

Issued by: Council of Labor Affairs, Executive Yuan

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Topic: To interpret the upgrade of foreign care workers' care service quality, the foreign care workers are required to complete the 90-hour orientation training for caregivers locally before arriving in Taiwan. The training certificate shall serve as their professional certificate to support their applications for entry visa; for the sake of successful management of the whole foreign workers, the employer shall not arrange foreign care workers to undergo further training in any workplace other than that permitted initially after the foreign care workers enter the country.

Subject: Where the on-the-job training of foreign care workers planned or organized by, or contracted to, the central or local competent authority doesn't involve the provision of labor services or works, there is no concern about violations of the Employment Service Act (hereinafter referred to as the "Act"). Please take notice of this matter accordingly.

Descriptions: 1. This is in response to the letter from the Department of Health, New Taipei City under Bei-Wei-Xin-Zi No. 1000058955 dated May 19, 2011.

2. First of all, please note that the "job type" and "workplace" of the foreign worker as referred to in the employment permit for that foreign worker as issued by us both constitute a part of the permit. Therefore, if the employer designates any foreign worker employed by him to engage in the job other than that referred to in the permit or changes the foreign worker's workplace referred to in the permit without permission, according to subparagraphs 3 and 4, Article 57, Paragraph 1 of Article 68, and Article 72 of the Act, the employer shall be fined more than NT\$30,000 but less than NT\$150,000 and required to rectify the misconduct within a specific time limit. Where the employee fails to do so with the specific time limit, the employer's recruitment permit and employment permit shall be abolished accordingly.

3. In order to upgrade foreign care workers' care service quality, we have required that the foreign care workers should complete the 90-hour orientation training for caregivers locally before arriving in Taiwan, and the training certificate shall serve as their professional certificate to support their applications for the entry visa. Considering that foreign care workers are supposed to be specialized in the said profession before arriving in Taiwan, and for the sake of successful management of the whole foreign workers, the employer shall not arrange the foreign care workers to undergo further training in any workplace other than that permitted initially after the foreign care workers enter the country.
4. In order to upgrade foreign care workers' care service quality, the on-the-job training programs attended by the foreign care workers after entry to Taiwan shall satisfy the following conditions:
 - (1) The programs shall be planned or organized by, or contracted to, a central or local competent authority.
 - (2) The programs do not involve the provision of labor services or works.
 - (3) The foreign care workers shall attend the training subject to prior approval from their employers or during their vacation.
 - (4) The on-the-job training shall correspond to the scope of the permit issued by us and refrain from involving any professional medical care practices.
5. Our letter under Lao-Zhi-Wai-Zi No. 0930206071 dated September 15, 2004 shall be abolished immediately.