

Addendum 14: Maximum number of foreign workers employed to engage in intermediate skilled work and travel and accommodation work in various industries

Work category		Allocation ratio, number of hired employees and total number of hired foreign workers
<u>Subparagraph 3, Article 6</u>	1.Ocean fishing work	<p>(1) The total number of intermediate skilled foreign workers applied for by an employer to engage in ocean fishing work must not exceed 25 percent of the number of fishing crew members listed on the fishing license minus the minimum number of crew for ocean bound fishing vessels (if the number of crew on an ocean bound vessel is greater than the minimum complement required the crew members should be listed).</p> <p>(2) The total number of intermediate skilled foreign workers applied for by an employer to engage in caged aquaculture work, with employers allowed to employ one foreign worker per half hectare based on the aquaculture area listed on the fishing industry license or fishing business entry certificate.</p> <p>(3) When an employer applies to hire intermediate skilled workers in accordance with the provisions of the above subparagraph, a minimum of one worker must be hired.</p> <p>(4) When applying to employ intermediate skilled foreign workers in accordance with the provisions of Subparagrah 1 and Subparagraph 2, the total number of workers should include the number of workers impacted by the cancellation of foreign worker recruitment permits and employment permits, for reasons attributable to the employer, within the two year period prior to the application.</p>
	2.Manufactu ring work	<p>(1) Employer applications to employ workers cannot exceed the following ratios:</p> <p>1. For manufacturing firms in free trade port areas, the total number of foreign workers applied for shall not exceed 10 percent of the average number of employees per month in the one year period prior to the two months before the employer makes the application.</p> <p>2. For Type A+ industries detailed in Addendum 5, Article 24, the total number of foreign workers applied for shall not exceed 8.75 percent of the average number of employees per month in the one year period prior to the two months before the employer makes the application.</p> <p>3. For Type A industries detailed in Addendum 5, Article 24, the total number of foreign workers applied for shall not exceed 6.25 percent</p>

		<p>of the average number of employees per month in the one year period prior to the two months before the employer makes the application.</p> <p>4. For Type B industries detailed in Addendum 5, Article 24, the total number of foreign workers applied for shall not exceed 5 percent of the average number of employees per month in the one year period prior to the two months before the employer makes the application.</p> <p>5. For Type C industries detailed in Addendum 5, Article 24, the total number of foreign workers applied for shall not exceed 3.75 percent of the average number of employees per month in the one year period prior to the two months before the employer makes the application.</p> <p>6. For Type D industries detailed in Addendum 5, Article 24, the total number of foreign workers applied for shall not exceed 2.5 percent of the average number of employees per month in the one year period prior to the two months before the employer makes the application.</p> <p>(2) The confirmed total number of intermediate skilled foreign workers applied for by an employer must include the following and not exceed 50 percent of the average number of employees per month in the one year period prior to the two months before the employer makes the application.:</p> <ol style="list-style-type: none"> 1. Foreign workers that are part of an application or already employed pursuant to the provisions of Subparagraph 1, Paragraph 1, Article 46 of the Act. However, after consultation and agreement between the Central Competent Authority and central competent authority in charge of the target business, these workers are not included when calculating the total number of foreign workers employed. 2. Foreign workers that are part of part of an application or already employed pursuant to the provisions of Subparagraphs 10 and 11, Paragraph 1, Article 46 of the Act. 3. Number of intermediate skilled foreign workers that are part of part of an application or already employed. <p>(3) When an employer applies to hire intermediate skilled workers in accordance with the above two subparagraphs, a minimum of one worker must be hired.</p> <p>(4) The total number of intermediate skilled foreign workers for which employment applications are filed pursuant to Subparagraphs 1 and</p>
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	3. Construction work	<p>(1) When an employer hires intermediate skilled foreign workers to engage in work detailed in Article 42 and Article 43:</p> <p>1. The total number of intermediate skilled foreign workers applied for by an employer to engage in construction work cannot exceed 5 percent of the number calculated based on the Project Finance Methodology and Demand Model. However, when public works projects face the following situations calculations should be made separately for each regulation:</p> <p>(1) When a total score of 80 or more is achieved based on a calculation using the grading indicator and formula detailed in Addendum 9, Article 44, with 25 percent of the allocation ratio for foreign workers calculated by multiplying the total score by 4/1000.</p> <p>(2) When the ratio is 25 percent of the ratio for which the central competent authority sought authorization from the Executive Yuan.</p> <p>2. The confirmed total number of intermediate skilled foreign workers applied for by an employer to engage in construction work must include the following and not exceed 50 percent of the number calculated based on the Project Finance Methodology and Demand Model. However, this does not apply when the Executive Yuan approves an increase in the foreign worker ratio.</p> <p>(1) Foreign workers that are part of an application or already employed pursuant to the provisions of Subparagraph 1, Paragraph 1, Article 46 of the Act. However, after consultation and agreement between the Central Competent Authority and central competent authority in charge of the target business, these workers are not included when calculating the total number of foreign workers employed.</p> <p>(2) Foreign workers that are part of an application or already employed pursuant to the provisions of Subparagraphs 10 and 11, Paragraph 1, Article 46 of the Act.</p> <p>(3) Number of intermediate skilled foreign workers that are part of an application or already employed.</p>

		<p>(2) Employers who apply to hire intermediate skilled foreign workers to engage in work detailed in Article 47-1:</p> <p><u>1.</u> When an employer applies to hire intermediate skilled foreign workers, the total number must not exceed 7.5 percent of the average number of hired employees with labor insurance in the year prior to the two months before the employer makes the application.</p> <p><u>2.</u> When an employer applies to hire intermediate skilled foreign workers, the total number, after including the following, must not exceed 50 percent of the average number of hired employees in the year prior to the two months before the employer makes the application.</p> <p>(1) Number of foreign workers for whom employment applications are filed or who are already employed pursuant to the provisions of Subparagraph 1, Paragraph 1, Article 46 of the Act. However, these can be omitted from the calculation of total foreign workers when the Central Competent Authority consults with the central competent authority for the target business and agreement is reached.</p> <p>(2) Number of foreign workers for whom employment applications are filed or who are already employed pursuant to the provisions of Subparagraph 10 and Subparagraph 11, Paragraph 1, Article 46 of the Act</p> <p>(3) Number of intermediate skilled foreign workers for whom employment applications are filed or who are already employed.</p> <p>3. Calculations of the total number of foreign workers detailed in the above two items do not include the number of workers applied for pursuant to the provisions of Item 5-1, Subparagraph 3, Article 6, Article 42 and Article 43.</p> <p>(3) When an employer applies to hire intermediate skilled workers in accordance with the above two subparagraphs, a minimum of one worker must be hired.</p> <p>(4) The total number of intermediate skilled foreign workers for which employment applications are filed pursuant to Subparagraphs 1 and 2 should include the number of workers impacted by the cancellation of foreign worker recruitment permits and employment permits, for reasons attributable to the employer, in the two years preceding the application.</p>
	4.Slaughterh	(1) The total number of intermediate skilled foreign workers employer

	<p>ouse work</p>	<p>apply to hire cannot exceed 6.25% of the average number of hired employees participating in labor insurance in the one year period before the two months prior to the month in which the application is submitted.</p> <p>(2) The determination as to the total number of intermediate skilled foreign workers an employer can apply to hire includes the following and cannot exceed 50% of the average number of employees in the one year period before the two months prior to the month in which the application is submitted:</p> <ol style="list-style-type: none"> 1. Foreign workers an employer applies to hire or has already hired pursuant to the provisions of Subparagraph 1, Paragraph 1, Article 46 of the Act. However, after consultation and agreement between the Central Competent Authority and central competent authority in charge of the target business, these workers are not included when calculating the total number of foreign workers employed. 2. Foreign workers detailed in the provisions of Subparagraph 10 and 11, Paragraph 1, Article 46 of the Act an employer applies to hire or has already hired. 3. Intermediate skilled foreign workers an employer applies to hire or has already hired. <p>(3) When an employer applies to hire intermediate skilled foreign workers in accordance with the provisions of the above two subparagraphs, a minimum of one person must be hired.</p> <p>(4) The determination as to the total number of intermediate skilled foreign workers an employer can apply to hire in accordance with the provisions of Subparagraphs 1 and 2 should include the number on revoked foreign worker recruitment permits and employment permits for reasons attributable to the employer recorded in the two years prior to the submission of the application.</p>
	<p>5. Outreach agricultural work</p>	<p>(1) The total number of intermediate skilled foreign workers applied for by an employer must not exceed 25 percent of the average number of hired employees per month with labor insurance in the one year period prior to the two months before the employer makes the application.</p> <p>(2) When an employer applies to hire intermediate skilled workers in accordance with the above two subparagraphs, a minimum of one worker must be hired.</p> <p>(3) The total number of intermediate skilled foreign workers for which</p>

		employment applications are filed pursuant to Subparagraph 1 should include the number of workers impacted by the cancellation of foreign worker recruitment permits and employment permits, for reasons attributable to the employer, within the two year period prior to the application.
	6.Agricultural work	<p>(1) If an employer is an individual farmer or farmer's group and employs 10 foreign workers or fewer any application to employ intermediate skilled foreign workers must not exceed 25 percent of the average number of hired employees in the year prior to the two months before the employer makes the application.</p> <p>(2) If an employer is an individual farmer or farmer's group and employs more than 10 foreign workers any application to employ intermediate skilled foreign workers must not exceed 8.75 percent of the average number of hired employees in the year prior to the two months before the employer makes the application.</p> <p>(3) When an employer applies to hire intermediate skilled foreign workers to ensure a fully operational business (including business units that have a legal personality and those that do not), the total number must not exceed 8.75 percent of the average number of hired employees in the year prior to the two months before the employer makes the application.</p> <p>(4) When an employer applies to hire intermediate skilled workers in accordance with the above three subparagraphs, a minimum of one worker must be hired.</p> <p>(5) The confirmed total number of intermediate skilled foreign workers applied for by an employer in accordance with Subparagraphs 1-3 should include the number of workers impacted by the cancellation of foreign worker recruitment permits and employment permits, for reasons attributable to the employer, within the two year period prior to the application.</p>
	7.Institutional care work	<p>(1) Applications to employ intermediate skilled foreign workers to engage in work listed in Subparagraph 1, Article 15:</p> <p>1. One foreign worker can be hired for every three beds, in accordance with its permitted business scale registered under law, but the number of foreign workers shall not exceed 25 percent of the total number of domestic caregivers and nursing staff, based on the number of employees at the institution with labor insurance on the date of the application for an employment permit.</p>

		<p>2. When an employer applies to hire intermediate skilled workers in accordance with the above item, a minimum of one worker must be hired.</p> <p>(2) Applications to employ intermediate skilled foreign workers to engage in work listed in Subparagraphs 2 and 3, Article 15:</p> <p>1. One foreign worker can be hired for every five beds, in accordance with a registration permit, legal registration, or permitted service scale registered under law. For insitutions referred to in Subparagraph 2 and Subparagraph 3 of Article 15, but the number of foreign workers shall not exceed 25 percent of the total number of domestic caregivers and nursing staff; In hospitals referred to in Subparagraph 2 of Article 15, the number of foreign workers shall not exceed 25 percent of the number of domestic caregivers. The number of domestic caregivers and nursing staff is basedon the number of employees at the institution with labor insurance on the date of the application for an employment permit.</p> <p>2. When an employer applies to hire intermediate skilled workers in accordance with the above item, a minimum of one worker must be hired.</p> <p>(3) The confirmed total number of intermediate skilled foreign workers applied for by an employer in accordance with Subparagraphs 1-2 should include the number of workers impacted by the cancellation of foreign worker recruitment permits and employment permits, for reasons attributable to the employer, within the two year period prior to the application.</p>
	8.Live-in care work	<p>(1) If a care recipient has already applied to employ a foreign worker pursuant to the provisions of Subparagraph 9, Paragraph 1, Article 46 of the Act a no further application to employ an intermediate skilled worker can be made.</p> <p>(2) A care recipient can only apply to employ one caregiver. However, if the following situations pertain a second caregiver can be hired:</p> <p>1. The care recipient is recorded as being in a persistent vegetative state in the disability manual or certificate.</p> <p>2. A professional medical evaluation classifies a care recipient as scoring zero on the Barthel Index and there being no chance of improvement for a six month period.</p> <p>(3) The total number of intermediate skilled foreign workers for which employment applications are filed pursuant to Subparagraphs 1 and</p>

		2 should include the number of workers impacted by the cancellation of foreign worker recruitment permits and employment permits, for reasons attributable to the employer, in the two years preceding the application.
<u>Subparagraph 4, Article 6</u>	<u>Travel and accommodation work</u>	<p><u>(1) The total number of graduated foreign and overseas Chinese students for which an application is filed cannot exceed 30% of the average number of employees in the year prior to the two-month period preceding the application.</u></p> <p><u>(2) The minimum number of graduated foreign and overseas Chinese students for which an employer can apply pursuant to the previous subparagraph is one</u></p> <p><u>(3) The total number of graduated foreign and overseas Chinese students for which an employment application is filed pursuant to Subparagraph 1, should also include the number of foreign workers to have their employment permits revoked for reasons attributable to the employer in the two years preceding the application date.</u></p>

Note:

1. When an employer hires foreign workers to engage in intermediate skilled work or graduate foreign and overseas Chinese students to engage in travel and accommodation related work, there cannot be zero domestic workers. However, this condition is waived when a natural employer applies for foreign workers to engage in work in the following situations:
 - (1) Those engaged in intermediate skilled live-in care work.
 - (2) Those engaged in ocean fishing work when no domestic workers are employed and there is an agreement with a partner that catch profits will be allocated on a fixed ratio basis.
 - (3) When actual agricultural work is engaged in at an agriculture, forestry, animal husbandry or aquaculture work location and labor insurance is not provided.
2. When an employer hires foreign workers to engage in intermediate skilled work or foreign and overseas Chinese students to engage in travel and accommodation work, they should be allocated individual labor insurance numbers.