

Addendum 8: Regular inspections of total number of foreign workers employed, total number brought into the Republic of China by employers pursuant to the provisions of Article 31 and the salaries of domestic workers

1. Inspecting the total number of foreign workers:

1. Employers compliant with the qualifications detailed in Paragraph 1, Article 30 who establish a new labor insurance certificate number prior to applying for an initial recruitment permit:

(1) Employers hiring foreign workers (foreign workers brought in based on Article 25-1, Article 26, provisos of Paragraph 3, Article 28, Subparagraph 1, Paragraph 2, Article 31 are not included in the calculation, but the remaining number on the same labor insurance certificate number are counted) are required to be in compliance with the provisions of Paragraph 1, Article 34 and when the Central Competent Authority inspects the ratio of foreign workers employed by an employer the following calculation formula is used:

Maximum number of foreign workers = (number of employees) x (ratio referred to in subparagraphs of Paragraph 1, Article 34)

The standards adopted in the above formula are as follows:

1. Total number of employees: Calculated based on the provisions of Paragraph 4, Article 34. However, this number does not include foreign workers brought into the Republic of China pursuant to the provisions of Article 25-1, Articles 26, provisos in Paragraph 3, Article 28 and Subparagraph 1, Paragraph 2, Article 31.
- 2 Ratio based on subparagraphs in Paragraph 1, Article 34: Limited by the ratio for foreign workers when an employer's factory is confirmed as being in a free trade port area or for work in industries listed in Addendum 5, Article 24.

(2) When employers hire foreign workers (including all other foreign workers on the same labor insurance certificate number and foreign workers brought in pursuant to the provisions of Article 24, Article 25, Articles 26-28 and Subparagraph 1, Paragraph 2, Article 31) and the Central Competent Authority inspects the ratio of foreign workers hired, the following calculation formula is used:

Maximum number of foreign workers =
Number of employees x (ratio referred to in subparagraphs of Paragraph 1 Article 34) + (increased ratio in Article 26) + (increased ratio in Subparagraph 1, Paragraph 2, Article 31)

The standards adopted in the above formula are as follows:

1. Number of employees: Calculated based on the provisions of Paragraph 4, Article 34.

2. Ratio based on subparagraphs in Paragraph 1, Article 34: Limited by the ratio for foreign workers when an employer's factory is confirmed as being in a free trade port area or for work in industries listed in Addendum 5, Article 24.
3. Increased ratio based on Article 26: Limited by the actual number of foreign workers an employer brings into the Republic of China listed in subparagraphs in Paragraph 1, Article 26 and included in regular inspections. The highest value of the increased ratio is determined by regulations governing the increased ratio for foreign workers included in regular inspections.
4. Further increased ratio in Subparagraph 1, Paragraph 2, Article 31: Limited by the actual number of foreign workers an employer brings into the Republic of China listed in Subparagraph 1, Paragraph 2, Article 31 and included in regular inspections.

(3) Inspections by the Central Competent Authority are conducted in accordance with:

1. Employers who bring in foreign workers as defined in Article 26 should do so pursuant to the provisions of 1, 1, (1), (2) in this Addendum and Paragraphs 3, 4 and 7 of Article 34.
2. Employers who bring in foreign workers as defined in Paragraph 1, Article 30 should do so in accordance with the following regulations:

(1) First inspection

For employers who bring in foreign workers defined in Paragraph 1, Article 30, one year after an employer brings in the first foreign worker the Central Competent Authority will inspect the number of foreign workers hired, pursuant to the provisions of 1, 1, (1), (2) in this Addendum and the most recent regular inspection. However, when the time difference between one year after the entry of the first foreign worker and the regular inspection for that year is two months or less the period can be extended to the next regular inspection. The calculation of the number of foreign workers and number of employees hired in the previous paragraph takes as its base month the month on which the first foreign worker to be brought into the Republic of China has been in the country one year. The calculation is based on the number of people with labor insurance in the base month.

When an employer hires more foreign workers than the number detailed in the provisions of this Addendum the Central Competent Authority will, pursuant to the provisions of Article 72 of the Act, revoke the recruitment and employment permits for the workers exceeding the stipulated maximum and include them as part of the total number of foreign workers employed referenced in Addendum 6, Article 25.

(2). Second and follow up inspections

After the Central Competent Authority has conducted the first inspection detailed in the previous paragraph, the second inspection and inspections every three months thereafter should be conducted pursuant to the provisions of 1, 1, (1), (2) in this Addendum and Paragraphs 4 and 7 of Article 34.

2. Employers compliant with the qualifications detailed in Paragraph 1, Article 30 who do not establish a new labor insurance certificate number:

- (1) Employers hiring foreign workers detailed in the first part of Paragraph 1, Article 31 (including only foreign workers brought in based on Article 25 and not the remaining number on the same labor insurance certificate number) are required to be in compliance with the provisions of Paragraph 1, Article 34 and when the Central Competent Authority inspects the ratio of foreign workers employed by an employer the following calculation formula is used:

Maximum number of foreign workers = (number of employees) - (number of employees hired at the base point) x ratio referred to in subparagraphs of Paragraph 1, Article 34

The standards adopted in the above formula are as follows:

1. Number of employees: Calculated based on the provisions of Paragraph 4, Article 34. However, this number should not include foreign workers brought into the Republic of China pursuant to Article 25-1, Article 26, provisos of Paragraph 3, Article 28, and Subparagraph 1, Paragraph 2, Article 31.
2. Base point number of employees: Based on the number of insured individuals on the same labor insurance certificate number on the date the employer registers to recruit domestic workers at a public employment service agency.
3. Ratio based on subparagraphs in Paragraph 1, Article 34: Limited by the ratio for foreign workers when an employer's factory is confirmed as being in a free trade port area or for work in industries listed in Addendum 5, Article 24.

- (2) When employers hires foreign workers (not including all other foreign workers on the same labor insurance certificate number and foreign workers brought into the Republic of China pursuant to the provisions of Article 24, Article 25, and Articles 26-28) and the Central Competent Authority inspects the ratio of foreign workers employed, the following calculation formula is used:

Maximum number of foreign workers = (number of employees) - (number of employees hired at the base point) x (ratio referred to in subparagraphs of Paragraph 1, Article 34) + (increased ratio in Article 26) + (increased ratio in Subparagraph 1, Paragraph 2, Article 34)

The standards adopted in the above formula are as follows:

1. Number of employees: Calculated based on the provisions of Paragraph 4, Article 34.
2. Base point number of employees: Based on the number of insured employees on the same labor insurance certificate number on the

date the employer registers to recruit domestic workers at a public employment service agency.

3. Ratio based on subparagraphs in Paragraph 1, Article 34: Limited by the ratio for foreign workers when an employer's factory is confirmed as being in a free trade port area or for work in industries listed in Addendum 5, Article 24.
4. Increased ratio based on Article 26: Limited by the actual number of foreign workers an employer brings into the Republic of China listed in subparagraphs in Paragraph 1, Article 26 and included in regular inspections. The highest value of the increased ratio is determined by regulations governing the increased ratio for foreign workers included in regular inspections.
5. Further increased ratio in Subparagraph 1, Paragraph 2, Article 31: Limited by the actual number of foreign workers an employer brings into the Republic of China listed in Subparagraph 1, Paragraph 2, Article 31 and included in regular inspections.

(3) Inspections by the Central Competent Authority are conducted in accordance with:

1. Employers who bring in foreign workers as defined in Article 26 should do so pursuant to the provisions of 1, 2, (1), (2) in this Addendum and Paragraphs 3, 4 and 7 of Article 34.
2. Employers who bring in foreign workers as defined in Paragraph 1, Article 30 should do so in accordance with the following regulations:

(1) First inspection

For employers who bring in foreign workers defined in Paragraph 1, Article 30, one year after an employer brings in the first foreign worker the Central Competent Authority will inspect the number of foreign workers hired by an employer, pursuant to the provisions of 1, 2, (1), (2) in this Addendum and the most recent regular inspection. However, when the time difference between one year after the entry of the first foreign worker and the regular inspection for that year is two months or less the period can be extended to the next regular inspection.

The calculation of the number of foreign workers and number of employees hired in the previous paragraph takes as its base month the month on which the first foreign worker to be brought into the Republic of China has been in the country one year. The calculation is based on the number of people with labor insurance in the base month.

When an employer hires more foreign workers than the number detailed in the provisions of this Addendum the Central Competent Authority will, pursuant to the provisions of Article 72 of the Act, revoke the recruitment and employment permits for the workers exceeding the stipulated maximum and include them as part of the total number of foreign workers employed referenced in Addendum 6, Article 25.

(2) Second and follow up inspections

After the Central Competent Authority has conducted the first inspection detailed in the previous paragraph, the second inspection and inspections every three months thereafter should be conducted pursuant to the provisions of 1, 1, (1), (2) in this Addendum and Paragraphs

4 and 7 of Article 34.

3. Employers compliant with the qualifications detailed in Paragraph 2, Article 30 who establish a new labor insurance certificate number prior to making an initial recruitment application:

(1) Employers hiring foreign workers (not including foreign workers brought in based on Article 25-1, Article 26, provisos in Paragraph 3, Article 28, Subparagraph 2, Paragraph 2, Article 31, but does include the remaining number on the same labor insurance certificate number) are required to be in compliance with the provisions of Paragraph 1, Article 34 and when the Central Competent Authority inspects the ratio of foreign workers employed the following calculation formula is used:

Maximum number of foreign workers = (number of employees) x (ratio referred to in subparagraphs of Paragraph 1, Article 34)

The standards adopted in the above formula are as follows:

1. Number of employees: Calculated based on the provisions of Paragraph 4, Article 34. However, this number should not include foreign workers brought into the Republic of China pursuant to Article 25-1, Article 26, provisos of Paragraph 3, Article 28, and Subparagraph 2, Paragraph 2, Article 31.
2. Ratio based on subparagraphs in Paragraph 1, Article 34: Limited by the ratio for foreign workers when an employer's factory is confirmed as being in a free trade port area or for work in industries listed in Addendum 5, Article 24.
- (2) When employers hiring foreign workers (including the remaining foreign workers on the same labor insurance certificate number and foreign workers brought in based on Article 24, Article 25, Articles 26-28, and Subparagraph 2, Paragraph 2, Article 31) have the ratio of foreign workers inspected by the Central Competent Authority the following calculation formula is used:

Maximum number of foreign workers = number of employees x (ratio referred to in subparagraphs of Paragraph 1, Article 34) + (increased ratio in Article 26) + (increased ratio in Subparagraph 2, Paragraph 2, Article 31)

The standards adopted in the above formula are as follows:

1. Number of employees: Calculated based on the provisions of Paragraph 4, Article 34.
2. Ratio based on subparagraphs in Paragraph 1, Article 34: Limited by the ratio for foreign workers when an employer's factory is confirmed as being in a free trade port area or for work in industries listed in Addendum 5, Article 24.
3. Increased ratio based on Article 26: Limited by the actual number of foreign workers an employer brings into the Republic of China listed in subparagraphs in Paragraph 1, Article 26 and included in regular inspections. The highest value of the increased ratio is

determined by regulations governing the increased ratio for foreign workers included in regular inspections.

4. Further increased ratio based on Subparagraph 2, Paragraph 2, Article 31: Limited by the actual number of foreign workers an employer brings into the Republic of China listed in Subparagraph 2, Paragraph 2, Article 31 and included in regular inspections.

(3) Inspections by the Central Competent Authority are conducted in accordance with:

1. Employers who bring in foreign workers as defined in Article 26 should do so pursuant to the provisions of 1, 3, (1), (2) in this Addendum and Paragraphs 3, 4 and 7 of Article 34.

2. Employers who bring in foreign workers as defined in Paragraph 2, Article 30 should do so in accordance with the following regulations:

(1) First inspection

For employers who bring in foreign workers defined in Paragraph 2, Article 30, one year after an employer brings in the first foreign worker the Central Competent Authority will inspect the number of foreign workers hired by an employer, pursuant to the provisions of 1, 3, (1), (2) in this Addendum and the most recent regular inspection. However, when the time difference between one year after the entry of the first foreign worker and the regular inspection for that year is two months or less the period can be extended to the next regular inspection.

The calculation of the number of foreign workers and number of employees hired in the previous paragraph takes as its base month the month on which the first foreign worker to be brought into the Republic of China has been in the country one year. The calculation is based on the number of people with labor insurance in the base month.

When an employer employs more foreign workers than the number detailed in the provisions of this Addendum the Central Competent Authority will, pursuant to the provisions of Article 72 of the Act, revoke the recruitment and employment permits for the workers exceeding the stipulated maximum and include them as part of the total number of foreign workers employed referenced in Addendum 6, Article 25.

(2) Second and follow up inspections

After the Central Competent Authority has conducted the first inspection detailed in the previous paragraph, the second inspection and inspections every three months thereafter should be conducted pursuant to the provisions of 1, 3, (1), (2) in this Addendum and Paragraphs 4 and 7 of Article 34.

4. Employers compliant with the qualifications detailed in Paragraph 2, Article 30 who do not establish a new labor insurance certificate number:

Employers hiring foreign workers detailed in the first part of Paragraph 1, Article 31 (including only foreign workers brought in based on

Article 25 and not the remaining number on the same labor insurance certificate number) are required to be in compliance with the provisions of Paragraph 1, Article 34 and when the Central Competent Authority inspects the ratio of foreign workers employed by an employer the following calculation formula is used:

Maximum number of foreign workers = (number of employees) - (number of employees hired at the base point) x ratio referred to in subparagraphs of Paragraph 1, Article 34

The standards adopted in the above formula are as follows:

1. Number of employees: Calculated based on the provisions of Paragraph 4, Article 34. However, this number should not include foreign workers brought into the Republic of China pursuant to Article 25-1, Article 26, provisos of Paragraph 3, Article 28, and Subparagraph 2, Paragraph 2, Article 31.
2. Base point number of employees: Based on the number of insured employees on the same labor insurance certificate number on the date the employer registers to recruit domestic workers at a public employment service agency.
3. Ratio based on subparagraphs in Paragraph 1, Article 34: Limited by the ratio for foreign workers when an employer's factory is confirmed as being in a free trade port area or for work in industries listed in Addendum 5, Article 24.

(2) When employers hiring foreign workers (not including the remaining foreign workers on the same labor insurance certificate number and foreign workers brought in based on Article 24, Article 25, and Articles 26-28) have the ratio of foreign workers inspected by the Central Competent Authority the following calculation formula is used:

Maximum number of foreign workers = (number of employees) - (base point number of employees) x (ratio referred to in subparagraphs of Paragraph 1, Article 34) + (increased ratio in Article 26) + (increased ratio in Subparagraph 2, Paragraph 2, Article 31)

The standards adopted in the above formula are as follows:

1. Number of employees: Calculated based on the provisions of Paragraph 4, Article 34.
2. Base point number of employees: Based on the number of insured employees on the same labor insurance certificate number on the date the employer registers to recruit domestic workers at a public employment service agency.
3. Ratio based on subparagraphs in Paragraph 1, Article 34: Limited by the ratio for foreign workers when an employer's factory is confirmed as being in a free trade port area or for work in industries listed in Addendum 5, Article 24.
4. Increased ratio based on Article 26: Limited by the actual number of foreign workers an employer brings into the Republic of China

listed in subparagraphs in Paragraph 1, Article 26 and included in regular inspections. The highest value of the increased ratio is determined by regulations governing the increased ratio for foreign workers included in regular inspections.

5. Further increased ratio based on Subparagraph 2, Paragraph 2, Article 31: Limited by the actual number of foreign workers an employer brings into the Republic of China listed in Subparagraph 2, Paragraph 2, Article 31 and included in regular inspections.

(3) Inspections by the Central Competent Authority are conducted in accordance with:

1. Employers who bring in foreign workers as defined in Article 26 should do so pursuant to the provisions of 1, 4, (1), (2) in this Addendum and Paragraphs 3, 4 and 7 of Article 34.

2. Employers who bring in foreign workers as defined in Paragraph 2, Article 30 should do so in accordance with the following regulations:

(1) First inspection

For employers who bring in foreign workers defined in Paragraph 2, Article 30, one year after an employer brings in the first foreign worker the Central Competent Authority will inspect the number of foreign workers hired, pursuant to the provisions of 1, 4, (1), (2) in this Addendum and the most recent regular inspection. However, when the time difference between one year after the entry of the first foreign worker and the regular inspection for that year is two months or less the period can be extended to the next regular inspection. The calculation of the number of foreign workers and number of employees hired in the previous paragraph takes as its base month the month on which the first foreign worker to be brought into the Republic of China has been in the country one year. The calculation is based on the number of people with labor insurance in the base month.

When an employer hires more foreign workers than the number detailed in the provisions of this Addendum the Central Competent Authority will, pursuant to the provisions of Article 72 of the Act, revoke the recruitment and employment permits for the workers exceeding the stipulated maximum and include them as part of the total number of foreign workers employed referenced in Addendum 6, Article 25.

(2) Second and follow up inspections

After the Central Competent Authority has conducted the first inspection detailed in the previous paragraph, the second inspection and inspections every three months thereafter should be conducted pursuant to the provisions of 1, 4, (1), (2) in this Addendum and Paragraphs 4 and 7 of Article 34.

2. Regular inspections of the salary of employed domestic workers:

1. Those compliant with the qualifications in Paragraph 1, Article 30:

(1) On the date the employer registers to recruit domestic workers at a public employment service the labor insurance salary and labor

pension wage contributions of domestic workers newly added to the same labor insurance certificate number agency must be a minimum of NT\$30,300.

The number of newly added domestic workers referred to in the previous paragraph is limited by the number of domestic workers estimated by the central authority in charge of the target business. In addition, when the number of foreign workers brought into the Republic of China by an employer is lower than the estimated number of employed domestic workers the additional number of hired domestic workers should be calculated based on the actual number of foreign workers brought in pursuant to Paragraph 1, Subparagraph 1, Paragraph 2 and Paragraph 3 of Article 31 and the allocation ratio.

(2) Inspections by the Central Competent Authority are conducted in accordance with:

1. First inspection

One year after an employer brings the first foreign worker into the Republic of China the Central Competent Authority will, pursuant to 2.1, (1) in this Addendum, inspect the labor insurance salary and labor pension wage contributions in the relevant month of domestic workers newly added to the same labor insurance certificate number.

2. Second and follow up inspections

After the Central Competent Authority has conducted the first inspection detailed in the previous paragraph, the second inspection and inspections conducted thereafter every July will review the May labor insurance salary and labor pension wage contributions of domestic workers newly added to the same labor insurance certificate number.

2. Those compliant with the qualifications in Paragraph 2, Article 30:

(1) On the date the employer registers to recruit domestic workers at a public employment service the labor insurance salary and labor pension wage contributions of domestic workers newly added to the same labor insurance certificate number agency must be a minimum of NT\$33,300.

The number of newly added domestic workers referred to in the previous paragraph is limited by the number of domestic workers estimated by the central authority in charge of the target business. In addition, when the number of foreign workers brought into the Republic of China by an employer is lower than the estimated number of employed domestic workers the additional number of hired domestic workers should be calculated based on the actual number of foreign workers brought in pursuant to Paragraph 1, Subparagraph 2, Paragraph 2 and Paragraph 3 of Article 31 and the allocation ratio.

(2) Inspections by the Central Competent Authority are conducted in accordance with:

1. First inspection

One year after an employer brings the first foreign worker into the Republic of China the Central Competent Authority will, pursuant to 2,2, (1) in this Addendum, inspect the labor insurance salary and labor pension wage contributions in the relevant month of domestic workers newly added to the same labor insurance certificate number.

2. Second and follow up inspections

After the Central Competent Authority has conducted the first inspection detailed in the previous paragraph, the second inspection and inspections conducted thereafter every July will review the May labor insurance salary and labor pension wage contributions of domestic workers newly added to the same labor insurance certificate number.

3. If an employer violates the provisions of 2, 1, 2 in this Addendum, pursuant to the provisions of Article 72 of the Act, the recruitment and employment permits for the workers exceeding the stipulated maximum will be revoked and they will be included as part of the total number of foreign workers employed referenced in Addendum 6, Article 25.