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Summary: Articles 44 and 57 of the Employment Service Act require that vocational training for the purpose of the work permitted be provided at the work location stated on the work permit. Vocational training at any other place raises suspicion of the nature of the labor being in violation of the law.

Full text: 1. An employer in Taipei County, private elderly care center A had commissioned Center Tai-X to train its foreign workers on its behalf. In its Letter Tai (85) Lao-Zhi-Ye-Zi No. 136771 dated 9 January 1996, the Council clarified the matter as follows: "... Such an implementation of vocational training is illegal and prohibited by law. It must comply with applicable laws and related orders: vocational training of foreign workers must take place at the work location stated on the work permit, to demonstrate the intention to not violate any laws or regulations.... The provision of vocational training at a location other than the work location and certain types of labor... may raise fears that the Employment Service Act (the "Act") ... could be violated." Thus, on-the-job training of foreign workers must by law be implemented at the work location stated on the work permit. In other words, private elderly care center A, an employer in Taipei County, was likely in violation of Article 57, Paragraph 3 of the Act, while Center Tai-X was likely in violation of Article 44 or Article 57, Paragraph 1 of the Act.

2. Another employer in Taipei County, private elderly care center B commissioned Center Yang-X to train its foreign workers on its behalf. An investigation found that the Responsible Persons at Center B and Center Yang-X were both Mr/Ms Li, who assigned its foreign workers to perform nursing work at another center belonging to the same business group. Because the Responsible Persons were one and the same, the private elderly care center B, an employer in Taipei County (i.e. Mr/Ms Li) was likely in violation of Article 57, Paragraph 3 of the Act.