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Summary: A company has permanently dispatched a foreign worker to another factory of the company to perform mechanical after-sales maintenance work. This is not permitted by law, as those tasks fall outside the scope of the work permit.

Full text: A foreign worker's "type of work" and "work location" are part of the scope of the work permit issued by this Council to an employer. If an employer incidentally or permanently assigns a foreign worker to another location than the one stated in the work permit without permission, Article 57, Paragraphs 3 and 4, Article 68, Paragraph 1, and Article 72 of the Employment Service Act apply, stipulating that the employer be fined from TWD 30,000 to TWD 150,000 and be ordered to make improvements within a time limit. If no improvements are made by the set time limit, the employer's recruitment permit and work permit must be revoked. In addition, Letter Tai (85) Lao-Zhi-Wai-Zi No. 081860 dated 28 June 1996, Letter Tai (86) Lao-Zhi-Wai-Zi No. 0900693 dated 17 April 1997, Letter Tai (87) Lao-Zhi-Wai-Zi No. 0904432 dated 12 December 1998, all letters of interpretation issued by this Council, clarify that if an employer assigns a foreign worker along with local workers to a location designated by the ordering company (including other counties and cities) to assemble products and perform trial runs, and if it falls within the nature of the industry it is usually necessary to perform the contract [between the employer and the ordering company (which must include production volume, specifications, and deadlines), and if this comports with the items under the company's business scope in its business registration, then it may be regarded as an extension of the work of the foreign worker. Whether or not such assignment is in accordance with the nature of the industry and is necessary for the performance of the contract, must be objectively assessed on the basis of the concrete facts. In view of the above, the answer to a certain company's inquiry whether it could send its foreign workers to another one of its factories to perform mechanical after-sales maintenance work, is negative. The

law does not permit such reassignment because it would exceed the scope of the work permit.