship

with a foreign worker before the end of the employment permit, he or he is required to meet with the local competent authority, prior to the foreign worker leaving Taiwan, for the purposes of contract termination verification, after which the worker leaves the country on a date agreed by the two sides.

### 3. 仲介 3.Labor brokerages

(1)提供移工及雇主不得單方終止聘僱關係，得合意終止聘僱關係轉換雇主，移工於轉換期間因懷孕申請暫緩轉換時，雇主得聘僱新移工等資訊。

(1)Provides foreign workers and employers with information pertaining to regulations preventing the unilateral termination of their employment relationship and need for agreement on such a termination. In addition, if a foreign worker applies for a pause in a transfer after falling pregnant the employer can employ a new foreign worker.

(2)提供移工及雇主相應請休假規定資訊(產假、產檢假、陪產檢及陪產假)。

(2)Provides foreign workers and employers with information pertaining to regulations on applying for leave and taking days off (maternity leave, pre-natal check-up leave, spousal pre-natal check-up leave and paternity leave).

(3)提供移工及雇主調整工作內容與時間、懷孕移工不得夜間工作及從事危險性或有害性工作規定之資訊。

(3) Provides foreign workers and employers with information pertaining to regulations on adjusting work tasks and time, with pregnant workers not permitted to work night shifts or engage in dangerous or hazardous work.

(4)提供家庭看護工之雇主，於移工請假時，可申請短期替代照顧服務；另如家庭照顧者有喘息服務需求，則可申請長照喘息服務等相關資訊。

(4) Provides employers of live-in care givers with information detailing how to apply for short-term replacement care services when a foreign worker takes leave, and how live-in care workers who require them can apply for long-term care respite services.

(5)提供移工關於地方政府辦理一般安置及緊急安置等資

訊。

(5) Provides foreign workers with information on how local governments are responsible for standard and emergency placement work.

(6) 提供移工及雇主辦理解約驗證之資訊。

(6) Provides foreign workers and employers with information on contract termination verification.

(7) 仲介受任辦理就業服務事項，所需費用及接送移工所需之交通費用，均內含於服務費，不得另行向移工或雇主收取(就服法第 35 條、私立就業服務機構許可及管理辦法第 3 條、私立就業服務機構收費項目及金額標準第 2 條)。

(7) When a labor brokerage is commissioned to undertake employment services, related fees and the cost of transporting workers are included in the service fee. Charging foreign workers or employers additional fees is strictly forbidden (Article 35, Employment Service Act, Article 3, Regulations for Permission and Supervision of Private Employment Services Institution, Article 2, Standards for Fee-charging Items and Amounts of the Private Employment Services Institution).

#### 4. 政府資源 Government resources

(1) 聘僱許可期間移工如遭遇勞資爭議及人身侵害等情事有安置必要，地方政府採先安置後調查原則，並依移工意願辦理安置。

(1) If during the period of the employment permit a foreign worker requires placement after becoming involved in a labor dispute or being physically injured, the local government will first ensure placement of the worker before investigating the incident, based on the willingness of the worker to be placed.

(2) 聘僱許可期間移工，如有特殊情事無法自行安排生活，經地方主管機關核定有安置必要，提供 60 日緊急安置措施。

(2) If during the period of the employment permit a foreign worker encounters special circumstances and is unable to make life arrangements him or herself 60-days of

emergency placement will be provided if placement is deemed necessary by the local competent authority

(3)安置單位於接獲地方主管機關交付安置移工時，應依全民健康保險法相關規定，協助移工投保全民健康保險。

(3)When the placement unit is instructed to place a foreign worker by the local competent authority, it should also enroll the worker in the National Health Insurance program in accordance with the provisions of the National Health Insurance Act.

(4)聘僱許可期間移工如有不可歸責事由或與雇主合意得終止聘僱關係，轉換雇主、轉換期間得暫緩轉換，最長至妊娠結束日起 60 日。

(4) If during the period of the employment permit, an agreement is reached with the employer to terminate the employment relationship and transfer employers, for reasons not attributable to the worker, the transfer process can be paused and extended upto a maximum of 60 days after the date on which the pregnancy ended.

(5)雇主支付受僱者第 6 日及第 7 日產檢假、陪產檢及陪產假薪資者，可向勞保局申請補助。但依其他法令規定，應給予產檢假、陪產檢及陪產假各逾 5 日且薪資照給者，不適用之。

(5)If an employer pays for a sixth and seventh day of pre-natal checkup leave, spousal pre-natal check-up leave or paternity leave an application for reimbursement can be filed with the Bureau of Labor Insurance. However, this does not apply when other regulations indicate that more than 5 days of pre-natal leave, spousal pre-natal leave and paternity leave at full pay are required.

(6)如提前與聘僱許可期間移工終止聘僱關係，需於移工返國前至地方主管機關辦理解約驗證，並依雙方合意預定出國日期出國。

(6)If the foreign worker seeks to terminate the employment relationship during the period of the employment permit, prior to returning to his or her home country, the worker is required to undertake contract termination verification at the local competent authority, with the two sides agreeing on

what date the worker will leave the country.

- (7) 勞動部補助地方政府設置移工諮詢服務中心，提供移工法令諮詢、心理諮商、生活資訊、工作適應及勞資爭議等申訴諮詢服務。

(7) The Ministry of Labor funded the establishment of foreign worker consultation service centers by local governments in north, central and south Taiwan. These provide consultations on laws in Taiwan, psychological counseling, daily life information, adapting to work, labor disputes and other complaint and consultation services.

- (8) 勞動部設立北中南外籍婦幼諮詢服務中心，提供生育及工作權益之諮詢教育、支持性陪伴、緊急安置及工作轉換等服務，並提供 4 國語言服務，相關連絡資訊詳附錄。

(8) The Ministry of Labor has established Integrated Service Centers for Migrant Women and Children in north, central and south Taiwan. These provide consultations and educational information on reproductive and work rights, supportive companionship, emergency placement and work transfer services in four languages, with contact information detailed in the addendum.

- (9) 勞動部建置 1955 勞工諮詢申訴專線，提供 24 小時雙語（中文、泰國語、印尼語、越南語、英語）移工諮詢、線上通譯及受理申訴案件等服務。

(9) The Ministry of Labor has established the 1955 Counseling and Protection Hotline for Foreign Workers which provides 24-hour bilingual consultations (in Chinese, Thai, Indonesian, Vietnamese and English) to workers, online interpretation and a complaint processing service.

- (10) 勞動部透過外國人勞動權益網、社群平臺(LINE@移點通)、北中南外籍婦幼諮詢服務中心及中外語廣播宣導移工懷孕期間相關工作權益資訊。

(10) The Ministry of labor uses the Foreign National Labor Rights Portal, social media platforms (1955 E-LINE), Integrated Service Centers for Migrant Women and Children in north, central and south Taiwan as well as broadcasts in



Chinese and foreign language to ensure foreign workers have access to relevant information about their right to work when pregnant.

## (二) 健康權益保障(2) Protecting health rights

### 1. 移工 1. Foreign workers

(1)懷孕移工於全民健康保險有效期間，可持健保卡至健保特約醫事服務機構進行產前檢查(含例行檢查及產前健康照護衛教指導等)，另懷孕期間發生生育事故亦屬全民健康保險給付範圍；若非於全民健康保險有效期間，可自費至醫事服務機構進行產前檢查(含例行檢查及產前健康照護衛教指導等)。

(1)As long as pregnant foreign workers have valid National Health Insurance, they can visit registered medical facilities for pre-natal tests (including routine check-ups and pre-natal health care and education) using their National Health Insurance Card. In addition, any reproductive incident experienced by the worker when pregnant is covered by the National Health Insurance benefits. If a worker does not have valid National Health Insurance, she can pay out-of-pocket for pre-natal check-ups (including routine check-ups and pre-natal health care and education) at a medical facility.

(2)懷孕移工若有人工流產需求，因該項目非全民健康保險給付範圍，需自費至醫療服務機構進行人工流產手術。

(2)If a pregnant foreign worker requires an abortion that procedure is not covered by National Health Insurance. However, it can be performed at various medical facilities and paid for out-of-pocket.

(3)移工可撥打 1955 專線，由專線服務人員協助搜尋所在地醫療院所，如有語言溝通之需求時，可撥打 1955 三方通譯服務。

(3) Foreign workers can call the 1955 Hotline and service staff will help them locate a nearby medical facility. If assistance is required communicating with medical personnel call the 1955 tri-party interpretation service.

### 2. 雇主：雇主使懷孕之產業類移工從事有母性健康危害之虞

之工作時，應採取母性健康保護措施，並關心懷孕移工身心健康狀況，移工如有醫療需求(如產檢、產前健康照護衛教指導服務及人工流產)，適時提供相關資源及協助管道。

2. Employers: If an employer requires an industry category pregnant foreign worker to engage in work that poses a risk to maternal health, maternal health protection measures should be put in place and close attention paid to the physical and mental wellbeing of the worker. If the pregnant worker requires medical treatment (pre-natal check-ups, pre-natal health care and education guidance services or an induced abortion) information on related resources and channels should be provided in a timely fashion.

3. 仲介：提供移工及雇主於移工懷孕期間，產檢、產前健康照護衛教指導服務及人工流產等醫療資源管道資訊。另仲介受任辦理就業服務事項，所需費用及接送移工所需之交通費用，均內含於服務費，不得另行向移工或雇主收取(就服法第 35 條、私立就業服務機構許可及管理辦法第 3 條、私立就業服務機構收費項目及金額標準第 2 條)。

3. Labor brokerages: When a foreign worker is pregnant these provide workers and employers with information on medical treatment resources and related channels pertaining to pre-natal check-ups, pre-natal health care education and guidance services and induced abortions. If a labor brokerage is commissioned to provide employment services the fees charged and cost of transporting workers is included in the service fee. Foreign workers and employers cannot be charged additional fees (Article 35, Employment Service Act, Article 3, Regulations for Permission and Supervision of Private Employment Services Institution, Article 2, Standards for Fee-charging Items and Amounts of the Private Employment Services Institution).

4. 政府資源 Government resources

(1)於全民健康保險有效期間，國健署補助 14 次產前檢查、糖尿病篩檢、貧血檢驗、3 次一般超音波檢查、1 次乙型鏈球菌檢查及 2 次產前健康照護衛教指導服務。

(1)For foreign workers with valid National Health Insurance, the Health Promotion Administration pays for 14 pre-natal check-ups, diabetes screening, anemia screening, three

standard ultrasound tests, one Group B Streptococcus screening and 2 pre-natal health care and education guidance services.

(2)為預防 HIV 母子垂直感染，居住於我國境內之孕產婦（含：無健保身分），疾管署有補助孕期 HIV 篩檢，相關資訊請參考疾管署網站<sup>6</sup>。

(2)In order to prevent mother-to-infant transmission, pregnant and postpartum women resident in Taiwan (including those without health insurance), the Taiwan Centers for Disease Control (TCDC) covers the cost of HIV screening for pregnant women. For more related information please check the official website of the TCDC.

(3)勞動部提供短照服務，以利家庭看護工之雇主於移工請（休）假時，解決照顧空窗及負擔問題；另如家庭照顧者有喘息服務需求，則可申請長照喘息服務。

(3)The Ministry of Labor provides short-term care services to employers when their live-in care workers take leave (time-off), thereby resolving the gap in their care coverage and increased burden; In addition, family caregivers who require respite services can also apply for long-term care respite services.

(4)國健署於孕婦健康手冊及孕媽咪衛教手冊中提供 2 題心情溫度計供準媽媽及相關醫療人員檢核；如其中 1 題勾是者，建議進一步以「愛丁堡產後憂鬱量表」自我篩檢或請醫師協助。

(4)The Health Promotion Administration's Maternal Health Handbook and Maternal Health Education Handbook provide two "mood thermometer questions" to be used by expectant mothers and related medical personnel. If either of these is ticked yes, the Edinburgh Postnatal Depression Scale should be used to conduct a self-evaluation or ask for the assistance of a doctor.

(5)如有孕前、孕期至產後照護、母乳哺育指導、親子健

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<sup>6</sup>疾管署預防母子垂直感染網站：<https://gov.tw/cNV>(網址如有異動，以疾管署現行網址為準。)Prevention of Vertical Infection Transmission from Mother to Child Website, Taiwan Centers for Disease Control <https://gov.tw/cNV> (in the event of changes to the website address, go to the current URL of the TCDC).

康、情緒困擾等議題之保健諮詢、傾聽、關懷及支持與必要資源轉介諮詢需求(如諮詢當地診所及母嬰親善醫療院所資訊等)，可撥打衛福部孕產婦關懷諮詢專線：0800-870-870，專線提供國語、臺語、越南語及印尼語；或利用孕產婦關懷網站<sup>7</sup>查詢相關資訊。

(5) If a pregnant foreign worker has questions, needs to be listened to, cared for, supported or requires resource referrals relating to pre-pregnancy, pregnancy and postpartum care, breastfeeding, parent-child health, emotional difficulties etc. (for example information on local clinics and baby-friendly hospitals), she can call the Ministry of Health and Welfare Maternal Care Consultation Hotline at 0800-870-870, which provides services in Mandarin Chinese, Hoklo, Vietnamese and Indonesian. Alternatively, check related information on the HPA Maternal and Child Care website.

### 三、生產後 3. Postpartum

#### (1) 工作權益保障(1) Protecting work rights

##### 1. 移工 1. Foreign workers

(1) 雇主不得單方終止聘僱關係，但聘僱許可期間移工可與雇主合意終止聘僱關係，申請轉換雇主，期間為 60 日，如有申請暫緩轉換之移工於妊娠結束後，可繼續在臺工作申請辦理恢復轉換雇主，經勞動部核准者得再延長轉換作業期間 60 日。

(1) Employers are not permitted to unilaterally terminate an employment relationship, but during the period of the contract, a foreign worker can come to an agreement with the employer to terminate the relationship and apply for an employer transfer, which takes 60 days. If after the end of a pregnancy a worker who applied for a pause wants to continue working in Taiwan, she can apply to restart the employer transfer process. When approved by the Ministry of Labor, this transfer process can be extended an additional 60 days.

(2) 聘僱許可期間產業類移工於哺乳期間，雇主不得安排其於午後 10 時至翌晨 6 時之時間內工作(勞基法第 49

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<sup>7</sup>國健署孕產婦關懷網站：<https://gov.tw/Ynd>(網址如有異動，以國健署現行網址為準。) Health Promotion Administration (HPA) Maternal and Child Care website: <https://gov.tw/Ynd> (in the event of changes to the website address, go to the current URL of the HPA).

條)，另家事類移工經勞雇雙方協商合意後，得比照前開規定辦理。

(2) During the period of the employment permit, employers must not arrange for industry category breastfeeding workers to work from 10pm-6am the next morning (Article 49, Labor Standards Act). In addition, family category foreign workers can follow the aforementioned regulations after an agreement is reached between the employer and worker.

(3) 聘僱許可期間生產後未滿一年之產業類移工不得於夜間工作及從事一定重量以上之重物處理等危險性或有害性工作，並採取母性健康保護措施(職安法第 30 條及第 31 條)，另家事類移工經勞雇雙方協商合意後，得比照前開規定辦理：

(3) During the period of the employment permit, an industry category foreign worker who gave birth less than one year previously is not permitted to engage in dangerous or hazardous work involving objects above a fixed weight and maternal health protection measures must be in place (Article 30, Article 31 Occupational Safety and Health Act). In addition, family category foreign workers can follow the aforementioned regulations after an agreement is reached between the employer and worker.

A. 分娩未滿 6 個月之女性移工從事重物處理，持續性作業不得超過 10 公斤，斷續性作業不得超過 15 公斤。

A. For female foreign workers who gave birth less than 6 months previously and are engaged in work that involves heavy objects, the maximum weight for continuous operations is 10kg; if operations are intermittent the maximum weight is 15kg.

B. 分娩滿 6 個月但未滿 1 年之女性移工從事重物處理，持續性作業不得超過 20 公斤，斷續性作業不得超過 30 公斤。

B. For female foreign workers who gave birth more than 6 months but less than one year previously who are engaged in work involving heavy objects, the maximum weight for continuous operations is 20kg; if operations are intermittent the maximum weight is 30kg.

(4) 倘聘僱許可期間移工因法令爭議、檢舉雇主非法使用、遭受人身侵害或雇主違反契約任意遣返等情事有安置之

必要，可至地方主管機關尋求協助，地方主管機關將協助安置。

(4) If a foreign worker, during the period of the employment permit, requires placement after being subject to personal assault or repatriation by an employer in violation of the labor contract, as a result of a legal dispute or reporting the employer for illegal use of labor, the worker should seek the assistance of the local competent authority which will help with placement.

(5) 雇主於聘僱許可期間移工分娩前後，應使其停止工作，給予產假 8 星期；妊娠 3 個月以上流產者，應使其停止工作，給予產假 4 星期；妊娠 2 個月以上未滿 3 個月流產者，應使其停止工作，給予產假 1 星期；妊娠未滿 2 個月流產者，應使其停止工作，給予產假 5 日(性工法第 15 條)。另產業類移工工作在 6 個月以上者，產假期間工資照給；未滿 6 個月者減半發給，家事類移工因不適用勞動基準法，產假工資依雙方勞動契約辦理。

(5) Employers are required to allow foreign workers who fall pregnant during the period of the employment permit to take time off work and provide 8 weeks maternity leave before and after childbirth; women who are pregnant for three months or more and have a miscarriage can stop work and are entitled to 4 weeks maternity leave; women who are pregnant for more than 2 months but less than 3 and have a miscarriage can stop work and are entitled to 1 week of maternity leave; women who are pregnant for less than 2 months and have a miscarriage can stop work and are entitled to 5 days maternity leave (Article 15, Gender Equality in Employment Act). In addition, when taking maternity leave, industry category foreign workers who have worked for 6 months or longer receive their standard salary in full. Those who have worked for less than 6 months receive half pay. As family category foreign workers are not covered by the Labor Standards Act, maternity leave pay is determined by provisions agreed by both parties in the labor contract.

(6) 聘僱許可期間移工陪伴配偶妊娠產檢或其配偶分娩時，雇主應給予陪產檢及陪產假 7 日，期間薪資照給(性工法第 15 條)。

(6) Employers are required to provide 7 days of spousal pre-natal check-up leave and paternity leave to foreign

workers who accompany their spouse to pre-natal check-ups and childbirth during the period of the employment permit, for which time they will receive their standard salary in full. (Article 15, Gender Equality in Employment Act).

(7) 產業類及有投保勞工保險之家事類聘僱許可期間之女性移工，可於產後至勞保局申請生育給付(勞工保險條例第 31 條及第 32 條)。

(7) After childbirth, industry category female foreign workers and family category female workers with labor insurance during the period of the employment permit, can apply to the Bureau of Labor Insurance for maternity benefits (Article 31, Article 32, Labor Insurance Act).

A. 請領資格：參加保險合計滿 280 日後分娩或滿 181 日後早產者；或在保險有效期間懷孕，且符合前開規定之參加保險日數，於保險效力停止後一年內因同一懷孕事故而分娩或早產者。

A. Benefit eligibility: Anyone who gives birth after being enrolled in the National Health Insurance program for 280 days or more or gives premature birth after 181 days; or who falls pregnant while having valid health insurance and meets the above provisions on number of days with health insurance, but gives birth or premature birth within one year of the termination of insurance coverage.

B. 給付標準：按被保險人分娩或早產當月(退保後生產者為退保當月)起，前 6 個月之平均月投保薪資一次給與生育補助費 60 日。雙生以上者，按比例增給。

B. Benefit standards: Starting from the month in which the insured person gives birth or premature birth (the calculation is made from the month coverage was lost for those who give birth or premature birth after losing health insurance coverage) a one-time maternity benefit is provided for a period of 60 days based on the average monthly insured salary over the previous six months. Benefits are increased proportionally for those who give birth to multiple children.

(8) 聘僱許可期間女性移工在臺生育後有子女照顧需求，且未領有其他社會保險相關給付，特殊境遇移工(如重大變故導致生活、經濟困難或單親扶養等)經地方政府專

案認定有補助必要，符合外國人管理及協助措施補助作業要點，將視個案提供子女照顧補助。

(8) When a female foreign worker gives birth in Taiwan and requires child care services, during the period of the employment permit, and does not claim any other social insurance related benefits, the local government can decide whether workers in special situations (where significant life changes lead to life and economic difficulties or the mother is a single parent) require financial assistance. When the case meets the financial payment guidelines for the management and assistance of foreign nationals, child care payments will be provided on a case-by-case basis.

## 2. 雇主 2. Employers

(1) 不得單方終止聘僱關係，但可與聘僱許可期間移工合意終止聘僱關係。

(1) Employers are not permitted to unilaterally terminate an employment relationship, but during the period of the contract, a foreign worker can come to an agreement with the employer to terminate the relationship.

(2) 雇主於聘僱許可期間移工分娩前後，應使其停止工作，給予產假 8 星期；妊娠 3 個月以上流產者，應使其停止工作，給予產假 4 星期；妊娠 2 個月以上未滿 3 個月流產者，應使其停止工作，給予產假 1 星期；妊娠未滿 2 個月流產者，應使其停止工作，給予產假 5 日(性工法第 15 條)。另產業類移工工作在 6 個月以上者，產假期間工資照給；未滿 6 個月者減半發給，家事類移工因不適用勞動基準法，產假工資依雙方勞動契約辦理。

(2) Employers are required to allow foreign workers who fall pregnant during the period of the employment permit to take time off work and provide 8 weeks maternity leave before and after childbirth; women who are pregnant for three months or more and have a miscarriage can stop work and are entitled to 4 weeks maternity leave; women who are pregnant for more than 2 months but less than 3 and have a miscarriage can stop work and are entitled to 1 week of maternity leave; women who are pregnant for less than 2 months and have a miscarriage can stop work and are entitled to 5 days maternity leave (Article 15, Gender Equality in Employment Act). In addition, when taking maternity leave, industry category foreign workers who



have worked for 6 months or longer receive their standard salary in full. Those who have worked for less than 6 months receive half pay. As family category foreign workers are not covered by the Labor Standards Act, maternity leave pay is determined by provisions agreed by both parties in the labor contract.

- (3) 聘僱許可期間移工陪伴配偶妊娠產檢或其配偶分娩時，雇主應給予陪產檢及陪產假 7 日，期間薪資照給(性工法第 15 條)。另雇主依前開規定給付產檢假、陪產檢及陪產假薪資後，就其中各逾 5 日之部分得向中央主管機關申請補助。但依其他法令規定，應給予產檢假、陪產檢及陪產假各逾 5 日且薪資照給者，不適用之。補助業務，由勞保局辦理。

(3) Employers are required to provide 7 days of spousal pre-natal check-up and paternity leave for foreign workers who accompany their partners to pre-natal check-ups and when they give birth, during which period their salary is paid in full (Article 15, Gender Equality in Employment Act). After employers pay the aforementioned pre-natal check-up, spousal pre-natal check-up and paternity leave salary, they can apply to the Central Competent Authority for reimbursement of any leave over 5 days. However, this does not apply when other legal provisions require an employer to provide more than 5 days of pre-natal check-up, spousal pre-natal check-up and paternity leave at full pay. Claims for reimbursement are handled by the Bureau of Labor Insurance.

- (4) 聘僱許可期間懷孕移工分娩後有請假及休假需要，外籍家庭看護工之雇主可申請使用「聘僱外籍看護工家庭短期替代照顧服務實施計畫」之短期替代照顧服務(被照顧者需核定為長期照顧需要等級為第 2 級以上者)，可聯繫當地長期照顧管理中心，服務方式包括日間照顧中心短照服務(全日)、日間照顧中心短照服務(半日)、機構住宿式短照服務、小規模多機能服務(夜間短照服務)、巷弄長照站短照服務及居家短照服務，低收入戶、中低收入戶及一般戶之雇主皆可申請補助使用，以協助分擔被看護者家庭照護需求。如聘僱外籍看護工之家庭照顧者因外籍看護工請假無法自行照顧可透過前述方式提出申請長照喘息服務(被照顧者需核定為長期照

願需要等級為第 2 級以上者)。

(4) If after giving birth during the period of the employment permit a foreign worker needs to take leave or time-off, employers of foreign live-in care workers can apply for short-term replacement care services (hereinafter short-term care services) under the “Program for the Provision of Short-Term Replacement Care Services to Families that Employ Live-in Foreign Care Workers” (the care recipient must be classified as long-term care needs category II or higher), or contact a local long-term care management center. Available services include daycare center short-term care services (all day), daycare center short-term care services (half day), institution-based residential short-term care services, small scale multifunctional services (nighttime short-term care services), community long-term care station short-term care services and short-term home care services. Low income, medium income and standard household employers can apply for subsidies to help cover the burden of the care recipients live-in care needs. If a family caregiver who employs a foreign care worker is unable to look after a care recipient when the foreign care worker takes leave, he or she can use the aforementioned method to apply for long-term care respite services (the cared for party must be classified as a category II or higher long-term care recipient).

(5) 聘僱許可期間產業類移工於哺乳期間，雇主不得安排其於午後 10 時至翌晨 6 時之時間內工作(勞基法第 49 條)，另雇主得與家事類移工雙方協商合意後，得比照前開規定辦理。

(5) During the period of the employment permit, an employer cannot make industry category female workers who are breastfeeding work between 10pm-6am the following morning, with those found to have violated this provision subject to a fine of NT\$90,000 to NT\$450,000 (Article 49, Labor Standards Act). In addition, family category foreign workers can follow the aforementioned regulations after an agreement is reached between the employer and worker.

(6) 不得使生產後未滿一年之聘僱許可期間之產業類移工從事一定重量以上之重物處理等危險性或有害性工作，並採取母性健康保護措施(職安法第 30 條及第 31 條)，另

雇主得與家事類移工雙方協商合意後，得比照前開規定辦理：

(6)An industry category foreign worker who gave birth less than one year previously, during the period of the employment permit, cannot be made to engage in dangerous or hazardous work involving objects above a fixed weight and maternal health protection measures must be in place (Article 30, Article 31 Occupational Safety and Health Act). In addition, family category foreign workers can follow the aforementioned regulations after agreement is reached between the employer and worker.

A.分娩未滿 6 個月之女性移工從事重物處理，持續性作業不得超過 10 公斤，斷續性作業不得超過 15 公斤。

A.For female foreign workers who gave birth less than 6 months previously who are engaged in work involving heavy objects, the maximum weight for continuous operations is 10kg; if operations are intermittent the maximum weight is 15kg.

B.分娩滿 6 個月但未滿 1 年之女性移工從事重物處理，持續性作業不得超過 20 公斤，斷續性作業不得超過 30 公斤。

B.For female foreign workers who gave birth more than 6 months but less than one year previously who are engaged in work involving heavy objects, the maximum weight for continuous operations is 20kg; if operations are intermittent the maximum weight is 30kg.

### 3.仲介 3.Labor brokerages

(1)提供移工及雇主於不得單方終止聘僱關係，得合意終止聘僱關係等資訊。

(1) Provides foreign workers and employers with information pertaining to regulations preventing the unilateral termination of their employment relationship and need for agreement on such terminations.

(2)提供移工及雇主相應請休假規定資訊(產假及陪產假)。

(2)Provides foreign workers and employers with information pertaining to regulations on applying for leave

and taking days off (maternity leave and paternity leave).

(3) 提供家庭看護工之雇主，於移工請假時，可申請短期替代照顧服務；另如家庭照顧者有喘息服務需求，則可申請長照喘息服務等相關資訊。

(3) Provides employers of live-in care givers with information detailing how to apply for short-term replacement care services when a foreign worker takes leave, and how live-in care workers who require them can apply for long-term care respite services.

(4) 提供雇主不得安排哺乳期間移工於夜間工作及生產後未滿一年之移工從事危險性或有害性工作之規定資訊。

(4) Provides employers with information detailing regulations on how they cannot require a breastfeeding foreign worker to work at night or workers who gave birth within the previous year to engage in dangerous or hazardous work.

(5) 仲介受任辦理就業服務事項，所需費用及接送移工所需之交通費用，均內含於服務費，不得另行向移工或雇主收取(就服法第 35 條、私立就業服務機構許可及管理辦法第 3 條、私立就業服務機構收費項目及金額標準第 2 條)。

(5) When a labor brokerage is commissioned to undertake employment services, related fees and the cost of transporting workers are included in the service fee. Charging foreign workers or employers additional fees is strictly forbidden (Article 35, Employment Service Act, Article 3, Regulations for Permission and Supervision of Private Employment Services Institution, Article 2, Standards for Fee-charging Items and Amounts of the Private Employment Services Institution).

#### 4. 政府資源 4. Government resources

(1) 提供產業類及有投保勞工保險之家事類聘僱許可期間之女性移工，如符合勞保生育給付之請領規定，可於產後至勞保局申請生育給付。

(1) After childbirth, eligible industry category and family category female foreign workers with labor insurance, during the period of the employment permit, can claim labor

insurance maternity benefits from the Bureau of Labor Insurance.

(2) 聘僱許可期間女性移工在臺生育後有子女照顧需求，且未領有其他社會保險相關給付，特殊境遇移工(如重大變故導致生活、經濟困難或單親扶養等)經地方政府專案認定有補助必要，符合外國人管理及協助措施補助作業要點，將視個案提供子女照顧補助。

(2) When a female foreign worker gives birth in Taiwan and requires child care services, during the period of the employment permit, but does not claim any other social insurance related benefits, the local government can decide whether workers in special situations (where significant life changes lead to life and economic difficulties or the mother is a single parent) require financial assistance. When the case meets the financial payment guidelines for the management and assistance of foreign nationals, child care payments will be provided on a case-by-case basis.

(3) 聘僱許可期間移工如遭遇勞資爭議及人身侵害等情事有安置必要，地方政府採先安置後調查原則，並依移工意願辦理安置。

(3) If during the period of the employment permit a foreign worker requires placement after becoming involved in a labor dispute or being physically injured, the local government will first ensure placement of the worker before investigating the incident, based on the willingness of the worker to be placed.

(4) 聘僱許可期間移工如有不可歸責事由或與雇主合意，得向勞動部申請終止聘僱關係轉換雇主。

(4) If during the period of the employment permit, an agreement is reached with the employer, for reasons not attributable to the worker, an application can be filed with the Ministry of Labor to terminate the employment relationship and transfer employers.

(5) 雇主支付受僱者第 6 日及第 7 日產檢假、陪產檢及陪產假薪資者，可向勞保局申請補助。但依其他法令規定，應給予產檢假、陪產檢及陪產假各逾 5 日且薪資照給者，不適用之。

- (5) If an employer pays for a sixth and seventh day of pre-natal checkup leave, spousal pre-natal check-up leave or paternity leave an application for reimbursement can be filed with the Bureau of Labor Insurance. However, this does not apply when other regulations indicate that more than 5 days of pre-natal leave, spousal pre-natal leave and paternity leave at full pay are required.
- (6) 如提前與聘僱許可期間移工終止聘僱關係，需於移工返國前至地方主管機關辦理解約驗證，並依雙方合意預定出國日期出國。
- (6) If the foreign worker seeks to terminate the employment relationship during the period of the employment permit, prior to returning to his or her home country, the worker is required to undertake contract termination verification at the local competent authority, with the two sides agreeing on what date the worker will leave the country.
- (7) 勞動部補助地方政府設置移工諮詢服務中心，提供移工法令諮詢、心理諮商、生活資訊、工作適應及勞資爭議等申訴諮詢服務。
- (7) The Ministry of Labor funded the establishment of foreign worker consultation service centers by local governments in north, central and south Taiwan. These provide consultations on laws in Taiwan, psychological counseling, daily life information, adapting to work, labor disputes and other complaint and consultation services.
- (8) 勞動部建置 1955 勞工諮詢申訴專線，提供 24 小時雙語（中文、泰國語、印尼語、越南語、英語）移工諮詢、線上通譯及受理申訴案件等服務。
- (8) The Ministry of Labor has established the 1955 Counseling and Protection Hotline for Foreign Workers which provides 24-hour bilingual consultations (in Chinese, Thai, Indonesian, Vietnamese and English) to workers, online interpretation and a complaint processing service.
- (9) 勞動部透過外國人勞動權益網、社群平臺(LINE@移點通)、北中南外籍婦幼諮詢服務中心及中外語廣播宣導移工生產後相關工作權益資訊。

(9) The Ministry of Labor uses the Foreign National Labor Rights Portal, social media platforms (1955 E-LINE), Integrated Service Centers for Migrant Women and Children in north, central and south Taiwan as well as broadcasts in Chinese and foreign language to ensure foreign workers have access to relevant information about their right to work after childbirth.

(2) 健康權益保障(2) Protecting health rights

1. 移工：移工於全民健康保險有效期間，可持健保卡至健保特約醫事服務機構進行生產，自然產及剖腹產均屬給付範圍，但非經醫師判定而自行要求施行之剖腹產，則以定額方式給付醫療費用，超出部分需自行負擔；若非於全民健康保險有效期間，可自費至醫事服務機構進行生產，且移工切勿至非醫事人員及非政府核准登記之醫療院所進行生產(相關醫療院所資訊諮詢，可撥打 1955 專線，由專線人員協助提供當地醫療院所資訊)。

1. Foreign workers: Foreign workers with valid National Health Insurance can give birth at a registered medical facility using their National Health Insurance Card, which covers both natural birth and caesarian section. However, if a patient requests a C-section when it is not prescribed by a doctor a fixed amount of medical costs will be covered and any excess costs must be borne by the patient out-of-pocket. If the procedure is undertaken when the patient does not have valid National Health Insurance, individuals can give birth at a medical facility and pay out-of-pocket. Foreign workers should not seek the assistance of non-medical personnel or go to non-government registered facilities when giving birth (for information on registered medical facilities call the 1955 Hotline where specialists will provide information on local medical facilities).

2. 雇主：雇主使生產後未滿一年之產業類移工從事有母性健康危害之虞之工作時，應採取母性健康保護措施，並關心移工生產後身心健康狀況，移工如有醫療需求，適時提供相關資源及就醫管道。

2. Employers: When an employer requires an industry category foreign worker who gave birth within the previous year to engage in work that could be hazardous to maternal health, maternal health protection measures should be in place and close attention paid to the postpartum physical and

mental well-being of the worker. In the event medical treatment is required, related resources and access to medical channels should be provided in a timely fashion.

3. 仲介：提供移工及雇主醫事服務機構管道資訊。另仲介受任辦理就業服務事項，所需費用及接送移工所需之交通費用，均內含於服務費，不得另行向移工或雇主收取(就服法第 35 條、私立就業服務機構許可及管理辦法第 3 條、私立就業服務機構收費項目及金額標準第 2 條)。

3. Labor brokerages: Should provide foreign workers and employers with information on access to medical facilities. When a labor brokerage is commissioned to undertake employment services, related fees and the cost of transporting workers are included in the service fee. Charging foreign workers or employers additional fees is strictly forbidden (Article 35, Employment Service Act, Article 3, Regulations for Permission and Supervision of Private Employment Services Institution, Article 2, Standards for Fee-charging Items and Amounts of the Private Employment Services Institution).

4. 政府資源 4. Government resources

(1) 移工於全民健康保險有效期間，持健保卡於健保特約醫事服務機構進行生產，自然產及剖腹產均屬給付範圍，由健保署之全民健康保險支付，但非經醫師判定而自行要求施行之剖腹產，則以定額方式給付醫療費用，超出部分需自行負擔。

(1) Foreign workers with valid National Health Insurance can give birth at a registered medical facility using their National Health Insurance Card, which covers both natural birth and caesarian section and is paid for by the National Health Insurance program governed by the National Health Insurance Administration. However, if a patient requests a C-section when it is not prescribed by a doctor a fixed amount of medical costs will be covered and any excess costs must be borne by the patient out-of-pocket.

(2) 感染 HIV 之孕產婦，疾管署補助其生產時剖腹產手術醫療費用、由專人協助對寶寶進行預防性投藥、免費提供母乳替代品及追蹤 HIV 檢驗費用，相關資訊請參考疾管署網站<sup>8</sup>。

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<sup>8</sup>疾管署預防母子垂直感染網站網站：<https://gov.tw/cNV>(網址如有異動，以疾管署現行



- (2) If a pregnant woman has HIV, the Taiwan Centers for Disease Control will cover the cost of a C-section delivery and experts will provide the newborn with preventative medicine as well as breast milk substitute and HIV testing tracking free of charge. For more details see the official TCDC website.
- (3) 來源國駐臺辦事處協助移工辦理母國保險理賠給付。
- (3) Country of origin representative offices in Taiwan can assist foreign workers with home country insurance benefit claims.
- (4) 國健署於孕婦健康手冊及孕媽咪衛教手冊中提供 2 題心情溫度計供準媽媽及相關醫療人員檢核；如其中 1 題勾是者，建議進一步以「愛丁堡產後憂鬱量表」自我篩檢或請醫師協助。
- (4) The Health Promotion Administration's Maternal Health Handbook and Maternal Health Education Handbook provide two mood thermometer questions to be used by expectant mothers and related medical personnel. If either of these is ticked yes, the Edinburgh Postnatal Depression Scale should be used to conduct a self-evaluation or to ask for the assistance of a doctor.
- (5) 如有孕前、孕期至產後照護、母乳哺育指導、親子健康、情緒困擾等議題之保健諮詢、傾聽、關懷及支持與必要資源轉介諮詢需求(如諮詢當地診所及母嬰親善醫療院所資訊等)，可撥打衛福部孕產婦關懷諮詢專線：0800-870-870，專線提供國語、臺語、越南語及印尼語；或利用孕產婦關懷網站<sup>9</sup>查詢相關資訊。
- (5) If a pregnant foreign worker has questions, needs to be listened to, cared for, supported or requires resource referrals relating to pre-pregnancy, pregnancy and postpartum care, breastfeeding, parent-child health, emotional difficulties etc. (for example information on local

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網址為準。) Prevention of Vertical Infection Transmission from Mother to Child Website, Taiwan Centers for Disease Control <https://gov.tw/cNV>(in the event of changes to the website address, go to the current URL of the TCDC).

<sup>9</sup>國健署孕產婦關懷網站：<https://gov.tw/Ynd>(網址如有異動，以國健署現行網址為準。) Health Promotion Administration (HPA) Maternal and Child Care website: <https://gov.tw/Ynd> (in the event of changes to the website address, go to the current URL of the HPA).

clinics and baby-friendly hospitals), she can call the Ministry of Health and Welfare Maternal Care Consultation Hotline at 0800-870-870, which provides services in Mandarin Chinese, Hoklo, Vietnamese and Indonesian. Alternatively, check related information on the HPA Maternal and Child Care website.

#### 四、育嬰育兒 Child rearing and parenting

##### (一) 工作權益保障(1) Protecting work rights

###### 1. 移工 1. Foreign workers

(1) 聘僱許可期間移工於其家庭成員預防接種、發生嚴重之疾病或其他重大事故須親自照顧時，得請家庭照顧假；其請假日數併入事假計算，全年以 7 日為限(性平工作法第 20 條)。

(1) If during the period of the employment permit a foreign worker needs to take personal care of a family member who needs to be vaccinated, suffers a serious illness or to handle other major events, he or she can request family care leave. A maximum of 7 family care leave days can be taken per year (Article 20, Gender Equality in Employment Act).

(2) 聘僱許可期間移工任職滿 6 個月後，於每一子女滿 3 歲前，得申請育嬰留職停薪，期間至該子女滿 3 歲止，但不得逾 2 年。同時撫育子女 2 人以上者，其育嬰留職停薪期間應合併計算，最長以最幼子女受撫育 2 年為限。另因移工不適用就業保險，無法申請育嬰留職停薪津貼(性工法第 16 條)。

(2) During the period of the employment permit, after working for six months or more, employees can apply for unpaid parental leave before any of their children are three years old. The duration of this leave is until the children reach three years old, but cannot exceed two years in length. When a worker is raising two or more children at the same time, their unpaid parental leave shall be calculated in aggregate, with the maximum period limited to two years of care for the youngest child. In addition, because foreign workers do not have employment insurance, they cannot apply for an unpaid parental leave allowance (Article 16, Gender Equality in Employment Act).

(3) 移工申請育嬰留職停薪時，其聘僱許可期間，自育嬰留職停薪日起至復職前 1 日暫時停止（如勞動契約期限先行屆滿，則以勞動契約屆滿日前為其育嬰留職停薪期間）。

(3) When a foreign worker applies for unpaid parental leave the employment permit period is temporarily paused from the day on which the unpaid parental leave starts to the day before work is restarted (if the labor contract ends before this, the unpaid parental leave extends to the day before the contract ends).

(4) 聘僱許可期間移工於子女未滿 2 歲須其親自哺（集）乳者，除規定之休息時間外，雇主應每日另給哺（集）乳時間 60 分鐘。移工於每日正常工作時間以外之延長工作時間達 1 小時以上者，雇主應給予哺（集）乳時間 30 分鐘，且哺（集）乳時間，視為工作時間(性工法第 18 條)。

(4) If during the period of the employment permit, a foreign worker needs to breastfeed or collect breast milk for a child who is under two years old, the employer is required to provide 60 minutes a day for them to do so, in addition to regular rest periods. For workers who work 1 hour or more longer than daily normal work hours, employers are required to provide an additional 30 minutes for breastfeeding or breast milk collection, with the time considered work time (Article 18, Gender Equality in Employment Act).

(5) 受僱於僱用 30 人以上雇主之聘僱許可期間移工，為撫育未滿 3 歲子女，得向雇主請求調整工作時間或每天減少工作時間 1 小時，減少之工作時間，不得請求報酬；受僱於僱用未滿 30 人雇主之移工，經與雇主協商，雙方合意後，得依前開規定辦理(性工法第 19 條)。

If during the period of the employment permit, a foreign worker hired by an employer with 30 employees or more requests a change in work hours or a one-hour reduction in work hours per day to take care of a child under three years of age, he or she cannot ask to be paid for the period not worked. A foreign worker hired by an employer with fewer than 30 employees can follow the aforementioned provisions as long as an agreement is first reached with the employer (Article 19, Gender Equality in Employment Act).

## 2. 雇主：2.Employers:

(1) 聘僱許可期間移工於其家庭成員預防接種、發生嚴重之疾病或其他重大事故須親自照顧時，得請家庭照顧假；其請假日數併入事假計算，全年以 7 日為限(性工法第 20 條)。

(1) If during the period of the employment permit a foreign worker needs to take personal care of a family member who needs to be vaccinated, suffers a serious illness or to handle other major events, he or she can request family care leave. A maximum of 7 family care leave days can be taken per year (Article 20, Gender Equality in Employment Act).

(2) 受僱於僱用 30 人以上雇主之聘僱許可期間移工，為撫育未滿 3 歲子女，得向雇主請求調整工作時間或每天減少工作時間 1 小時，減少之工作時間，不得請求報酬；受僱於僱用未滿 30 人雇主之移工，經與雇主協商，雙方合意後，得依前開規定辦理(性工法第 19 條)。

(2) If during the period of the employment permit, a foreign worker hired by an employer with 30 employees or more requests a change in work hours or a one-hour reduction in work hours per day to take care of a child under three years of age, he or she cannot ask to be paid for the period not worked. A foreign worker hired by an employer with fewer than 30 employees can follow the aforementioned provisions as long as an agreement is first reached with the employer (Article 19, Gender Equality in Employment Act).

(3) 聘僱許可期間移工任職滿 6 個月後，於每一子女滿 3 歲前，得申請育嬰留職停薪，雇主不得拒絕(性工法第 16 條)。

(3) During the period of the employment permit, after working for six months or more, employees can apply for unpaid parental leave before any of their children are three years old (Article 16, Gender Equality in Employment Act).

(4) 僱用受僱者 100 人以上之雇主，應設置哺（集）乳室、托兒設施或提供適當之托兒措施(性工法第 23 條)，並可向勞動部申請補助。

(4) Employers with 100 employees or more are required to provide a breastfeeding room, childcare facilities or introduce suitable childcare measures (Article 23, Gender Equality in Employment Act) and can apply to the Ministry of Labor for a related subsidy.

### 3. 仲介 3. Labor brokerages

(1) 提供移工及雇主相應請休假規定資訊(家庭照顧假)。

(1) Provides foreign workers and employers with information pertaining to regulations governing the taking of leave and days off (family care leave).

(2) 提供移工及雇主申請育嬰留職停薪規定資訊。

(2) Provides foreign workers and employers with information pertaining to regulations governing applications for unpaid parental leave.

(3) 提供移工及雇主調整工作時間及哺集乳時間規定資訊。

(3) Provides foreign workers and employers with information on regulations pertaining to the adjustment of work hours and time available for breastfeeding and collecting breast milk.

(4) 提供移工及雇主設置員工哺(集)乳室、托兒設施或托兒措施之資訊。

(4) Provides foreign workers and employers with information pertaining to regulations governing the provision of an employee breastfeeding room, childcare facilities and childcare measures.

### 4. 政府資源 4. Government resources

(1) 勞動部提供雇主設置員工哺(集)乳室、托兒設施或托兒措施之經費補助。

(1) The Ministry of Labor provides funding to employers to cover the cost of introducing breastfeeding rooms, childcare facilities and childcare measures.

(2) 勞動部補助地方政府設置移工諮詢服務中心，提供移工法令諮詢、心理諮商、生活資訊、工作適應及勞資爭議等申訴諮詢服務。

(2) The Ministry of Labor funded the establishment of foreign worker consultation service centers by local

governments. These provide consultations on laws in Taiwan, psychological counseling, daily life information, adapting to work, labor disputes and other complaint and consultation services.

(3) 勞動部建置 1955 勞工諮詢申訴專線，提供 24 小時雙語（中文、泰國語、印尼語、越南語、英語）移工諮詢、線上通譯及受理申訴案件等服務。

(3) The Ministry of Labor has established the 1955 Counseling and Protection Hotline for Foreign Workers which provides workers with 24-hour bilingual consultations (in Chinese, Thai, Indonesian, Vietnamese and English), online interpretation and also a complaint processing service.

(4) 勞動部透過外國人勞動權益網、社群平臺(LINE@移點通)、北中南外籍婦幼諮詢服務中心及中外語廣播宣導移工育嬰育兒相關工作權益資訊。

(4) The Ministry of labor uses the Foreign National Labor Rights Portal, social media platforms (1955 E-LINE), Integrated Service Centers for Migrant Women and Children in north, central and south Taiwan as well as broadcasts in Chinese and foreign languages to ensure foreign workers have access to relevant information about their child rearing and parenting related work rights.

## (二) 子女相關權益(2)Child related rights

### 1. 移工 1.Foreign workers

(1) 須於子女出生之翌日起 30 日內，備齊父或母之有效合法外僑居留證、新生兒出生證明、2 吋照片 1 張、及證件規費，至居留地之移民署各區事務大隊所屬服務站（下稱服務站）申請外僑居留證；待取得護照後，再辦理護照號碼異動登記。

(1) When a foreign worker gives birth, an application for an Alien Resident Certificate must be filed within 30 days of the day after the birth, presenting the valid legal Alien Resident Certificate of the mother or father, a birth certificate for the newborn, one 2-inch photo, and the relevant fees to the immigration agency district corps

service station (hereinafter service station) in the place of residence. After obtaining a passport, the change in passport number must also be registered.

(2) 在臺出生之新生兒取得居留證後，其父或母可向受僱單位加保新生兒全民健康保險，若父或母於轉換期間，可至居留地區公所投保全民健康保險。

(2) After a newborn born in Taiwan obtains an Alien Resident Certificate, the mother or father must apply to their employer for the child's inclusion on their National Health Insurance. If either parent is currently transferring employers, they can apply for National Health Insurance at the relevant local government office in their place of residence.

(3) 新生兒如有罹患全民健康保險重大傷病項目，可向健保署申請重大傷病證明。

(3) If the newborn suffers from one of the categories of catastrophic illness listed in the National Health Insurance provisions, an application can be made to the National Health Insurance Administration for a catastrophic illness certificate.

(4) 移工於合法居留期間，在其子女依規定取得居留證及健保身分前，可持父或母之居留證、健保卡及兒童健康手冊至全國各鄉鎮市區衛生所、合約院所接種幼兒公費常規疫苗。而在其子女取得居留證及健保身分後，則請攜帶幼童之健保卡、居留證及兒童健康手冊進行幼兒公費常規疫苗接種。

(4) Prior to the children of a foreign worker who is legally resident in Taiwan obtaining an Alien Resident Certificate or national health insurance status, they can still receive publicly funded routine child vaccinations at health centers in rural townships, towns and registered hospitals across Taiwan by producing the Alien Resident Certificate of a parent, National Health Insurance Card or Child Health Handbook. Once they do receive an Alien Resident Certificate and National Health Insurance Card take the child's National Health Insurance Card or Alien Resident Certificate and Child Health Handbook to receive a publicly-funded routine vaccination for children.

(5) 移工如有托育及托兒需求，可自費送托至合法登記之保

母、合格立案之公私立托嬰中心及公私立教保服務機構。

(5) If a foreign worker requires nursery care of childcare services, they can pay a legally registered nanny, legally registered public or private childcare center, public or private early childhood education and care service institution.

(6) 在臺出生非本國籍兒少於戶籍登記完成前或未取得居留證者，如有就學需求，各教育階段協助措施如下：

(6) If children or adolescents born in Taiwan who are not Taiwan nationals need to attend school before being included in the household registration or obtaining an Alien Resident Certificate, the assistance measures available for different stages of education are as follows:

A. 學前教育：幼兒得依家長意願及需求進入幼兒園就學。惟倘有緊急安置幼兒必要者，地方政府得依幼兒教育及照顧法第 16 條規定安置於幼兒園。另經幼兒園評估其家庭經濟確有需協助之情形，得報請地方政府函轉教育部國教署個案審認，接受平價教保服務就學補助。

A. Preschool education: Infants attend kindergartens based on the willingness and requirement of parents for them to do so. However, when an infant requires emergency placement in accordance with Article 16 of the Early Childhood Education and Care Act the local government can place the infant at a kindergarten. In addition, if the kindergarten assesses that the economic situation of a family means they require financial assistance, the local government should be asked to refer the case to the K-12 Education Administration under the Ministry of Education for approval to receive subsidies for affordable early childhood education and care services.

B. 國民中小學：依無國籍學生就讀國民小學及國民中學辦法，在臺出生未辦理戶籍登記或未取得居留、定居許可之非本國籍兒少，由衛生福利主管機關會同相關機關協助辦理有關戶籍登記、歸化、居留或定居等事項，於取得身分證明文件前須就讀我國國民中小學者，可洽詢各地方政府教育局(處)，請其



協助輔導就學。

B.Elementary and junior high school: Based on the Regulations for Stateless Students Attending Elementary and Junior High Schools, when children and adolescents born in Taiwan, who are not Taiwan nationals, do not have household registration or residency, settlement permits, the competent health and welfare authority will coordinate with the relevant agencies to help with applications for household registration, naturalization, residency or settlement. Students who need to attend school before obtaining certified identity documents should seek the assistance of local government departments of education.

C.高級中等學校：是類學生遇國中教育會考時，受理報名單位應先准其報名。至有關身分證號或統一證號之欄位，則由國立臺灣師範大學心理與教育測驗研究發展中心給予統一編號供其填寫。

C.Senior high schools: When students in this category take junior high school examinations the unit responsible for exam registration should allow them to register. As to the column for the identity document or ID number, the Research Center for Psychological and Educational Testing at National Taiwan Normal University will provide an ID number.

(7)倘移工因遭遇困境，無力維持其子女生活或提供子女照顧，移工應先洽詢來源國駐臺辦事處或所在地社政主管機關協助提供相關福利資源及支持措施。

(7) If a foreign worker encounters difficulties and is unable to financially support or care for his or her children, they should first consult with the representative office of their home country in Taiwan or seek the assistance of the social affairs office where they reside to provide related social welfare resources and support measures.

## 2. 雇主 2. Employers

(1)提供移工子女居留證申請、健保投保資訊、常規疫苗接種資訊及醫療院所管道。

(1) Provides information on how to apply for Alien Resident Certificates, National Health Insurance enrollment, routine vaccinations for children, and access to medical facilities for the children of foreign workers.

(2)聘僱許可期間移工子女於受僱單位加保時，投保單位應於被保險人或其依附之眷屬合於投保資格之日起 3 日內，向健保署辦理投保並申請製發健保卡。

(2) During the period of the employment permit, when the children of foreign workers enroll in National Health Insurance at their parent's place of work, the insuring party is required to submit an insurance application to the National Health Insurance Administration and apply for the issuance of a National Health Insurance Card within 3 days of the insured party or dependent family members becoming eligible to enroll on the health insurance program.

3. 仲介：提供移工及雇主相關子女居留、健保、疫苗、托嬰托兒、就學及國籍認定等資訊。

3.Labor brokerages: Provides foreign workers and employers with information on residency, settlement, health insurance, vaccinations, child care, school attendance and nationality recognition for the children of foreign workers.

4. 政府資源 4. Government resources

(1)在我國出生之外國人，出生時其父或母持有外僑居留證或外僑永久居留證，可向移民署服務站申請外僑居留證。

(1)When a foreign national is born in Taiwan the parents of the newborn holding an Alien Resident Certificate or Alien Permanent Resident Certificate should apply to the National Immigration Agency service station for the issue of an Alien Resident Certificate.

(2)新生兒取得外僑居留證後，投保單位應於被保險人或其依附之眷屬合於投保資格之日起 3 日內，向健保署辦理投保並申請製發健保卡。

(2)After an Alien Resident Certificate is obtained for a newborn, the insuring party is required to submit an insurance application to the National Health Insurance Administration for the issuance of a National Health Insurance Card within 3 days of the insured party or dependent family members becoming eligible to enroll on the health insurance program.

(3)移工於合法居留期間，疾管署提供其子女接種幼兒公費

常規疫苗。

(3) The Taiwan Centers for Disease Control provides government-funded routine child vaccinations to the children of foreign workers for the duration of their legal residency in Taiwan.

(4) 社家署提供托育媒合平臺<sup>10</sup>，可透過該平臺查詢合法登記之保母及合格立案之公私立托嬰中心，或洽詢各地方政府社會局(處)提供相關托育資源。

(4) The Social and Family Affairs Administration under the Ministry of Health and Welfare provides a childcare matchmaking platform, which can be used to check legally registered nannies and legally qualified public-private child care centers or to make inquiries about childcare related resources provided by local government social affairs departments.

(5) 教育部國教署及各地方政府教育局(處)將協助未完成戶籍登記或未取得居留權之兒少就學。

(5) The K-12 education Administration under the Ministry of Education and local departments of education across Taiwan help to ensure children and adolescents who have not completed household registration or obtained residency rights are able to attend school.

(6) 由來源國駐臺辦事處提供協助移工子女之國籍認定。

(6) The representative offices of home countries in Taiwan provide assistance in ensuring the children of foreign workers receive nationality recognition.

(7) 生父不詳，生母為外國人，且行方不明或已出國或經遣返回國之非本國籍兒童及少年，由直轄市、縣(市)政府社會局(處)收案，並協助安置後，於協尋生母期間，得由直轄市、縣(市)政府社會局(處)代向移民署服務站申請暫依生母國籍之外僑居留證，必要時，並得由直轄市、縣(市)政府社會局(處)向移民署服務站申請延期居留。

(7) After the social affairs departments of special municipality, county (city) governments take over cases

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<sup>10</sup>社家署托育媒合平臺網站：<https://gov.tw/7Sc>(網址如有異動，以社家署現行網址為準。) Social and Family Affairs Administration Child Care Matchmaking Platform Website: <https://gov.tw/7Sc>(in the event of changes to the website address, go to the current URL of the SFAA).

involving non-Taiwan national children and adolescents whose birth father is unknown and birth mother is a foreign national whose whereabouts is unknown, has left Taiwan or already been repatriated to her home country, after assisting with placement and while working to locate the birth mother, the department will apply to a National Immigration Agency service station for an Alien Resident Certificate provisionally based on the nationality of the birth mother. If necessary, the social affairs departments of special municipality, county (city) governments will apply to the service station for an extension of residency.

(8) 父或母為在臺逾期停(居)留之外來人口之兒童或少年應隨其父或母返回原屬國，無法在臺居留。但為維護其獲得醫療及就學等權益，可透過與移民署合作之民間團體，協助申請配賦統一證號，俾利衛福部等機關可據以提供渠等相關福利資源措施。

(8) Children or adolescents of a foreign resident mother or father who has overstayed their residency in Taiwan should return to their country of origin with their parents, as they are not permitted to remain in Taiwan. However, in order to preserve their right to medical treatment and education, an application for an assigned unified ID Number can be made through civil organizations that work in conjunction with the National Immigration Agency. This enables the Ministry of Health and Welfare (MOHW) and other agencies to provide related welfare and resources.

**附錄** Addendums

一、勞動部設立之北中南外籍婦幼諮詢服務中心聯絡資訊如下(均有提供跨縣市服務)：

1. Contact information for Ministry of Labor Integrated Service Centers for Migrant Women and Children in northern, central, and southern Taiwan (all provide inter-county/city services):

(一) 桃園「外國籍外國婦幼諮詢服務中心」：03-2522-522。

(1) Taoyuan “Integrated Service Center for Migrant Women and Children” : 03-2522-522。

(二) 彰化「外國人生育諮詢服務中心」：04-8396-532。

(2) Changhua “Integrated Service Center for Migrant Women and Children” : 04-8396-532。

(三) 高雄「外國人生育諮詢及安置服務中心」：07-6156-926 或 07-6156-900。

(3) Kaohsiung “Integrated Service Center for Migrant Women and Children” : 07-6156-926 or 07-6156-900。

二、網站彙整表

2. Website table

網站名稱及網址 Website name and URL	QR CODE
勞動力發展署外國人勞動權益網站 Foreign National Labor Rights Portal, Workforce Development Agency <a href="https://gov.tw/CbU">https://gov.tw/CbU</a>	
國健署避孕衛教宣導 Contraceptive Education and Health Education, Health Promotion Agency <a href="https://gov.tw/ZwP">https://gov.tw/ZwP</a>	

<p>疾管署各縣市保險套自動服務機設置地點網站  Condom Vending Machine Locations in  Counties/Cities Across Taiwan Website, Taiwan  Centers for Disease Control  <a href="https://gov.tw/XGP">https://gov.tw/XGP</a></p>	
<p>疾管署移工來台後得知感染愛滋之處遇 Q&amp;A  Taiwan Centers for Disease Control Q&amp;A on  Treatments for Foreign Workers who Learn of an  HIV Infection After Arriving in Taiwan:  <a href="https://gov.tw/Zrj">https://gov.tw/Zrj</a></p>	
<p>國健署健康手冊專區網站  Health Promotion Agency Health Handbook  Website  <a href="https://gov.tw/NwW">https://gov.tw/NwW</a></p>	

<p>網站名稱及網址 Nama Situs dan Alamat Situs</p>	<p>QRCODE Kode QR</p>
<p>疾管署預防母子垂直感染網站 Prevention of Vertical Infection Transmission from Mother to Child Website, Taiwan Centers for Disease Control <a href="https://gov.tw/cNV">https://gov.tw/cNV</a></p>	
<p>國健署孕產婦關懷網站 Health Promotion Agency Maternal and Child Care website <a href="https://gov.tw/Ynd">https://gov.tw/Ynd</a></p>	
<p>社家署托育媒合平臺網站 Social and Family Affairs Administration Child Care Matchmaking Platform Website <a href="https://gov.tw/7Sc">https://gov.tw/7Sc</a></p>	