

Issuing unit: Council of Labor Affairs

Document
number: Letter Lao-Zhi-Xu-Zi No. 0970029525

Issuing date: 24 November 2008

Summary: Article 52 of the Employment Service Act stipulate that three (3) consecutive days of absenteeism refers to a foreign national being absent for three (3) consecutive actual working days without requesting leave or providing a reason to the employer or life care supervisor. Fixed days off and flexible days off do not count toward the days of absenteeism.

Full text: With regard to determining the start of calculation and the number of days of a foreign national's absenteeism for three (3) consecutive days, Letter Tai (89) Lao-Zhi-Wai-Zi No. 0215606 dated 22 August 2000 issued by this Council, based on Article 52, Paragraph 1 (currently Article 56) of the Employment Service Act (the "Act") stipulates that "three consecutive days of absenteeism" refers to a foreign national being absent for three (3) consecutive actual working days without requesting leave or providing a reason to the employer or life care supervisor. Fixed days off and flexible days off do not count toward the days of absenteeism. In addition, employers must notify the local competent authority and police department "within three days." This means that after a foreign national has been absent from work for three (3) consecutive actual working days, the employer must notify the local competent authority and police department within three (3) days counted from the day after the three days of absenteeism. If the last (third) day falls on a Sunday, national holiday or other day of rest, the following day is the end of the period. If the last day falls on a Saturday, the following Monday is the end of the period. If the employer and employee agree to terminate the employment relationship and the foreign national can no longer be contacted, the employer must still report [the absenteeism] in accordance with the Act.