

**Article Content**

Title : Occupational Safety and Health Act CH

Amended Date : 2019-05-15

Category : Ministry of Labor (勞動部)

Chapter I General Provisions

Article 1 This Act is enacted to protect workers' safety and health and to prevent occupational accidents; if otherwise provided by other applicable act, the provisions of that other act shall prevail.

Article 2 The terms used in this Act are defined as follows:

1. The term "workers" referred to in this Act means laborers, self-employed workers, or other people engaged in work and directed or supervised by the responsible people in workplaces.
2. The term "laborers" referred to in this Act means people employed to work for wages.
3. The term "employers" referred to in this Act means the owners of business entities, or the people in positions of managerial responsibility for such business entities.
4. The term "business entities" referred to in this Act means entities falling within the scope of this Act, which employ laborers to perform work.
5. The terms "occupational accidents" referred to in this Act mean any diseases, injuries, disabilities, or deaths of workers caused by buildings, machinery, equipment, raw materials, materials, chemicals, gases, vapors, dusts, etc., at the place of duty, or as a result of work activities, or due to other occupational causes.

Article 3 The terms "competent authority" referred to in this Act mean the Ministry of Labor at the central government level, the municipal government at the municipality level, or the county (city) government at the county (city) level.

Article 4 This Act shall apply to all industries. However, the central competent authority may specify and officially announce the applicable portion of the provisions of this Act for industries with individual business scale, characteristics, and risk factors.

Article 5 Work assigned to laborers by the employers shall be within a reasonable and feasible scope, with necessary preventative equipment or measures taken to prevent laborers from being involved in occupational accidents.

Those involved in the design, manufacture, or importation of items such as machinery, equipment, tools, raw materials, and materials, as well as those engaged in the design and construction of engineering projects shall carry out risk assessments during the design, manufacturing, importation, or construction planning phase, and endeavor to prevent the occurrence of occupational accidents during the usage of such items, or process of engineering and construction.

Chapter II Safety and Health Facilities

Article 6 The employers shall have the necessary safety and health equipment and measures that comply with regulations for the following items:

1. To prevent the risks of injuries posed by items such as machinery, equipment, and tools;
2. To prevent the risks of injuries posed by materials of an explosive or flammable nature;
3. To prevent the risks of injuries posed by electricity, heat, and other energy sources;
4. To prevent the risks of injuries encountered in the course of activities such as quarrying, excavating, loading and unloading, transportation, stockpiling, collecting and logging;
5. To prevent the risks of injuries posed by falling, falling objects, or collapse at the job site;
6. To prevent the risks of injuries posed by high-pressure gas;
7. To prevent the risks of injuries posed by raw materials, materials, gases, vapors, dusts, solvents, chemicals, toxic substances, oxygen-deficient air;
8. To prevent the risks of injuries posed by radiation, high temperature, low temperature, ultrasonic waves, noise, vibration, and abnormal atmospheric pressure;
9. To prevent the risks of injuries posed by monitoring instruments or high precision operations;
10. To prevent the risks of injuries posed by waste gases, waste liquids and residues;
11. To prevent the risks of injuries posed by flood, wind and fire;
12. To prevent the risks of injuries posed by animals, plants, or microorganisms;
13. To prevent the risks of injuries posed by passages, floors, and stairways;
14. To prevent the risks of injuries posed by failure to adopt adequate ventilation, lighting, illumination, temperature control, or humidity control.

The employers shall adequately plan and adopt the necessary safety and health measures for the following items:

1. To prevent musculoskeletal disorders induced by repetitive operations and related works;

2. To prevent ailments induced by exceptional workload, such as working shifts, working at night, and long working hours;
 3. To prevent wrongful physical or mental harm caused by the actions of others during the execution of job duties;
 4. To allow for evacuation, first-aid treatment, rest, or other actions to protect the physical and mental health of laborers.
- Standards and rules for the necessary safety and health equipment and measures in the preceding two paragraphs shall be established by the central competent authority.

Article 7 Machinery, equipment, or tools specified by the central competent authority whose structures, functions, or safeguards do not fulfill safety standards shall not be manufactured and shipped from the factory, nor imported, rented out, supplied or installed by manufactures, importers, suppliers or employers. The safety standards referred to in the preceding paragraph are stipulated by the central competent authority.

Machinery, equipment, or tools that meet safety standards specified in paragraph 1 shall be registered by manufacturers or importers on the information reporting website specified by the central competent authority. Manufacturers or importers shall put up the safety label in a prominent place on the manufactured or imported products for identification. Products announced as requiring type certification shall be handled in accordance with the provisions of Articles 8 and 9.

The methods for information registration, labeling, and other binding matters to the preceding paragraph shall be stipulated by the central competent authority.

Article 8 Machinery, equipment, or tools announced by the central competent authority as requiring type certification shall not be manufactured and shipped from the factory nor imported by manufactures or importers if their qualification label or type certification is not issued by a certification body authorized by the central competent authority.

If machinery, equipment or tools specified in the preceding paragraph satisfies any one of the following circumstances, certification may be waived and is not subject to the limits set in the preceding paragraph:

1. Those that have undergone inspections, examination, certification, or approval in accordance with Article 16 or other legal regulations.
2. Those that are provided for military or national defense use, with documentation to this effect issued by the Ministry of National Defense or a subordinate body thereof.
3. Those that are special model manufactured or imported in limited quantities for the sole purpose of technological research and development or testing, and have been authorized by

the central competent authority.

4. Those that are used for commercial sample or exhibition and not for actual use or operation purpose, and have been authorized by the central competent authority.

5. Other special circumstances requiring that certification be waived, and approved by the central competent authority.

For the certification referred to in Paragraph 1, where unusual structural specifications of products leading to difficulties in certification, the obligatory applicants may attach the product safety assessment reports and request with the central competent authority for the approval of a suitable means of examination.

For the certification referred to in Paragraph 1, due to the requirements of certification, importers may apply to the central competent authority for prior releases. With approval such certification are allowed to be conducted at location where the products are installed.

The implementation processes, items, standards, obligatory applicants for type certifications, the qualifications, their approval and the revocation and cancellation thereof, qualification mark, labeling methods, the conditions for prior release, request for certification waiver, safety assessment reports, overseeing and supervision, and other binding matters specified in the preceding four paragraphs are stipulated by the central competent authority.

Article 9 Where products have not passed type certification or type certification has expired, manufacturers, importers, suppliers or the employers shall not display a certified mark or other similar, easily confused mark on the product.
The central competent authority or labor inspection agency may conduct random examinations and market examinations of products announced in the mandatory list of type certification; businesses shall not evade, obstruct, or refuse such inspections.

Article 10 The employers shall label, make inventories, and display safety data sheets for hazardous chemicals, and adopt necessary hazard communication measures.
Prior to providing the chemicals in the preceding paragraph to business entities or self-employed workers, the manufacturers, importers, or suppliers shall label them and provide safety data sheets; the same shall be applied for any change of information. The scope, labeling, inventory formats, safety data sheets, and their displays, hazard communication measures and other binding matters regarding the chemicals specified in the preceding two paragraphs are stipulated by the central competent authority.

Article 11 With regard to the chemicals specified in the preceding Article, the employers shall assess the degrees of risks the chemicals

pose based on hazards to health, distribution, quantity of use and other conditions, and adopt management measures according to risk ranking.

The regulations on assessments, risk ranking management procedures and the adoption of measures specified in the preceding paragraphs and other binding matters shall be determined by the central competent authority.

- Article 12** For job sites where the central competent authority has stipulated permissible exposure limits, the employers shall ensure that laborers' hazard exposure is under the permissible level.
- The permissible exposure limits in the preceding paragraph are stipulated by the central competent authority.
- Employers of job site designated by the central competent authority shall formulate a job site monitoring plan, and establish organizations or commission a job site monitoring agency approved by the central competent authority to carry out monitoring. Central-competent-authority-designated monitored items that are exempted from analysis by a monitoring agency may be performed by employed qualified personnel.
- The employers shall publicly disclose and report to the central competent authority the monitoring plans and monitoring results referred to in the preceding paragraph. The central competent authority or a labor inspection agency may examine the plans and results.
- Regulations governing job site designation, disclosure and reporting of monitoring plans and monitoring results, the qualifications of monitoring agencies and personnel, their approval and revocation and termination thereof, and inspection methods in the preceding two paragraphs and other binding matters are stipulated by the central competent authority.

- Article 13** Manufacturers or importers shall not manufacture or import chemicals containing new chemical substances that are not on the inventory of chemical substances announced by the central competent authority prior to submitting a chemical substance safety assessment report to the central competent authority and receiving registration approval for the new substances.
- Substances stipulated by other legislations or which are announced by the central competent authority announces as not applicable shall not be subject to this restriction.
- In order to prevent hazards to the safety and health of workers, the assessment reports in the preceding paragraph may be made public by the central competent authority after examination.
- Regulations governing the announcement of the inventory of chemical substances, registration of new chemical substances, content of assessment reports, examination procedures, and

public disclosure of information in the preceding two paragraphs and other binding matters shall be stipulated by the central competent authority.

Article 14 Manufacturers, importers, suppliers, or employers shall not manufacture, import, supply, or provide for workers to handle or use controlled chemicals that are designated by the central competent authority. However chemicals that are approved by the central competent authority are not subject to this restriction. Manufacturers, importers, suppliers, or employers shall report relevant handling information for priority management chemicals specified by the central competent authority to the central competent authority for reference. Regulations governing the designation of chemicals, conditions of permission, terms, termination or revocation of permission, content of handling information and other binding matters in the preceding two paragraphs shall be stipulated by the central competent authority.

Article 15 For workplaces under any of the following specified circumstances, business entities shall regularly conduct process safety assessments, produce process safety assessment reports, and adopt necessary preventative measures within the deadline stipulated by the central competent authority; the same rule applies when the process is modified.

1. Petrochemical industry which engages in petroleum cracking.
2. Workplaces which engage in the manufacturing, storage, or usage of hazardous chemicals in excess of the quantity stipulated by the central competent authority.

Process safety assessment reports in the preceding paragraph shall be reported by the business entities to the labor inspection agency for reference. Rules governing the quantity of hazardous chemicals, process safety assessment methods, important items for assessment reports, as well as the deadline, items, and methods of reporting for reference in the preceding two paragraphs and other binding matters are stipulated by the central competent authority

Article 16 Employers shall not use machinery or equipment specified as dangerous by the central competent authority without passing an inspection by a labor inspection agency, or by a certificated inspection agency designated by the central competent authority; where such usage exceeds the stipulated period, the machinery and facilities shall not be used without passing a re-inspection. Certificated inspection agencies shall perform their duties in accordance with this Act and orders issued by this Act. Inspection fee standards and the qualifications and

responsibilities of designated inspection agencies are stipulated by the central competent authority. Regulations regarding the types of dangerous machinery or equipment, their required capacities, and the process, completion, usage, modification or other matters of inspection related to procedures, items, and standards of inspection, as well as effective period of approved inspections thereof referred to in Paragraph 1 shall be established by the central competent authority

- Article 17 All workplace building shall be designed by a registered practicing architect in accordance with the law on architecture and the safety and health provisions of this Act.
- Article 18 When there is a concern of a potential imminent danger at a workplace, the employers or people responsible for the worksite shall immediately issue orders to halt work and withdraw laborers to a safe location.
- When laborers discover there is a concern of a threat of imminent danger while executing their duties, under conditions in which the safety of other workers is not jeopardized, they may terminate work of their own accord and withdraw to safe locations, and immediately report to their direct supervisors. The employers shall not dismiss, reassign, not pay wages for the period of work on halt, or otherwise impose unfavorably treatment on laborers taking actions prescribed in the preceding paragraph. However, employers are not subject to this restriction if they can prove that laborers have abused their rights to suspend work and have been affirmed by the competent authority for having complied with labor regulations.
- Article 19 The employers shall not have laborers work in a high temperature worksite for more than six hours each day; employers shall reduce working hours for laborers performing work under abnormal atmospheric pressure conditions, elevated operation, high precision operation, high physical exertion, or other specially hazardous tasks, and give appropriate rest periods during working hours.
- The standards for the preceding paragraph describing the reduction of working hours and adequate time for rest for working under unusually high temperature, abnormal atmospheric pressure, elevated operation, high precision operation, high physical exertion, and other specially hazardous tasks shall be established by the central competent authority in coordination with relevant authorities.
- Article 20 The employers shall conduct pre-employment physical examinations for laborers at the time of employment; for currently employed laborers, the following health examinations shall be conducted:

1. General health examinations.
2. Special health examinations for those involved in tasks with special health hazards.
3. Health examinations of specific items for specific targets workers as designated by the central competent authority.

The examinations in the preceding paragraph shall be performed by physicians from medical institutions approved by the central competent authority in consultation with the central competent health authority; the employers shall keep the examination records and be responsible for the expense of the health examinations; when special health examinations are performed, the employers shall provide detailed information on laborer's work, exposure to hazards, and other work experience information to the medical institution.

Regulations regarding the subjects of examinations and their work experience, the items and time of their examinations, hierarchical health management, examination records and the record keeping period in the preceding two paragraphs and other binding matters are stipulated by the central competent authority. The medical institutions shall report the results of health examinations to the central competent authority for future reference, to be applied as necessary for prevention of work related diseases. The reporting of the results of general health examinations, however, is limited to cases in which abnormalities are discovered in specific items.

Regulations regarding the approval conditions, management of medical institutions, and the qualifications of examination physicians in Paragraph 2, as well as the contents, methods, and deadline for the reporting of examination results in the preceding paragraph and other binding matters to be complied with are stipulated by the central competent authority. The laborers are obligated to accept the examinations in Paragraph 1.

Article 21 The employers shall not employ laborers to engage in a particular type of work for which the physical examination in the preceding Article finds the laborers to be unsuitable for employment. Where a health examination finds an abnormal condition in laborers, medical personnel shall provide the laborer with health guidance. Where the results of a physician's health assessment indicate that a laborer is not suited for his or her original work, the physician's recommendations shall be referred to in changing the laborer's job sites, reassigning the laborer to different duties, or shortening his or her working hours, and adopting health management measures.

The employers shall compile and issue to the laborers a health examination manual based on the results of the examinations pursuant to the preceding Article and personal health

recommendations. This manual shall not be used for purposes other than health management.

The regulations regarding health management measures and the contents of the examination manuals in the preceding two paragraphs and other binding matters to be complied with are stipulated by the central competent authority.

- Article 22** Business entities employing 50 or more laborers shall employ or contract medical personnel to conduct health management, occupational disease prevention, health promotion, and other activities to ensure the health and protection of laborers. Activities related to occupational disease prevention in the preceding paragraph shall be accompanied by safety and health personnel pursuant to Article 23.
- The applicable dates for business entities pursuant to Paragraph 1 may be announced in phases according to their scale and characteristics by the central competent authority.
- The qualifications for medical personnel engaged in labor health services, labor health protection and other binding matters pursuant to Paragraph 1 shall be set by the central competent authority.

Chapter III Safety and Health Management

- Article 23** Employers shall formulate a safety and health management plan based on the scale and characteristics of their business entities, and shall also establish safety and health organizations and personnel to implement safety and health management and self-inspections.
- Where the scale of business entities in the preceding paragraph reaches or exceeds a certain level or have workplaces as stipulated in Article 15 Paragraph 1, the business entities shall establish an occupational safety and health management system.
- The central competent authority may conduct on-site visits and inspections of the occupational safety and health management system stipulated in the preceding paragraph, and may publicly commemorate those with sound management performances once they are recognized.
- Regulations regarding the scale and characteristics of business entities, safety and health organizations, personnel, management, self-inspections, and the establishment, performance recognition, and commendation of occupational safety and health management systems in the preceding three paragraphs and other binding matters to be complied with are stipulated by the central competent authority.
- Article 24** For positions requiring the operations of machinery or equipment designated as dangerous by the central competent authority, the

employers shall hire personnel who have undergone approved training by the central competent authority or are skill-certified.

- Article 25 When business entities recruit contractors for projects, their contractors assume the responsibilities of the employers stipulated in this Act for the portion contracted; the original business entities shall assume joint liabilities with the contractors for occupational accident compensation. The above also applies to subcontractors.
When the original business entities violate this Act or related safety and health regulations, resulting in occupational accidents suffered by laborers employed by the contractors, they assume joint liabilities with the contractors for indemnity. The above also applies to subcontractors.
- Article 26 Prior to contracting its operations in whole or in part, business entities shall inform the contractors of the work environment, hazardous elements, and measures required by this Act and related safety and health regulations.
Prior to subcontracting all or part of the work contracted, contractors shall also inform the subcontractors in accordance with the preceding paragraph.
- Article 27 When business entities, contractors and subcontractors individually hire laborers to work together, the original business entities shall institute the following necessary measures to prevent occupational accidents:
1. Establish a consultative organization, and appoint a person responsible for supervision and coordination of the workplace;
 2. Regulate and integrate work;
 3. Conduct inspections of the workplaces;
 4. Direct and assist in safety and health education related to the contracted work;
 5. Other measures necessary to prevent occupational accidents.
- If the business entities contract two or more contractors for joint operation, but the business entities themselves do not participate in such work, one of the contractors shall be designated to assume the business entities' responsibilities set forth in the preceding paragraph.
- Article 28 If two or more business entities contribute fund jointly for a contracted operation, they shall select one person to act as the representative. Said representative is deemed the employers of such operation, and is liable for the prevention of occupational accidents as stipulated for employers' under this Act.
- Article 29 Employers shall not employ persons under the age of 18 to perform any of the following potentially dangerous or harmful

work:

1. Work in tunnels;
2. Work involving the handling of explosives or flammable substances;
3. Work at sites where lead, mercury, chromium, arsenic, yellow phosphorus, chlorine, hydrogen cyanide, aniline, or other harmful substances are spread;
4. Work at sites where harmful level of radiation is present;
5. Work at sites where harmful level of dust is present;
6. Work involving the cleaning, lubrication, inspection, repair, or the installation or removal of belts or chains on moving machinery or the dangerous parts of power transmission apparatus.
7. Work involving the connecting of electrical wires carrying over 220 volts of electricity;
8. Work involving the handling of smelted minerals or slag;
9. Work involving the ignition or operation of a boiler;
10. Work involving the operation of a rock drill or other machinery with excessive vibration;
11. Work involving the handling of objects above a specific weight;
12. Work involving the operation of a crane or derrick crane;
13. Work involving the operation of a powered winch, powered carrier, or cableway;
14. Work involving the operation of rolling and grinding mills for rubber compounds or synthetic resins;
15. Other work determined to be of a potentially dangerous or hazardous nature by the central competent authority.

The standards for defining the potentially dangerous or harmful work set forth in the preceding paragraph shall be prescribed by the central competent authority.

In the event that a person under the age of 18 engaged in work other than those set forth in Paragraph 1 is found unsuitable for his or her original work as a result of a physician's health assessments stipulated in Article 20 or 22, the employer shall refer to the physician's recommendations to change job site, reassign work, or shorten his or her working hours, and adopt health management measures.

Article 30 Employers shall not employ a pregnant female laborer to perform any of the following potentially dangerous or harmful work:

1. Work in tunnels;
2. Work at a site where lead and its compounds are spread;
3. Work under abnormal air pressure conditions;
4. Work involving the handling of or exposure to *Toxoplasma gondii*, rubella, or other microorganisms or viruses which potentially affect the health of the fetus;
5. Work involving the handling of or exposure to carbon

disulfide, trichloroethylene, ethylene oxide, acrylamide, ethylenimine, arsenic and its compounds, mercury and its inorganic compounds, and other chemicals designated as hazardous by the central competent authority;

6. Work involving the operation of a rock drill or other machinery with excessive vibration;

7. Work involving the handling of objects above a specific weight;

8. Work at a site where harmful level of radiation is present;

9. Work involving the handling of smelted minerals or slag;

10. Work involving the operation of a crane or derrick crane;

11. Work involving the operation of a powered winch, powered carrier, or cableway;

12. Work involving the operation of rolling and grinding mills for rubber compounds or synthetic resins;

13. Work involving the handling of or exposure to disease or lethal microorganisms designated potentially infectious by the central competent authority;

14. Other work determined to be of a potentially dangerous or harmful nature by the central competent authority.

Employers shall not employ female laborers who are still within their first postpartum year to perform any of the following potentially dangerous or hazardous work:

1. Work in tunnels;

2. Work at sites where lead and its compounds are spread;

3. Work involving the operation of a rock drill or other machinery involving excessive vibration;

4. Work involving the handling of objects above a specific weight;

5. Other work determined to be of a potentially dangerous or hazardous nature by the central competent authority.

This limitation shall not apply to the work set forth in subparagraphs 5 to 14 of Paragraph 1 and subparagraphs 3 to 5 of the preceding paragraph where the employers implement maternal health protection measures pursuant to Article 31 and the person involved provides written consent.

The evaluative standards for the potentially dangerous or harmful work set forth in Paragraphs 1 and 2 shall be determined by the central competent authority.

Where the employers are not informed by the person involved of the pregnancy or childbirth and breach the regulations stipulated in Paragraph 1 or 2, the employers shall be exempt from penalty; however, this exemption shall not apply if employers are aware or could have known of the fact.

Article 31 Employers shall institute hazard assessments, controls, and hierarchy management measures for work which is potentially hazardous to maternal health in industries designated by the

central competent authority; for female laborers who are still within their first postpartum year, work adjustment or reassignment or other protective measures shall be adopted in accordance with the physician's suitability assessment recommendations, and records of these measures should be kept. In the event that the laborers in the preceding paragraph experience health abnormalities or adverse reactions due to changes in working conditions or operating processes during the period of protection, where a physician's assessment confirms that the laborers are unsuitable for her original work, the employers shall rearrange the matter in accordance with the provisions of the preceding paragraph.

Regulations regarding the designation of industries, types of work considered potentially hazardous to maternal health, hazard assessment procedures and controls, hierarchy management methods, suitability assessment principles, work adjustment or reassignment, physician qualifications and report formats, and records keeping in Paragraph 1 and other binding matters to be complied with shall be stipulated by the central competent authority.

Where the employers are not informed by the person involved of the pregnancy or childbirth and breach the regulations stipulated in Paragraph 1 or 2, the employers shall be exempt from penalty; however, this exemption shall not apply if employers are aware or could have known of the fact.

Article 32 Employers shall provide laborers with all necessary safety and health education and training to perform duties and prevent accidents.

Regulations governing matters for necessary education and training and the qualifications and management of training entities set forth in the preceding paragraph and other binding matters shall be stipulated by the central competent authority. Laborers are obligated to participate in safety and health education and training in Paragraph 1.

Article 33 Employers shall be responsible for disseminating the content of this Act and related safety and health regulations to all laborers.

Article 34 Employers shall prepare, in consultation with labor representatives, appropriate safety and health work rules which suit their needs. These rules shall be posted and implemented after a copy has been submitted to a labor inspection agency for reference.

Laborers shall conscientiously abide by the rules in the preceding paragraph.

Chapter IV Supervision and Inspections

Article 35 The central competent authority may invite laborers, employers, and government representatives, academic experts, and occupational accident labor organizations to convene occupational safety and health consultative committees to examine and discuss national occupational safety and health policies and provide recommendations; neither genders of members shall comprise less than one third of such a committee.

Article 36 The central competent authority and labor inspection agencies may carry out inspections of places of duty of business entities. Those not conforming to regulations shall be informed of the provisions breached and notified to make improvements within a limited time period. Those failing to make improvements within the specified period of time, or have already had occupational accidents, or for which there is a concern of a potential for occupational accidents to occur may be notified to suspend all or part of their works. Laborers shall be paid their usual wages during the period of work stoppage. When necessary, business entities may request assistance from the central competent authority or consult with consulting services agency to provide professional and technical guidance in making the improvements set forth in the preceding paragraph. Regulations regarding the types, conditions, and scope of services of the consulting services agencies mentioned in the preceding paragraph, qualifications and job duties of consultants, procedures for approval, revocation, termination, and management thereof, and other binding matters to be complied with shall be stipulated by the central competent authority.

Article 37 In the event that an occupational accident occurs at the workplace of business entities, the employers shall immediately take necessary measures such as first aid and emergency rescue, and conduct an investigation, analysis of the accident, and make record of such in consultation with labor representatives. Employers shall notify a labor inspection agency within eight hours of the occurrence of one of the following types of occupational accidents at the place of duty of business entities:

1. Accidents involving death;
2. Accidents causing injuries to three people or more;
3. Accidents causing injuries to one person or more that require hospitalization;
4. All other categories of accidents designated and officially announced by the central competent authority.

After receiving a report as set forth in the preceding paragraph, the labor inspection agency shall dispatch inspector to the workplaces where the accidents causing death or serious injuries occurred.

In the event that accidents of one of the types set forth in Paragraph 2 occur at business entities, without the permission of the appropriate judicial body or inspection agency, the employers shall not disturb or damage the accident site except for necessary first aid or emergency rescue.

Article 38 Employers in industries designated by the central competent authority shall compile reports and statistics on occupational accidents in accordance with regulations, and forward such reports to the labor inspection agencies each month for future reference and post them at the workplaces.

Article 39 Workers may file complaints with the employers, the competent authority, or labor inspection agencies if one of followings is discovered:

1. The business entities are in violation of this Act or related safety and health regulations;
2. A suspected occupational disease;
3. Physical or psychological harm.

The competent authority or labor inspection agencies may conduct an investigation to verify the measures taken by the employers in the preceding paragraph to prevent and respond to such occurrences.

When necessary, the parties or related personnel may be notified to take part in the investigation mentioned in the preceding paragraph.

The employers shall not dismiss, transfer, or otherwise unfavorably treat workers who filed appeal pursuant to Paragraph 1.

Chapter V Penalties

Article 40 Any violation of the provisions of Article 6 Paragraph 1 or Article 16 Paragraph 1 resulting in the occurrence of an accident as set forth in Article 37 Paragraph 2 subparagraph 1 may be subject to a maximum of three years imprisonment, detention and/or a fine of a maximum of NT\$300,000.

Where a crime stipulated in preceding paragraph is committed by a legal entity, in addition to punishing the individual responsible for the entity, the fine set forth in the preceding paragraph shall also be levied against said legal entity.

Article 41 Those in one of the following violations may be subject to a maximum of one year imprisonment, detention, and/or a criminal fine of up to NT\$180,000,:

1. Violations of the provisions of Article 6 Paragraph 1 or Article 16 Paragraph 1 resulting in the occurrence of accidents as set forth in Article 37 Paragraph 2 subparagraph 2.
2. Violations of the provisions of Article 18 Paragraph 1,

Article 29 Paragraph 1, Article 30 Paragraph 1 or 2, or Article 37 Paragraph 4.

3. Violations of a notice to suspend works issued by the central competent authority or labor inspection agency per Article 36, Paragraph 1.

Where a crime stipulated in the preceding paragraph is committed by a legal entity, in addition to punishing the individual responsible for the entity, the fine set forth in the preceding paragraph shall also be levied against said legal entity.

Article 42 Violations of the provisions of Article 15 Paragraph 1 or 2 wherein there is hazardous chemicals leak or a fire or explosion is caused that results in the occurrence of an occupational accident as set forth in Article 37 Paragraph 2 may be subject to a fine of no less than NT\$300,000 but no more than NT\$3,000,000; if notification has been given to make improvements within a limited time period but has failed to do so, an additional fine per violation may be levied. Monitoring data reported by the employer per Article 12 Paragraph 4 that has been verified by the central competent authority as being false shall be subject to a fine of no less than NT\$300,000 but no more than NT\$1,000,000.

Article 43 Any of the following violations shall be subject to a fine of no less than NT\$30,000 but no more than NT\$300,000:

1. Violations of the provisions of Article 10 Paragraph 1, Article 11 Paragraph 1, or Article 23 Paragraph 2, in which notification has been given to make improvements within a limited time period but has failed to do so.
2. Violations of the provisions of Article 6 Paragraph 1, Article 12 Paragraph 1 or 3, Article 14 Paragraph 2, Article 16 Paragraph 1, Article 19 paragraph 1, Article 24, Article 31 Paragraph 1 or 2, or Article 37 Paragraph 1 or 2, or a violation of Article 6 Paragraph 2 leading to the occurrence of an occupational disease.
3. Violations of the provisions of Article 15, Paragraph 1 or 2, for which fines may be levied per violation.
4. Evasion, obstruction, or refusal of an inspection, investigation, random examination, market examination, or verification prescribed by this Act.

Article 44 Failures to register in accordance with the provisions of Article 7 Paragraph 3 or violations of the provisions of Article 10 Paragraph 2 shall be subject to a fine of no less than NT\$30,000 but no more than NT\$150,000; notification has been given to make improvements within a limited time period but has failed to do so, an additional fine per violation may be levied. Violations of Article 7 Paragraph 1, Article 8 Paragraph 1, Article 13 Paragraph 1, or Article 14 Paragraph 1 may be subject

to a fine of no less than NT\$200,000 but no more than NT\$2,000,000, and a deadline may be given by which the violator must cease the importation, production, manufacture, or supply of the related products; where said activities are not ceased by the time specified, fines may be levied per violation.

Failure to mark products in accordance with the provisions of Article 7 Paragraph 3 or violation of Article 9 Paragraph 1 shall be subject to a fine of no less than NT\$30,000 but no more than NT\$300,000, and violators may be ordered to recall the products or make corrections within a set period of time.

Failures to recall products or make corrections in accordance with the provisions of the preceding paragraph shall be subject to a fine of no less than NT\$100,000 but no more than NT\$1,000,000 per violation.

Products in violations of the provisions of Article 7 Paragraph 1, Article 8 paragraph 1, or Article 9 Paragraph 1 or chemicals in violations of the provisions of Article 14 paragraph 1 may be subject to confiscation, destruction, or other necessary measures, the cost of which shall be borne by the person committing the violation.

- Article 45 Any one of the following violations shall be subject to a fine of no less than NT\$30,000 but no more than NT\$150,000:
1. Violations of the provisions of Article 6 Paragraph 2, Article 12 Paragraph 4, Article 20 Paragraph 1 or 2, Article 21 Paragraph 1 or 2, Article 22 Paragraph 1, Article 23 Paragraph 1, Article 32 Paragraph 1, Article 34 Paragraph 1, or Article 38, in which notification has been given to make improvements within a limited time period but has failed to do so.
 2. Violations of the provisions of Article 17, Article 18 Paragraph 3, Articles 26 through 28, Article 29 Paragraph 3, Article 33, or Article 39 Paragraph 4.
 3. Failure to provide wages which should be paid in accordance with the provisions of Article 36 Paragraph 1.
- Article 46 Violations of Article 20 Paragraph 6, Article 32 Paragraph 3, or Article 34 Paragraph 2 shall be subject to a fine of no more than NT\$3,000.
- Article 47 Designated inspection agencies which violate this Act or orders issued in accordance with this Act in the course of executing their duties shall be subject to a fine of no less than NT\$60,000 but no more than NT\$300,000; in the event of severe violations, the central competent authority may also temporarily suspend or revoke the designated inspection agency from their position of inspection.
- Article 48 Anyone committing one of the following acts will be issued a warning or subject to a fine of no less than NT\$60,000 but no

more than NT\$300,000, and may be ordered to make corrections within a limited period of time; failure to make corrections within the limited time or severe violations may be subject to the revocation or termination of approval or the temporary suspension of all or part of its operations;

1. Certification bodies violating regulations prescribed by the central competent authority in accordance with Article 8 Paragraph 5 of this Act.

2. Monitoring agencies violating regulations prescribed by the central competent authority pursuant to Article 12 Paragraph 5 of this Act.

3. Medical institutions violating Article 20 Paragraph 4 and regulations prescribed by the central competent authority pursuant to Article 20 Paragraph 5 of this Act.

4. Training entities violating regulations prescribed by the central competent authority pursuant to Article 32 Paragraph 2 of this Act.

5. Consultation services agencies violate regulations prescribed by the central competent authority pursuant to Article 36 Paragraph 3 of this Act.

Article 49 Where any one of the following conditions applies to an entity, the names of the business entities, employers, designated inspection agencies, certification bodies, monitoring agencies, medical institutions, training entities or consultation services agencies and the names of the people in charge may be made public:

1. Accidents as set forth in Article 37 Paragraph 2 occur.

2. Circumstances set forth in Articles 40 through 45, Article 47, or Article 48.

3. Occurrence of occupational diseases.

Chapter VI Supplementary Provisions

Article 50 In order to enhance employers and workers' knowledge of occupational safety and health and to promote the development of occupational safety and health culture, the central competent authority may stipulate regulations regarding rewards or subsidies to encourage business entities and related groups for implementation.

Municipalities, county or city governments, and government authorities in charge of subject industries shall actively promote occupational safety and health work; the central competent authority may stipulate regulations for performance evaluations and rewards.

Article 51 Self-employed workers are subject, *mutatis mutandis*, to the provisions of Articles 5 through 7, Article 9, Article 10, Article 14, Article 16, and Article 24 regarding employers'

obligations and penalties.

People engaged in work directed or supervised by the responsible people in workplaces as described in Article 2 subparagraph 1, when performing labor work at business entities' workplaces, are equally subject to this Act as laborers employed by said enterprise. However the provisions regarding physical examinations and health examinations for currently employed workers as set forth in Article 20 shall not be subject to this restriction.

- Article 52 The central competent authority may commission related professional organizations to handle matters involving the management of certification bodies as set forth in Article 8, random examinations and market examinations as set forth in Article 9, management and review of workplace monitoring agencies, and the reporting of monitoring results as set forth in Article 12, the examinations of the registrations and reporting of new chemical substances as set forth in Article 13, the approval of controlled chemicals and the future reference of the handling information for chemicals for priority management as set forth in Article 14, the management of approved medical institutions and the reporting of health examination results as set forth in Article 20, inspection and performance approval for occupational safety and health management systems as set forth in Article 23 Paragraph 3, the management of training entities as set forth in Article 32 Paragraph 2, and the investigation of suspected occupational diseases as set forth in Article 39 Paragraph 2.
- Article 53 Charges and fees shall be collected by the competent authority for performing tasks such as granting approval, examination, issuing permits, certification, inspections, and designations prescribed by this Act; the standards for said fees shall be stipulated by the central competent authority.
- Article 54 The enforcement rules of this Act shall be determined by the central competent authority.
- Article 55 The date of enforcement of this Act shall be determined by the Executive Yuan.