

移工不得非法打工

案例

移工阿妮受雇主聘僱來臺從事家庭看護工作照顧阿嬤，利用休假時間去同鄉開的服飾店打工，幫忙招呼客人及整理商品，卻不知道這個舉動已經違法了。

解析

服飾店老闆娘違反就業服務法規定，聘僱未經許可、許可失效或他人所申請聘僱的外國人從事工作，將處罰鍰15萬至75萬元

移工阿妮違反規定，為申請許可以外的雇主工作，將被廢止聘僱許可並限令出國

● 本項措施符合就業安定基金用途

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It is illegal for foreign workers to engage in part-time work

Example

Foreign worker A-ni was hired by her employer to come to Taiwan and work as a care worker for her grandmother. During her days off, A-ni works part-time at a **clothing store** run by a fellow countryman, greeting customers and organizing merchandise, not realizing that doing so is illegal.

Analysis

The owner of the clothing store violated the provisions of the Employment Service Act by employing a foreign national without permission, whose permit has expired or who another person applied to hire and will be fined NT\$150,000 to NT\$750,000.

Foreign worker A-ni also broke the law by working for an employer who did not apply to hire her and as a result her employment permit will be revoked and she will be ordered to leave Taiwan within a fixed period of time.

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Pekerja Migran Dilarang Bekerja Ilegal

Contoh kasus

Pekerja Migran Ani direkrut datang ke Taiwan sebagai perawat rumah tangga, bekerja merawat nenek. Dia memanfaatkan waktu libur untuk bekerja paruh waktu di **toko busana** milik teman senegarannya, membantu melayani pelanggan dan merapikan barang dagangan, dirinya tidak mengetahui tindakan ini melanggar hukum.

Penjelasan

Ibu pemilik toko busana melanggar **Undang-Undang Layanan Ketenagakerjaan** karena mempekerjakan orang asing tanpa izin, masa izin perekrutan kedaluarsa atau izin perekrutan dari majikan lain, maka akan dikenakan sanksi sebesar NT\$150.000 hingga – NT\$750.000

Pekerja Migran Ani melanggar peraturan, karena bekerja di luar izin perekrutan dengan pemberi kerja lain, maka izin kerjanya akan dicabut dan diperintahkan untuk meninggalkan Taiwan.

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Người lao động nhập cư không được làm thêm bên ngoài



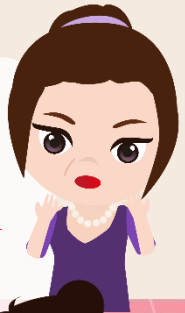
Chị Ni là một khán hộ công gia đình, công việc của chị là chăm sóc bà cụ. Khi được nghỉ phép, chị đi làm thêm tại một cửa hàng quần áo của người đồng hương, giúp đón tiếp khách hàng và làm những việc nhỏ nhất khác, chị không hề biết điều này đã vi phạm pháp luật.



Phân tích

Bà chủ cửa hàng quần áo đã vi phạm Luật Dịch vụ Việc làm khi thuê người nước ngoài không có giấy phép, giấy phép đã hết hạn hoặc hợp pháp được người khác tuyển dụng, bà sẽ bị phạt từ 150.000 - 750.000 Đồng.

Người lao động nhập cư chị Ni cũng vi phạm quy định khi làm việc cho một chủ lao động khác ngoài chủ thuê hợp pháp của mình. Giấy phép lao động của chị sẽ bị thu hồi và sẽ bị buộc xuất cảnh.



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ห้ามแรงงานต่างชาติทำงานเสริมหลังเลิกงาน

กรณีตัวอย่าง

ปรางค์เป็นแรงงานต่างชาติถูกว่าจ้างมาทำงานที่ได้ในวันในตำแหน่งผู้ดูแลดูแลอาวมาใช้เวลาว่างจากช่วงเวลาที่หยุดงานไปทำงานที่ร้านขายเสื้อผ้าที่เปิดโดยคนบ้านเดียวกันช่วยบริการลูกค้าและจัดวางสินค้า แต่หารู้ไม่ว่าเป็นการกระทำที่ผิดกฎหมาย

คำอธิบาย

ถ้าแก่เนียร์ร้านขายเสื้อผ้า ฝ่าฝืนกฎหมายการจ้างงาน การว่าจ้างชาวต่างชาติโดยไม่ได้รับอนุญาต หรือใบอนุญาตทำงานหมดอายุ หรือเป็นผู้ที่ได้รับการว่าจ้างโดยนายจ้างรายอื่น มีโทษปรับ 150,000 - 750,000 เหรียญได้วัน

ปรางค์ ก็ถือว่าฝ่าฝืนกฎหมาย เพราะไปทำงานกับนายจ้างอื่นนอกเหนือจากที่ได้รับอนุญาต จะถูกเพิกถอนใบอนุญาตทำงานและต้องเดินทางออกนอกประเทศภายในเวลาที่กำหนด

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Ang mga Migranteng Manggagawa ay Bawal Mag Part Time

Kaso

Si Ani, isang migranteng manggagawa, ay nahired ng kanyang employer upang magtrabaho bilang caregiver at mag-alaga ng lola. Sa kanyang araw ng pahinga, nagpunta siya sa tindahan ng damit na pagmamay-ari ng isang kababayan at nagtrabaho doon bilang tagapag-asikaso ng mga customer at tagapag-ayos ng mga produkto. Ngunit hindi niya alam na ang kanyang ginawa ay lumabag na sa batas.

Pagsusuri

Ang may-ari ng tindahan ng damit ay lumabag sa Employment Service Act sa pamamagitan ng pag-hire ng banyagang manggagawa nang walang pahintulot, o ng banyagang manggagawa na may expired na permit o hindi angkop na permit upang magtrabaho. Ang parusa para dito ay mula 150,000 hanggang 750,000 NTD.

Si Ani, ang migranteng manggagawa, ay lumabag sa regulasyon sa pamamagitan ng pagtatrabaho para sa isang employer na hindi nakalista sa kanyang permit. Dahil dito, marerevoke ang kanyang permit at papaguhin siyang umalis ng bansa.

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