

Addendum 4: Regulations Governing Regular Inspections of Foreign Workers Engaged in Continued Employment in the Manufacturing Industry in Paragraph 1, Article 32

1. Employers engaged in the continued employment of foreign workers pursuant to the provisions of Subparagraphs 1 to 5, Paragraph 1, Article 7, Subparagraph 3, Paragraph 1, Article 17 and Paragraph 1, Article 31 (excluding foreign workers engaged in continued employment pursuant to the provisions of Paragraph 1, Article 18 and those brought into the Republic of China pursuant to Article 26, the proviso in Paragraph 3, Article 28 and Paragraph 2, Article 31 of the Review Standards. Other foreign workers on the same labor insurance certificate number should be included) are required to be in compliance with the calculation formula applied by the Central Competent Authority when examining the ratio of foreign workers employed by employers in accordance with the regulations in Article 15 and Paragraph 1, Article 34 or Paragraph 1, Article 36 of the Review Standards, the formula for which is:

Maximum number of employed foreign workers =

Total number of employees hired x (ratio prescribed in Article 15 or subparagraphs of Paragraph 1, Article 34 of the Review Standards or subparagraphs of Paragraph 1, Article 36 of the Review Standards)

The standards adopted in the above formula are as follows:

- (1) Total number of employees: Calculated based on the average number of employees insured by the employer over the three month period two months prior to the base month, two months before to the inspection is conducted by the Central Competent Authority. However, this number does not include continued employment foreign workers pursuant to Paragraph 1, Articles 18 and those brought in pursuant to Article 26, the proviso in Paragraph 3, Article 28 and Paragraph 2, Article 31 of the Review Standards).
  - (2) Ratio based on Article 15: For employers who engage in the continued employment of foreign workers based on Subparagraph 5, Paragraph 1, Article 7 the upper limit for the ratio of foreign workers employed is limited by provisions detailing the ratio and quota for continued employment foreign workers.
  - (3) Ratio based on subparagraphs in Paragraph 1, Article 36 of the Review Standards: For employers who engage in the continued employment of foreign workers based on Article 14-1 of the Review Standards before it was revised on April 30, 2022 and Article 37 of the Review Standards after revision, the upper limit for the ratio of foreign workers employed is limited by provisions in the subparagraphs of Paragraph 1, Article 36 of the Review Standards:
  - (4) Ratio based on subparagraphs in Paragraph 1, Article 34 of the Review Standards: For employers who engage in the continued employment of foreign workers based on Article 25, Article 27, Article 28, Article 31 and Article 37 of the Review Standards, the upper limit for the ratio of foreign workers employed is limited by provisions in the subparagraphs of Paragraph 1, Article 34 of the Review Standards:
2. For employers who engage in the continued employment of foreign workers based on Subparagraphs 1 to 5, Paragraph 1, Article 7, Subparagraph 3, Paragraph 1, Article 17, Paragraph 1, Article 18, Paragraph 1, Article 31 (including all foreign workers on the same labor insurance certificate number), when the Central Competent Authority examines the ratio of foreign workers employed the following formula is used:

Maximum number of employed foreign workers =

Total number of employees hired x

(ratio prescribed in the subparagraphs of Paragraph 1, Article 34 of the Review Standards.

+

(Increased ratios in the subparagraphs of Paragraph 1, Article 18, or the subparagraphs of Paragraph 1, Article 26 of the Review Standards)

+

(Further increased ratios in the proviso in Paragraph 3, Article 28 of the Review Standards or Paragraph 2, Article 31 of the Review Standards)

$$\text{Number of employees hired} \times \left[ \begin{array}{c} \text{The Ratio of} \\ \text{Article 19-5} \\ \text{Paragraph 1} \\ \text{in Reviewing} \\ \text{Standard} \end{array} + \begin{array}{c} \text{To increase ratio} \\ \text{of each item in} \\ \text{Article 18,} \\ \text{paragraph 1 or} \\ \text{increase ratio of} \\ \text{each item in} \\ \text{Reviewing} \\ \text{Standard} \\ \text{Article 19-3} \\ \text{Paragraph 1} \end{array} \right]$$

The acceptance standards adopted in the above formula are as follows:

(1) Total number of employees: Calculated based on the average number of employees insured by the employer over the three month period two months prior to the base month, which is two months before the inspection conducted by the Central Competent Authority.

(2) Increased ratio based on subparagraphs in Paragraph 1, Article 18 or subparagraphs in Paragraph 1, Article 26 of the Review Standards: Based on the actual number of continued employment foreign workers employed by an employer as defined in the subparagraphs of Paragraph 1, Article 18 or subparagraphs of Paragraph 1, Article 26 of the Review Standards. The upper limit for the increased ratio of foreign workers employed is limited by the stipulated highest value for the increased ratio.

(3) (Further increased ratio based on the proviso in Paragraph 3, Article 28 of the Review Standards or the further increased ratio based on Paragraph 2, Article 31 of the Review Standards: Based on the actual number of continued employment foreign workers employed by an employer as defined in the proviso in Paragraph 3, Article 28 of the Review Standards or Paragraph 2, Article 31 of the Review Standards. The further increased ratio for continued employment of foreign workers based on the proviso in Paragraph 3, Article 28 of the Review Standards is limited to five years (Paragraph 2, Article 52 of the Act clearly stipulates that the longest validity of an employment permit for a foreign worker is three years. As such, the aforementioned five year limit refers to the three year employment period on a first recruitment permit with the additional two year period stipulated for re-recruitment foreign workers in Article 37 of the Review Standards).

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

(1) Employers not engaged in the continued employment of foreign workers as defined in Paragraph 1, Article 18, Article 26 of the Review Standards, the proviso in Paragraph 3, Article 28, or Paragraph 2, Article 31 of the Review Standards, should be inspected in ac-

cordance with provisions contained in the first point of this addendum.

(2) Employers engaged in the continued employment of foreign workers as defined in Paragraph 1, Article 18, Article 26 of the Review Standards, the proviso in Paragraph 3, Article 28, or Paragraph 2, Article 31 of the Review Standards, should be inspected in accordance with provisions contained in the first and second points of this addendum.