

**Article Content**

Title : Enforcement Rules of Protection for workers Incurring Occupational Accidents Act CH

Amended Date : 2019-02-23

Category : Ministry of Labor (勞動部)

- Article 1 These Rules are drawn upon in accordance with Article 40 of the Protection for Workers Incurring Occupational Accidents Act (hereinafter referred to as the Act).
- Article 2 Pursuant to the provisions of Paragraph 2 of Article 3 of the Act, the annual amount appropriated from the surplus of occupational accident insurance balance of the Labor Insurance Fund in the previous financial year may be temporarily appropriated on the basis of appropriation percentage one half of the balance of originally-made final financial statement within three months after the end of the previous financial year, and within three months after the final financial statement being audited the overcharge shall be refunded and the shortage be supplemented
- Article 3 The Bureau of Labor Insurance (hereinafter referred to as the BLI) shall open in a monetary institution or the post office a use-designated account to which the competent authorities can in accordance with the stipulation of Paragraph of Article 4 of the Act appropriate administrative fines imposed by Article 33 and Article 34 of the Act.
- Article 4 The Labor Insurance Supervisory Committee, pursuant to Paragraph 1 of Article 5 of the Act, is in charge of reviewing the following matters:
1. Annual business plan and year-end report of the use-designated fund.
 2. Annual budget and final financial statement of the use-designated fund.
 3. Use-designated fund management.
 4. Other matters in relation to the use-designated fund.
- The Labor Insurance Supervisory Committee shall inform the central competent authority for future reference of the result of review in the previous paragraph.
- Article 5 When applying for disability subsidy of occupational accident in accordance with Paragraph 1 of Article 6 of the Act, the following forms and documents shall be prepared:

1. Application form of worker incurring Occupational accident for disability subsidy and receipt of subsidy.
 2. A written diagnosis of disability of labor insurance.
 3. Relevant supporting documents for occupational accident.
 4. Examination report and image pictures if examined with medical image.
 5. Name of business establishment, name and address of the responsible person and other relevant information.
 6. A written statement that receiving no occupational accident disability compensation paid by the employer in accordance with the provisions of Labor Standards Act.
- The written diagnosis of disability of labor insurance prescribed in Subparagraph 2 of the previous paragraph shall be issued by a contracted hospital or clinic of National Health Insurance. A person whose disability is caused outside the enforcement area of Labor Insurance Act may obtain a written diagnosis from the initially diagnostic hospital or clinic.

- Article 6 When applying for death subsidy of occupational accident in accordance with Paragraph 1 of Article 6 of the Act, the following forms and documents shall be prepared:
1. Application form of worker incurring Occupational accident for death subsidy and receipt of subsidy.
 2. A written diagnosis of death or prosecutor's autopsy certificate; a court's verdict if a person's death is publicly announced.
 3. Relevant supporting documents for occupational accident.
 4. A transcript of household certificate with the date of death listed; if the applicant is an adopted child, the date of adoption shall be recorded. If the applicant and the deceased worker are not in the same household, the transcript of household certificate shall be prepared at the same time for each person.
 5. Name of business establishment, name and address of the responsible person and other relevant information.
 6. A written statement that receiving no occupational accident death compensation paid by the employer in accordance with the provisions of Labor Standards Act.

- Article 7 The sequence of applying for death subsidy of occupational accident in accordance with Paragraph 1 of Article 6 of the Act is as follows:
1. Spouse and children.
 2. Parents.
 3. Grandparents.
 4. Grandchildren.
 5. Siblings.

Article 8

If there are two or more than two applicants of the same sequence prescribed in the previous article, they all are entitled to receiving the subsidy; if the are other unsigned survivors with whom the survivors receiving the subsidy are responsible for sharing the subsidy.

- Article 9 When a worker incurring an occupational accident who has received the disability subsidy prescribed in Paragraph 1 of Article 6 of the Act shall not apply for death subsidy due to the some occupational accident. However, if a worker has applied for disability subsidy but dies as a result of the same occupational accident before receiving the disability subsidy, either disability subsidy or death subsidy can be selected.
- Article 10 When the BLI accepts the application for subsidies prescribed in Paragraph 1 of Article 6, Paragraph 1 and Paragraph 2 of Article 8, Paragraph 1 of Article 9 and Article 12, the regulations on examining injury or sickness incurred on duty for the insured of labor insurance scheme, the table of occupational disease categories of labor insurance scheme; and the regulations of approval by the central competent authority to increase occupational disease categories of labor insurance scheme shall apply mutatis to the decision on occupational accidents for workers .
- Article 11 When the BLI handles the disability subsidy and death subsidy of labor insurance scheme prescribed in Paragraph 1 of Article 6 of the Act, provisions concerning disability benefit and death benefit in the Labor Insurance Act shall apply mutatis to its operation of examination and decision.
- Article 12 The BLI in examining and deciding each subsidy prescribed in the Act may if necessary undertake the following acts:
1. Interviewing the applicant, employer, insured unit, relevant government agencies, organizations or persons.
 2. Requesting with written notice a hospital, clinic or physician to explain or provide relevant information.
 3. Notifying an applicant to submit medical record and relevant examination reports; the cots required shall be paid by the BLI. The BLI without cause shall not disclose any secret of other persons learned or held from the handling of businesses prescribed in the previous paragraph.
- Article 13 When examining and deciding matters in relation to each subsidy prescribed in the Act, the BLI may invite physician(s) with special field to examine and make opinions, and may if re-examination is deemed necessary appoint another hospital or physician to re-examine; the cots required shall be paid by the BLI.

- Article 14 When applying for death subsidy of occupational accident in accordance with Paragraph 1 of Article 6 of the Act, a five-month burial subsidy in a lump sum shall be payable on the basis of minimum monthly insurance salary; a forty-month survivor subsidy shall also be payable on the basis of minimum monthly insurance salary, in case there is survived spouse, children, parents, grandparents, dependant grandchildren or siblings. Dependant grandchildren or siblings denoted in the previous paragraph means that grandchildren or siblings are incapable of making a living and self-supporting, and have to dependent upon the support of the worker incurring an occupational accident before the death of the worker.
- Article 15 A worker stipulated in Paragraph 1 of Article 9 of the Act includes the hired or self-employed worker actually engaged in work.
- Article 16 The BLI shall on the monthly basis submit the following reports to the central competent authority for reference, and also to the Labor Insurance Supervisory Committee:
1. Statistical report of use-designated fund for subsidies.
 2. Balance accounting report of use-designated fund.
 3. Overall condition report of the use of use-designated fund.
- Article 17 When the BLI according to Paragraph 1 of Article 6, Paragraph 1 and Paragraph 2 of Article 8, Paragraph 1 of Article 9 and Article 20 examining whether a worker incurs an occupation disease or not may if necessary notify the worker or the business establishment to submit the worker's written diagnosis of occupational disease, past experience of operation, occupational exposure information, physical and health examination record, medical history, history of living, and history of family diseases.
- Article 18 When a worker or an employer in objection to the diagnosis result of occupational disease may in accordance with the stipulation of Article 11 of the Act submit the following information to the competent authorities of municipal and county/city governments and apply for decision:
1. The worker shall submit the written diagnosis of occupational disease, past experience of operation, occupational exposure information, worker's physical and health examination record, medical history, history of living, and history of family diseases.
 2. The employer shall submit the worker's past experience of operation, occupational exposure information, and worker's physical and health examination record.

Article 19

When the Examination on Occupational Disease Committee according to Article 17 of the Act in cooperation with labor inspectors to inspect a worker's workplace shall inform the worker, employer or labor union of the business establishment of the purpose of inspection, and invite the principal or the delegate to attend.

Article 20 When the Examination on Occupational Disease Committee according to Article 17 of the Act in cooperation with labor inspectors to inspect a worker's workplace shall not disclose the result of inspection and matters in relation to production technology and equipments and finance of operation of the inspected business establishment; this restriction remains applicable even after the term of office for committee members expires.

Article 21 When a business establishment applies in accordance with the stipulation of Article 20 of the Act for the subsidy of auxiliary facilities from the BLI, the following documents shall be prepared:

1. Application form for subsidy of auxiliary facilities.
2. Name list of hiring workers incurring occupational accidents.
3. If a facility is already completed or procured and improved, payment certificate and photographs of the facility before construction, procurement or improvement and photographs of the facility after completion, procurement or improvement; if the facility is not yet completed or improved, photographs of the facility before construction or improvement, lists of cost estimate and other relevant supporting documents.
4. A written statement of receiving no subsidies in accordance with relevant provisions of the Protection for the Physically and Mentally Disabled Act.
5. Other documents deemed necessary by the BLI.

Article 22 When an employer according to the stipulation of Paragraph 1 or Paragraph 2 of Article 25 of the Act required paying a worker severance or retirement payments shall pay within thirty days since the date of labor contract termination.

Article 23 The patterns of documents, forms and tables stipulated in The Act and these Rules shall be determined by the BLI.

Article 24 These rules shall be effective on the date of promulgation. The amendments are implemented on the date of promulgation, except promulgated on Oct. 18, 2013, which was implemented on Mar. 1, 2014.