

# 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

## Article 11

The total number of foreign workers employed to engage in ocean fishing work pursuant to Subparagraphs 1 and 2 of the preceding Article shall include the following and cannot exceed the number of crew permitted on the fishing boat license.

1. Number of foreign workers on an initial recruitment application.
2. Minimum number of senior crew permitted on an ocean going vessel or required crew compliment on a small powered boat; minimum of one.
3. Number of workers on an application for a recruitment permit, number of workers granted a recruitment permit and number of foreign workers already employed.
4. 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.

Minimum number of senior crew permitted on an ocean going vessel, or required crew compliment on a small powered boat referred to in the preceding paragraph, shall be determined by regulations publicly announced by the central competent authority in charge of the target business and the related provisions of the Small Vessel Management Regulations.

When the number of domestic crew on the same fishing boat is more than the minimum number of crew allowed for ocean going vessels referred to in the preceding paragraph, the number of ocean going crew must be recorded.

Foreign workers employed to engage in ocean fishing work by employers detailed in Subparagraph 3 of the previous Article are required to comply with the aquaculture area specified on the fishing industry license or fishing business entry certificate, where the employer can hire one foreign worker per half hectare. However, the number of foreign workers cannot exceed two-thirds of the total number of domestic workers employed.

The number of domestic workers referred to in the previous paragraph, is calculated based on the average number of employees with labor insurance on the same insurance certificate number per month in the one year period preceding the two months before the application. However, if the employer's labor insurance is not compulsory pursuant to Article 6 of the Labor Insurance Act and he/she does not establish an insurance coverage unit, a certified document verified by the municipal or county (city) government competent fishing authority must be submitted.

The total number of foreign workers employed detailed in Paragraph 4 should include the following:

1. Number of foreign workers applying for first time recruitment
2. Number of foreign workers allowed to apply for a recruitment permit, who have received a recruitment permit or are already employed.
3. 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.

If employers referred to in Subparagraph 3 of the previous Article work with a partner in the caged aquaculture industry detailed in Article 3, the partnership must be notarized and a list of partners be verified by the municipal or county (city) government competent

fishing authority. In addition, the number of partners should be included in the calculation of domestic workers in the previous paragraph.

The number of foreign workers employed pursuant to Subparagraph 3, Paragraph 1 and Subparagraph 2, Paragraph 6 should also include intermediate skilled ocean fishing workers.

#### Article 14

Employers who employ live-in home help pursuant to the provisions of the previous two Articles are limited to one home help per household.

The total number of hired foreign workers referenced in the previous paragraph includes the following numbers:

1. Number of foreign workers on an initial recruitment application.
2. Number of workers on an application for a recruitment permit, number of workers with recruitment permits, and number of foreign workers already employed
3. Number of foreign workers permitted to transfer employers or work who have not yet received continued employment from a new employer or left the Republic of China.
4. 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.

#### Article 17

The total number of foreign institutional caregivers hired by employers referred to in the preceding Article should include:

1. Number of foreign workers on an initial recruitment application.
2. Number of foreign workers permitted to transfer employers or work who have not yet received continued employment from a new employer or left the Republic of China. However, foreign workers in the following situations are not included in the calculation:
  - (1) Number of foreign workers an employer seeks to continue employing when he/she applies to the Central Competent Authority for re-recruitment four months or more before the workers' employment permit ends.
  - (2) Number of foreign workers when the factual basis for the original recruitment permit changes and the employer is unable to apply for replacement recruitment, re-recruitment or employment.
3. 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.

#### Article 22

Foreign workers hired by an employer referred to in the preceding Article to engage in live-in care giving work or intermediate skilled live-in care giving work are limited to one caregiver per care recipient. However, if the care recipient has any of the following conditions an additional caregiver can be hired:

1. Disability manual or certificate that indicates the individual is in a vegetative state
2. When a professional medical evaluation classifies a care recipient as scoring zero on the Barthel Index and there is no chance of improvement for a six month period.

The total number of foreign worker in the previous paragraph should include the following:

1. Number of foreign workers on an initial recruitment application.
2. Number of workers on an application for a recruitment permit, number of workers with recruitment permits and number of foreign workers already employed
3. Number of foreign workers permitted to transfer employers or work who have not yet received continued employment from a new employer or left the Republic of China.
4. 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.

#### Article 26

The ratio of initially recruited foreign workers applied for by an employer in accordance with the previous Article to the total number of employed foreign workers can be increased based on the following conditions. However, the total shall not exceed 40 percent of the average number of employees per month hired by the employer in the year preceding the two months prior to the application:

1. If the ratio is increased by 5 percent, the employer is required to pay an extra NT\$3,000 employment security fee for each foreign worker per month.
2. If the ratio is increased by 5 percent to 10 percent, the employer is required to pay an extra NT\$5,000 employment security fee for each foreign worker per month.
3. If the ratio is increased by 10 percent to 15 percent, the employer is required to pay an extra NT\$7,000 employment security fee for each foreign worker per month.
4. If the ratio is increased by 15 percent to 20 percent, the employer is required to pay an extra NT\$9,000 employment security fee for each foreign worker per month.

If an employer brings in foreign workers in accordance with the increased ratios in the preceding paragraph, the amount of additional employment security fees to be paid cannot be changed.

#### Article 39

An employer can apply for an initial recruitment permit to employ foreign workers after the approval of an outreach manufacturing service proposal submitted to the central competent authority in charge of the target business.

The outreach manufacturing service proposal referred to in the previous paragraph is required to include the following:

1. Certified documents attesting to the employer's qualifications.
2. Plans for the provision of services, fee-charging items, amounts to be charged and a sample contract.
3. Plans for manufacturing manpower deployment, supervision and educational training.
4. Plans for regular inspection and control of the number of workers using outreach manufacturing services at outreach manufacturing service contract locations.
5. Other outreach manufacturing service related information.

Employers are required to adhere to the details of approved outreach manufacturing service proposals.

The number of foreign workers hired by an employer to engage in outreach manufacturing work shall not exceed the number approved by the central competent authority in charge of the target business.

The total number of foreign workers employed detailed in the previous paragraph should include the following:

1. Number of foreign workers applying for first time recruitment
2. Number of foreign workers allowed to apply for a recruitment permit, who have received a recruitment permit or are already employed.
3. 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.

#### Article 54

Employers referred to in Paragraph 1 of the previous Article are required to submit an outreach agricultural service plan to the central competent authority in charge of the target business

The outreach agricultural service plan referred to in the preceding paragraph is required to include the following:

1. Certified documents attesting to the employer's qualifications.

2. Plans detailing service provision, fee-charging items and amounts, and a sample contract.

3. Plans for the deployment, supervision and educational training of agricultural manpower.

4. Other outreach agricultural service related information.

After the outreach agricultural service plan is approved by the central competent authority in charge of the target business, the employer is required to adhere to the details of the plan.

The number of foreign workers hired by an employer referred to in the preceding Article to engage in outreach agricultural work cannot exceed the average number of workers on the same labor insurance certificate number per month in the one year period prior to the base month which is two months before the employer submits the application.

The total number of foreign workers employed detailed in the previous paragraph should include the following:

1. Number of foreign workers applying for first time recruitment

2. Number of foreign workers allowed to apply for a recruitment permit, who have received a recruitment permit or are already employed.

3. 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.

## Addendum 9: Project Finance Methodology and Demand Model Calculation Formula

Maximum allocated persons =

Total project cost (NT\$) x project construction cost ratio (%) x manpower cost ratio (%) / average wage (NT\$ / person, day) x project duration (calendar days x allocation ratio (%))

The numerical value standards and ratios adopted in the above formula are as follows:

1. Total Project Cost: The total project cost of public works or major private construction projects should be based on the total cost of the construction project (note: approval of construction projects should be conducted in accordance with construction sector industry category and definition pursuant to the Standard Classification of Industries in the Republic of China) as detailed in the construction contract. If the project authority provides construction project materials outside the scope of the project contract, the cost of those materials should be incorporated into the calculations. Total project cost shall exclude the cost incurred in requisitioning or acquiring land, the purchase of machinery and equipment, and any other items unrelated to construction work. However, when a project contract does not detail total project cost a written document must be submitted by the project authority in charge.
2. Project construction cost ratio is 85%.
3. Manpower cost ratio is 25%.
4. Average wage is NT\$1,700 per day.
5. Project Duration: The project duration of public works projects and major private construction projects should be set forth in the project contract. If project duration is specified in working days, the number of working days should be multiplied by 1.25 to convert the number into calendar days. However, when project duration is not detailed in the project contract a written document should be submitted by the project authority in charge.
6. The allocation ratio is 20%. However, when an individual project has any of the following situations it will be calculated based on the provisions of the different items:
  - (1) When a score of 80 or above is calculated using the grading indicator and calculation formula, the total score is multiplied by 4/1000.
  - (2) When the central competent authority in charge of the target business confirms a need to increase the foreign worker allocation ratio it is required to seek the authorization of the Executive Yuan.

The grading indicator and calculation formula referred to in Item 1, Subparagraph 6 of the previous paragraph are as follows:

1. Grading indicator:

Grading indicator	Grade			
	A	B	C	D

(Weighting)	100	75	50	25
1. Project (30%)	Construction work ancillary to major policy projects authorized by the Executive Yuan	Construction work ancillary to projects authorized by the Executive Yuan	Construction work ancillary to projects authorized by ministries	Construction works ancillary to other projects
Distinctiveness (40%)	<ul style="list-style-type: none"> <li>● Overpass type transport projects</li> <li>● Railway expansion projects</li> <li>● Airport terminal projects</li> <li>● Major energy construction projects</li> </ul>	<ul style="list-style-type: none"> <li>● Tunnel traffic transport projects</li> <li>● Special building projects</li> </ul>	<ul style="list-style-type: none"> <li>● Reservoir projects</li> <li>● Hydropower projects</li> <li>● Harbor project</li> </ul>	<ul style="list-style-type: none"> <li>● Other projects</li> </ul>
3. Scale (30%)*	Urban planning area More than NT\$6 billion (inclusive)	More than NT\$3 billion (inclusive) but less than NT\$6 billion	More than NT\$2 billion (inclusive) but less than NT\$3 billion	Less than NT\$2 billion

	No ur ba n pla n- ni ng are a	More than NT\$3 billion (inclusive)	More than NT\$1.5 bil- lion (inclusive) but less than NT\$3 billion	More than NT\$1 billion (inclusive) but less than NT\$1.5 billion	Less than NT\$1 billion
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Note: Project scale refers to the total contracted value for a single construction tender.

2. Calculation formula:

Total points = (project grade x 30%) + (distinctiveness grade x 40%) + (scale grade x 30%)

Allocation Ratio (%) = Total points x 0.004

The total number of foreign workers employed detailed in Article 44 and Article 45 should include the following:

1. Number of foreign workers applying for first time recruitment
2. Number of foreign workers allowed to apply for a recruitment permit, who have received a recruitment permit or are already employed.
3. 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.

## Addendum 12: Determination of employer qualifications, allocation ratio and number of hired employees for foreign workers employed to engage in work detailed in Article 56

Industry	(1) Animal husbandry work	(2) Agriculture and food work			(3) Aqua-culture work	(4) Any agricultural and forestry work designated by the Central Competent Authority in consultation with the central competent authority in charge of the target business
		Orchids	Edible mushrooms	Vegetables		
1. Employer qualifications	Employers with an animal husbandry farm registration certificate or livestock and poultry breeding registration certificate acquired pursuant to the provisions of the Animal Industry Act, who raise cattle, sheep, horses, pigs, deer, rabbits, chickens, ducks, geese, turkeys, or other livestock and poultry designated by the central competent authority in charge of	Employers who cultivate orchids and are engaged in production management, orchid garden cleaning, the maintenance and management of related tools and machinery, harvesting, sorting,	Employers who cultivate edible mushroom and are engaged in the production and cultivation of mushroom packing bottles, cultivation planting management, maintenance	Employers who cultivate vegetables and are engaged in growing seedlings, production management, maintenance and management of related tools and machinery, harvesting, planting,	Employers with an aquaculture business license or caged aquaculture businesses zone designated fishing industry license issued by the competent authority in charge of the target business or a caged aquaculture businesses entry certificate issued by an exclusive fishing rights holder, who completed the reporting of stocking capacity for the previous year or the current year, and the central competent authority in charge of the target business confirms it to	Employers who manage agriculture and forestry industries and directly engage in related manual work, as publicly announced by the Central Competent Authority in consultation with the central competent authority in charge of the target business.

	<p>the target business, engaging in feeding management, breeding, milking, egg collection, animal husbandry farm environment management and disinfection, waste disposal and reuse, feed preparation, disease prevention and other related manual work determined by the central competent authority in charge of the target business to be in compliance with existing regulations.</p>	<p>picking and packaging work, when the actual scale of production is 0.5 hectares or more, and the central competent authority in charge of the target business confirms it to be in compliance with one of the following qualification s:</p> <ol style="list-style-type: none"> <li>1. Possesses a seedling planting industry registration certificate</li> <li>2. Complies with the</li> </ol>	<p>and management of related tools and machinery, harvesting, planting, waste disposal, sorting, picking and packaging work, when the actual scale of production is 0.6 hectares or more or 270,000 packs (bottles) or more, and the central competent authority in charge of the target business confirms it to be in compliance</p>	<p>picking and packaging work, when the actual scale of production is 2 hectares or more, with greenhouse facilities accounting for an area of 1 hectare or more, and the central competent authority in charge of the target business confirms it to be in compliance with one of the following qualification s:</p> <ol style="list-style-type: none"> <li>1. Complies with the definition of</li> </ol>	<p>be in compliance with relevant regulations.</p>	
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		<p>definition of a farmer or farmers' association in Article 3 of the Agricultural Development Act.</p> <p>3. A business entity engaged in the management of the orchid industry.</p>	<p>with one of the following qualifications:</p> <p>1. Complies with the definition of a farmer or farmers' association in Article 3 of the Agricultural Development Act.</p> <p>2. A business entity engaged in the management of the edible mushroom industry.</p>	<p>a farmer or farmers' association in Article 3 of the Agricultural Development Act.</p> <p>2. A business entity engaged in the management of the vegetable industry.</p>		
2. Allocation Ratio	<p>1. The number of workers on an employer's initial recruitment application and number of foreign workers employed shall be no more than 35% of the monthly average number of employees for the one year period prior to the two months before the month in which the confirmation letter is issued by the central competent authority in charge of the target business.</p> <p>2. The ratio of the number of workers on an employer's initial recruitment application and total number of foreign workers hired by the employer, referred to in the preceding paragraph, can be</p>				<p>The allocation ratio for the number of workers on an employer's initial recruitment application and number of foreign workers employed will be</p>	

	<p>raised by 5%, if the employer pays an additional employment security fee of NT\$3,000, per person per month for each foreign worker hired. However, the total ratio can be no more than 40% of the monthly average number of employees for the one year period prior to the two months before the employer files an application.</p>	<p>announced by the Central Competent Authority in consultation with the central competent authority in charge of the target business.</p>
<p>3. Determining number of employees</p>	<p>1. The average number of employees hired by an employer is calculated as the monthly average number of employees with labor insurance and included on the same labor insurance certificate number in the one year period prior to the two months before the month in which the confirmation letter is issued by the central competent authority in charge of the target business, plus the following subjects actually engaged in agricultural work at agricultural, forestry, animal husbandry or aquaculture work locations owned by an employer, as confirmed by the central competent authority in charge of the target business:</p> <ul style="list-style-type: none"> <li>(1) Individuals enrolled on the farmers' health insurance program.</li> <li>(2) Individuals enrolled on the labor insurance program pursuant to the provisions of Subparagraph 8, Paragraph 1 of Article 6 of the Labor Insurance Act.</li> </ul> <p>2. The additional subjects referred to in the previous paragraph are confirmed as employees upon an application made pursuant to the requirements herein, with no double counting between different employers.</p>	<p>The average number of employees hired by an employer will be announced by the Central Competent Authority in consultation with the central competent authority in charge of the target business.</p>
<p>4. Determining total number of foreign workers</p>	<p>Confirmation of the total number of foreign workers hired by an employer to engage in animal husbandry, agricultural and food, and aquaculture work, or any other agricultural and forestry work designated by the Central Competent Authority in consultation central competent authority in charge of the target business includes the following:</p> <ul style="list-style-type: none"> <li>1. Number of foreign workers included on an initial recruitment application.</li> <li>2. Number of workers on a recruitment application, number with a recruitment permit and number of employed foreign workers</li> <li>3. 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</li> </ul>	

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

Work category	Allocation ratio, number of hired employees and total number of hired foreign workers
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 compliment 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. However, the number cannot exceed 50 percent of employees hired by an employer pursuant to Subparagraphs 1, 8 and 11, Paragraph 1, Article 46 of the Act.</p> <p>(3) When an employer applies to hire intermediate skilled workers in accordance with the provisions of the above 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>
2. Manufacturing work	<p>(1) Employer applications to employ workers cannot exceed the following ratios:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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..</li> <li>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 of the average number of employees per month in the one year period prior to the two months before the employer makes the application..</li> <li>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</li> </ol>

	<p>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"> <li>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.</li> <li>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.</li> <li>3. Number of intermediate skilled foreign workers that are part of part of an application or already employed.</li> </ol> <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>	
3. Construction work	<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> <ol style="list-style-type: none"> <li>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.</li> <li>2. When the ratio is 25 percent of the ratio for which the central competent authority sought authorization from the Executive Yuan.</li> </ol> <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 number calculated based on the Project Finance Methodology and Demand</p>	

	<p>Model. However, this does not apply when the Executive Yuan approves an increase in the foreign worker ratio.</p> <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. Number of intermediate skilled foreign workers that are part of an application or already employed.</li> </ol> <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. Outreach agricultural work	<ol style="list-style-type: none"> <li>(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.</li> <li>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 hired employees per month in the one year period prior to the two months before the employer makes the application: <ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>3. Number of intermediate skilled foreign workers that are part of an application or already employed.</li> </ol> </li> </ol> <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>
5. Agricultural work (limited to orchid, edible	<ol style="list-style-type: none"> <li>(1) The total number of intermediate skilled foreign workers applied for by an employer must not exceed 8.75 percent of the average number of hired employees per month in the one year period prior to the two months before the employer makes the application.</li> <li>2) The confirmed total number of intermediate skilled foreign workers applied for by an employer must include the</li> </ol>

mushroom and vegetable industries)	<p>following and not exceed 50 percent of the average number of hired 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"> <li>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.</li> <li>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.</li> <li>3. Number of intermediate skilled foreign workers that are part of an application or already employed.</li> </ol> <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>
6. Institutional care work	<p>(1) Applications to employ intermediate skilled foreign workers to engage in work listed in Subparagraph 1, Article 15:</p> <ol style="list-style-type: none"> <li>1. One foreign worker can be hired for every three residents in a facility, but the total cannot exceed 25 percent of the domestic caregivers employed. The number of domestic caregivers is calculated as the number of workers with labor insurance on the date of the application for an employment permit.</li> <li>2. When an employer applies to hire intermediate skilled workers in accordance with the above item, a minimum of one worker must be hired.</li> </ol> <p>(2) Applications to employ intermediate skilled foreign workers to engage in work listed in Subparagraphs 1 and 2, Article 15:</p> <ol style="list-style-type: none"> <li>1. One foreign worker can be hired for every five registered beds, but the total cannot exceed 25 percent of the number of domestic caregivers employed. The number of domestic caregivers is calculated as the number of workers with labor insurance on the date of the application for an employment permit.</li> <li>2. When an employer applies to hire intermediate skilled workers in accordance with the above item, a minimum of one worker must be hired.</li> </ol> <p>(3) 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>
7. Live-in care work	<ol style="list-style-type: none"> <li>(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.</li> <li>(2) A care recipient can only apply to employ one caregiver. However, if the following situations pertain a second</li> </ol>

caregiver can be hired:

1. The care recipient is recorded as being in a persistent vegetative state in the disability manual or certificate.
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.
- (3) 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.

Note: When an employer applies to employ foreign workers to engage in intermediate skilled work pursuant to the pro-visions in this addendum, the number of domestic workers hired cannot be zero. However, this does not apply to those who employ foreign workers to engage in intermediate skilled live-in care work, individual employers who hire foreign workers to engage in ocean fishing work, employ no domestic workers and agree to share the surplus with a partner, or individual employers engaged in genuine agricultural work at agricultural, forestry, animal husbandry or aquaculture work location sites used for the cultivation of orchids, edible mushrooms and vegetables who do not participate in the labor insurance system.