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Summary:

According to Articles 2, 3, and 6 of the Standards for Fee-charging Items and Amounts of the Private Employment Services Institution and Article 35 of the Employment Service Act, the service fee for providing employment services for foreign persons entering and leaving the country includes the transportation expenses for picking up and seeing off foreign persons. Additional transfer fees or fuel fees cannot be charged.

Full text:

1. According to Article 2 of the Standards for Fee-charging Items and Amounts of the Private Employment Services Institution ("the Standards"), the chargeable items under these Standards are defined as follows: "... 5. Service fee: Expenses required for undertaking employment services matters designated by the central competent authority in accordance with Subparagraph 4 of Paragraph 1 of Article 35 of the [Employment Services] Act, and transportation costs for receiving and sending off foreign person(s) are included." Article 6, paragraph 1, Subparagraph 1, stipulates that "the profit employment services institution is allowed to charge service fees from a foreign person when the foreign person delegates the agency to seek for employment vacancies regulated in Subparagraph 8 to 10, Paragraph 1 of Article 46 of the Act." Thus the amount of service fees that may be charged to foreign persons is as follows:

1. Those who obtain an entry visa after 9 November 2001: the cumulative fees may not exceed TWD 1,800 per month in the first year, TWD 1,700 per month in the second year, and TWD 1,500 per month in the third year. Fees charged to foreign persons who have been employed for more than two years and who leave the country due to the termination of the employment relationship or the expiration of the employment permit period, and return to be employed by the same employer, cannot exceed TWD 1,500 per month. Article 3 of the Regulations for Permission and Supervision of Private Employment Services Institution stipulates that "the other employment service matters designated by the central competent authorities in Article 35, paragraph 1, and subparagraph 4 of the Act are as follows:..."

2. Accepting an employer's appointment to handle matters pertaining to foreign persons working in the Republic of China... making arrangements for their entering and leaving the country... ", as explained above.

2. According to the above, foreign persons employed for more than two years that have left the country due to termination of the labor relationship or expiry of the employment

permit period and that re-enter the country to work under the same employer, even when they have been employed by different employers (for example, employer A for 1 year, employer B for 1 year), as well as foreign persons employed for more than two years that have left the country due to termination of the labor relationship or expiry of the employment permit period and that re-enter the country to work under the same employer, even when they have been employed by different employers (for example, employer A or employer B), may only be charged fees in accordance with Article 6, paragraph 1, subparagraph 1 of the Standards, regardless of whether the foreign person and the employer use the same agency or not. In addition, the foreign person's service fee charging standard for changing to a new employer (not due to termination of the labor relationship or the expiry of the employment permit period and re-entry into the country to work) is based on the foreign person's accumulative period of working in Taiwan (e.g.: The foreign person is hired by Employer A for 13 months, and then taken over by Employer B for a month. The foreign person's accumulative working period is 14 months. Thus, in accordance with Article 6, paragraph 1, subparagraph 1, the monthly service fee during this second year must not exceed TWD 1,700). The working period must not be reset and calculated from zero after changing to a new employer.

3. In accordance with the above regulations, the service fee for providing employment services for foreign persons entering and leaving the country includes the transportation expenses needed to picking up and seeing off the foreign persons. In other words, the service fee for providing employment services for foreign persons entering and leaving the country includes the transportation expenses for picking up and seeing off foreign persons. Additional transfer fees or fuel fees cannot be charged.